



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 19, 2022
TELECONFERENCE
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. Disruption of the meeting may result in a violation of Penal Code 403.

Deadlines for Public Comment and Presentations are as follows:

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

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

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
APRIL 19, 2022
TELECONFERENCE
7:00 PM**

IMPORTANT NOTICE

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

PARTICIPATION

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

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/83382553535?pwd=MmZoVmVXbVBXWXIJNjEwdlN2ekdIZz09>. Passcode: 159332. You can also type in 833 8255 3535 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

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

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

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

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

RULES OF DECORUM AND CIVILITY

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

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

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

ROLL CALL

PRESENTATIONS

- i. West Valley Community Services

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

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

1. Approve Minutes of the Town Council Special Meeting - Closed Session of April 5, 2022.
2. Approve Draft Minutes of the Town Council Meeting of April 5, 2022
3. Approve Draft Minutes of the Town Council, Planning Commission, and Housing Element Advisory Board Joint Study Session of April 6, 2022.
4. Approve Minutes of the Town Council Closed Session Special Meeting of April 12, 2022.
5. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.

- [6.](#) Adopt a Resolution Describing Improvements and Directing Preparation of the Town Engineer's Report for Fiscal Year 2022/23 for Landscape and Lighting Assessment Districts No. 1 and 2.
- [7.](#) Adopt a Resolution Approving the Parcel Map for 16220 Harwood Road and Accepting the Public Service Easement Dedication.
- [8.](#) Adopt a Resolution Approving the Parcel Map for 16466 Bonnie Lane and Accepting the Public Service Easement Dedication.
- [9.](#) Approve the Phil Knopf Minors Baseball Complex Naming Addition to Balzer Field Signage.
- [10.](#) Adoption of an Ordinance of the Town of Los Gatos Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws.
- [11.](#) Adopt an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

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

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

- [12.](#) Introduction and First Reading of an Ordinance Amending Chapter 18, Article III, Entitled Minors and Related to Social Host Liability for Parties at Which Underage Drinking and Drug Use Occurs.
- [13.](#) Introduction and First Reading of an Ordinance Amending Chapter 29 of the Los Gatos Town Code Regulating Tree Protection.
- [14.](#) Introduction and First Reading of an Ordinance Amending the Los Gatos Town Code Chapter 15 Regarding Motor Vehicles and Traffic to Include Parking Meter Zones and Amending Ordinance Definitions and Requirements.

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

- [15.](#) Discuss and Provide Direction on Community Engagement Efforts for the General Plan and Housing Element Updates.
- [16.](#) Local Roadway Safety Plan:
 - a. Adopt the Local Roadway Safety Plan (LRSP);
 - b. Direct Staff to Develop the Short-Term Improvements and Pursue Grant Funding;
and
 - c. Direct Staff to Proceed with All Implementation Actions in the LRSP.

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

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

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
April 5, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, April 5, 2022, to hold a Closed Session at 5:00 p.m.

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

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

VERBAL COMMUNICATIONS

Ami Davis, NUMU Executive Director

- Described an upcoming program entitled On Ohlone Land which demonstrates NUMU's commitment to the local community and how NUMU's overall services align with Council Strategic Priorities.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. Public Employee Recruitment for Future Appointment
[Government Code Section 54957(b)(1)]
Title: Town Attorney
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 106 E Main Street (NUMU)
Negotiating Parties: Town of Los Gatos
Negotiator: Arn Andrews, Assistant Town Manager and NUMU Representative
Negotiations: Price and terms of sale or lease
3. Conference with Legal Counsel - Anticipated Litigation
(Government Code § 54956.9(d)(2): One matter- significant exposure to litigation against the Town

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting Closed Session of April 5,
2022

DATE: April 12, 2022

4. Conference with Labor Negotiator (Government Code §54957.6)
To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Lisa Charbonneau, Liebert Cassidy Whitmore

Arn Andrews, Assistant Town Manager

Salina Flores, Human Resources Director

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)

Town Employees Association (TEA)

Police Officers' Association (POA)

ADJOURNMENT

Closed Session adjourned at 6:43 p.m.

Attest:

Submitted by:

Shelley Neis, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 2

**DRAFT
Minutes of the Town Council Meeting
April 5, 2022**

The Town Council of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, April 5, 2022 at 7:00 p.m.

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

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc (all participating remotely).

Absent: None

PRESENTATIONS

Mayor Rennie presented a proclamation in honor of National Poetry Month and invited Town Poet Laureate, Jen Siraganian, to read her poem entitled Los Gatos 2022.

Mayor Rennie presented a proclamation in honor of National Public Safety Telecommunications Week, April 10-16, 2022 and thanked the Town's Dispatchers for their service and dedication.

CLOSED SESSION REPORT

Robert Schultz, Town Attorney, stated Council met in closed session as duly noted on the agenda and that there is no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he attended the CalCities Peninsula Division event "Growth You Can Count On"; Senior Service Committee and Senior Service Sub-Committee meetings; Silicon Valley Regional Interoperability Authority (SVRIA) Board meeting as an alternate; Chamber of Commerce Awards Luncheon; Housing Element Update community meeting; met with KCAT president; toured the Los Gatos-Saratoga Recreation facility; met with the developers of Los Gatos Meadows; and met with the neighbors of 118 Olive Street.

Council Matters – continued

- Council Member Sayoc announced the next CalCities Peninsula Division meeting will focus on Governor Newsom’s Cares Court and attended the Council Policy Committee meeting.
- Council Member Badame stated she met with Supervisor Joe Simitian; Frank Rockwood, developer of 110 Wood Rd; residents on a variety of topics; neighbors appealing 118 Olive Street and the applicant; attended the Chamber of Commerce Awards Luncheon; Senior Service Sub-Committee as an observer; Housing Element Update community meeting; Democracy Tent community meeting; and the Council Policy Committee meeting.
- Vice Mayor Ristow stated she has been assisting with bike skills classes for elementary school children; attended the Safe Routes to School Board of Directors meeting; Los Gatos Meadows community meeting as a resident; Belmont Villages of Los Gatos with Council Member Sayoc and The Club ribbon cuttings; Los Gatos Pollinator Project meeting; Interfaith Unity Passover Seder with Mayor Rennie and Council Member Sayoc; met with Los Gatos-Saratoga Recreation Executive Director; Senior Service Committee chair Tom Picraux; City of Seaside planners; NUMU ArtNow High School Exhibition Event.
- Mayor Rennie stated he attended the Bay Area Air Quality Management District (BAAQMD) Special Board and Stationary Source Committee meetings; Valley Transportation Authority (VTA) Special Board meeting; Yosemite Policy Makers Conference; California Native Garden Foundation event; West Valley Mayors and Managers meeting; Senior Service Committee meeting; ribbon cutting at The Club; Chamber of Commerce Awards Luncheon; Interfaith Unity Passover Seder; provided testimony on Senate Bill 1100 at a Senate Committee meeting; participated in the installation of solar panels on a local nonprofit; spoke at the Democracy Tent community meeting; met with Los Gatos-Saratoga Union High School District Superintendent; met with residents regarding cannabis and Shannon Road; neighbors of 118 Olive Street; and met with the owners of Hero Ranch.

Manager Matters

- Announced a Town Council, Planning Commission, and Housing Element Advisory Board Study Session on the Nuts and Bolts of Affordable Housing will be held on April 6, 2022 at 6:00 p.m.
- Announced the Planning Commission will begin deliberations on the Draft 2040 General Plan on April 13, 2022.
- Announced Adult Commissioner recruitment is underway; the application period closes on May 27 at 4:00 p.m. Interviews are scheduled for June 7, 2022.

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

1. Approve Closed Session Meeting Minutes of March 12, 2022.
2. Approve Draft Meeting Minutes of the March 15, 2022 Town Council Meeting.
3. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2022-013**

Consent Items – continued

4. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Fiscal Year 2020/21 Street Repair and Resurfacing Project (CIP No. 811-9901), Completed by Pavement Coatings, and Authorize the Town Clerk to File for Recordation.
5. Americans with Disabilities Act Transition Plan (CIP No. 812-0129):
 - a. Authorize the Town Manager to Execute a First Contract Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC for Additional Services, in an Amount of \$40,000 for a Total Agreement Not to Exceed \$170,000; and
 - b. Authorize An Expenditure Budget Adjustment in the Amount of \$40,000 to the Project from Available General Fund Appropriated Reserve (GFAR) for Fiscal Year 2021/22.
6. Adopt A Resolution Authorizing an Application to the California Department of Parks and Recreation’s Recreational Trails Program for the Los Gatos Creek Trailhead Connector Project. **RESOLUTION 2022-014**
7. Authorize the Town Manager to Execute a Third Amendment to an Agreement for Consultant Services with Mintier Harnish for Preparation of the General Plan Update and Environmental Impact Report (EIR).
8. Adopt Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment as Recommended by the Town Council Policy Committee. **POLICY 1-03**
9. Authorize the Town Manager to Execute an Amended and Restated Agreement Between the County of Santa Clara and the Town of Los Gatos for Weed Abatement Services.
10. Approve the Senior Service Committee Request to Seek Targeted Solicitations to Host a Community Reception Per the Town Solicitation and Donation Policy.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Ristow to approve consent items 1-10. Seconded by Council Member Sayoc.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Joanne Rodgers

- Commented on increasing housing units and in opposition of allowing marijuana dispensaries.

Verbal Communications – continued

Stacey Hein

- Commented on the effect of marijuana on teens.

Stephen Guruwaiya

- Commented in opposition of allowing marijuana dispensaries.

PUBLIC HEARINGS

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

Robert Schultz, Interim Town Attorney, presented the staff report.

Opened public comment.

Kamron Emami, Youth Commission Environmental Sub-Committee Chair

- Commented in support of the ordinance.

Jack Noymer, Youth Commission Environmental Sub-Committee Co-Chair

- Commented in support of the ordinance.

Sasha Balasingham, Youth Commission Chair

- Commented in support of the ordinance.

Quincy Scott, Youth Commission Vice Chair

- Commented in support of the ordinance.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to introduce by title only, an ordinance repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to align with new State laws.
Seconded by Vice Mayor Ristow.

VOTE: Motion passed unanimously.

Town Clerk Neis read the title of the ordinance.

OTHER BUSINESS

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

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to approve the employment agreement between the Town of Los Gatos and Gabrielle Whelan for appointment to Town Attorney and authorize the Mayor to execute the agreement. **Seconded** by Council Member Sayoc.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

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

Derek Moye, Interim Captain, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Ristow to introduce by title only, an ordinance approving a military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481 including the Los Gatos-Monte Sereno Police Department Policy 704. **Seconded** by Council Member Badame.

VOTE: Motion passed unanimously.

Public Hearing Item #13 – continued

Town Clerk Neis read the title of the ordinance.

OTHER BUSINESS

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

Joel Paulson, Community Development Director, presented the staff report.

Opened public comment.

Phil Koen

- Commented on the need for a fiscal analysis of the Draft 2040 General Plan to be completed before moving the Draft 2040 General Plan forward.

Jak Van Nada

- Commented on the need for a fiscal analysis of the Draft 2040 General Plan to be completed before moving the Draft 2040 General Plan forward.

Closed public comment.

Council discussed the item.

MOTION: Motion by **Council Member Hudes** that the scope of a fiscal impact analysis should be based on the Draft General Plan maximum buildout at the existing level of service provided by the Town without raising taxes or other revenue sources, that the analysis would include options 1 through 4 contained in Attachment 1, that the amount of money to be spent on the study would be no more than \$27,260, and the analysis be complete prior to the Planning Commission completing its General Plan consideration. **Seconded by Council Member Badame.**

VOTE: Motion fails 2-3. Council Member Sayoc, Vice Mayor Ristow, Mayor Rennie voting no.

MOTION: Motion by **Council Member Badame** to implement options 1 and 2 contained in Attachment 1 for additional fiscal analysis of the Draft 2040 General Plan. **Seconded by Mayor Rennie.**

VOTE: Motion fails 2-3. Council Member Hudes, Council Member Sayoc, Vice Mayor Ristow voting no.

No further action was taken.

Recess 9:34 p.m.

Reconvene 9:42 p.m.

PUBLIC HEARINGS

15. Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. Located at 118 Olive Street. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect. **RESOLUTION 2022-015**

Sean Mullin, Senior Planner, presented the staff report.

Opened public comment.

Shelli Baker, Appellant

- Stated the reasons for the appeal.

Jay Plett, Applicant and Thomas Reichert, Property Owner

- Commented on the project.

Ed Pearson

- Commented on the amount of grading that would be required and that it isn't shown on the plans.

Darren

- Commented on the limited parking on the street, the size of the proposed home, and requested Council implement a construction management plan.

Bonnie Hurwitz

- Commented on the limited parking on the street and construction impacts to the neighborhood.

Thomas Reichert, Property Owner

- Addressed comments.

Public Hearing Item #15 – continued

Shelli Baker, Appellant

- Commented on the difficulty of the process and requested increased outreach guidance for property owners.

Public Hearing Item #15 – continued

Closed public comment.

Council discussed the item.

MOTION: Motion by **Vice Mayor Ristow** to deny the appeal but to grant the project with the following conditions: 1) increase the west side yard set-back from 3 feet to 4 feet; 2) grant the exception to reduce the east side yard set-back from the required 5 feet to 4 feet; 3) and increase the front yard set-back from 10 feet to 12 feet 6 inches.
Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

16. Requesting Approval of a Planned Development for Construction of a Senior Living Community, Removal of Large Protected Trees, and Site Improvements Requiring a Grading Permit on Property Zoned R:PD. Located at 110 Wood Road. APN 510-47-038. Planned Development Application PD-20-001 and Environmental Impact Report EIR-21-002.
APPLICANT: Rockwood Pacific. PROPERTY OWNER: Covia Communities. **RESOLUTION 2022-016**

Vice Mayor Ristow recused due to proximity to the project.

Sean Mullin, Senior Planner, presented the staff report.

Opened public comment.

Christopher Ichien, Applicant

- Commented on the project.

Catherine Somers, Chamber of Commerce Executive Director

- Commented in support of the application.

Fred

- Commented in support of the application.

Christopher Ichien, Applicant

- Addressed comments.

Closed public comment.

Council discussed the item.

Public Hearing Item #16 – continued

MOTION: Motion by **Council Member Sayoc** to certify the final EIR and approve the planned development application as modified by option B by taking the following actions:

- Adopt a resolution to certify the final EIR, make the CEQA Findings of Fact (Attachment 4, Exhibit A), and adopt the Mitigation Monitoring and Reporting Program (Attachment 4, Exhibit B);
- Make the required finding that the zone change is internally consistent with the General Plan and its elements, and other required findings (Attachment 3) and approve the application (PD-20-001) subject to the performance standards and development plans (Option B, Attachment D that includes BMP housing); (Attachment 10, Exhibit B);
- Waive the reading of the Ordinance and ask the Town Clerk to read the title of the proposed Ordinance; and
- The applicant to provide the Architecture and Site (A&S) materials and the application to go through the Planning Commission for its review.

Seconded by Mayor Rennie.

VOTE: Motion fails 2-2-1. Council Member Hudes and Council Member Badame voting no. Vice Mayor Ristow recused.

MOTION: Motion by **Council Member Badame** to remand the application back to the Planning Commission with consideration of Council comments. **Seconded by Council Member Hudes.**

VOTE: Motion passed 4-0-1. Vice Mayor Ristow recused.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 3

**DRAFT
Minutes of the Town Council, Planning Commission, and Housing Element Advisory
Board Joint Study Session Special Meeting
April 6, 2022**

The Town Council of the Town of Los Gatos conducted a special meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 Wednesday, April 5, 2022, to hold a Joint Study Session with the Planning Commission and Housing Element Advisory Board (HEAB) at 6:00 p.m.

STUDY SESSION CALLED TO ORDER AT 6:03 P.M.

ROLL CALL

Present: Mayor Rob Rennie, Vice Mayor Maria Ristow, Council Member Mary Badame, Council Member Matthew Hudes, Council Member Marico Sayoc, Planning Commission Chair and HEAB Chair Melanie Hanssen, Planning Commission Vice Chair Jeffrey Barnett, Planning Commissioner and HEAB Vice Chair Kathryn Janoff, Planning Commissioner Kylie Clark, Planning Commissioner Steven Raspe, Planning Commissioner Emily Thomas (arrived 6:30 p.m.), HEAB Member Joseph Mannina, HEAB Member Steve Piasecki, HEAB Member Randi Chen, HEAB Member Adam Mayer, HEAB Member Rob Moore, and HEAB Member Ryan Rosenberg (arrived 6:25 p.m.) (all participating remotely).

Absent: Planning Commissioner Reza Tavana, HEAB Member Todd Jarvis, and HEAB Member Susan Burnett.

Panelists Present: Josh Selo, West Valley Community Services; Barbara Kautz, Goldfarb & Lipman; Chris Neale, The Core Companies; Andrea Osgood, Eden Housing; and Don Capobres, Harmonie Park Development (all participating remotely).

Staff Present: Town Manager Laurel Prevetti, Interim Town Attorney Robert Schultz, Director of Community Development Joel Paulson, and Town Clerk Shelley Neis (all participating remotely).

VERBAL COMMUNICATIONS

Ali Miano

- Commented in support of affordable housing.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council, Planning Commission, and Housing Element
Advisory Board Joint Study Session Special Meeting of April 6, 2022

DATE: April 6, 2022

STUDY SESSION

1. Nuts and Bolts of Affordable Housing

Laurel Prevetti, Town Manager, thanked Community Development Director Paulson and residents David Weissman, Jak Van Nada, Rick Van Housen, Lee Fagot, and Phil Koen for assisting in coordinating the study session and introduced the panelists.

The panelists answered questions that were provided in advance by residents.

The Council, Commissioners, and Board Members discussed the matter.

STUDY SESSION ADJOURNED

Study Session adjourned at 8:15 p.m.

Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 4

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

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

Absent: None

VERBAL COMMUNICATIONS

None.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. Conference with Labor Negotiator (Government Code §54957.6)

To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Lisa Charbonneau, Liebert Cassidy Whitmore

Arn Andrews, Assistant Town Manager

Salina Flores, Human Resources Director

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)

Town Employees Association (TEA)

Police Officers' Association (POA)

ADJOURNMENT

Closed Session adjourned at 6:55 p.m.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Special Meeting Closed Session of April 12,
2022

DATE: April 12, 2022

Attest:

Submitted by:

Shelley Neis, Town Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 5

DATE: April 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic

RECOMMENDATION:

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

BACKGROUND:

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

DISCUSSION:

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

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

PREPARED BY: Shelley Neis
Town Clerk

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

DISCUSSION (Cont):

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

CONCLUSION:

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

COORDINATION:

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

RESOLUTION 2022-

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

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

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

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

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

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

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

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

ATTACHMENT 1

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

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

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

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

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

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

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

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

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

1. The Town Council hereby finds that the fact set forth in the above recitals and as contained in Resolution 2021-044 are true and correct, and establish the factual basis for the adoption of this Resolution;
2. There is an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19 and as a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees of in-person meetings of this legislative body and all Town advisory bodies within the meaning of California Government Code section 54953(e)(1).

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

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

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of April 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 6

DATE: March 17, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Describing Improvements and Directing Preparation of the Town Engineer's Report for Fiscal Year 2022/23 for Landscape and Lighting Assessment Districts No. 1 and 2

RECOMMENDATION:

Adopt a resolution (Attachment 1) describing improvements and directing preparation of the Town Engineer's report for Fiscal Year (FY) 2022/23 for Landscape and Lighting Assessment Districts No. 1 and 2.

BACKGROUND:

The Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500) allows local government agencies to form Landscape and Lighting Maintenance Districts for financing the costs and expenses for landscaping and lighting public areas.

In the early 1990's the Town established two Landscape and Lighting Districts comprised of six zones, five of which are in District No. 1, and one in District No. 2. Diagrams of the six zones are included in this report (Attachments 2.1-2.6). Property owners in each District pay an annual assessment on their property tax bill for the maintenance of common area landscaping or lighting.

The majority of the landscape and lighting services within the Districts are provided by a contractor retained and managed directly by the Town on behalf of the property owners, with some maintenance services also provided by Town staff.

PREPARED BY: Meredith Johnston
Administrative Technician

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

SUBJECT: Adopt a Resolution Describing Improvements and Directing Preparation of the Town Engineer's Report for Fiscal Year 2022/23 for Landscape and Lighting Assessment Districts No. 1 and 2

DATE: March 17, 2022,

BACKGROUND (continued):

Each year, the Town Council levies the assessments and reconfirms the Districts by a series of Resolutions and a Public Hearing. The process, which is set by the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500), includes the following steps and their respective dates:

1. Council considers the adoption of a Resolution entitled Describing Improvements and Directing the Preparation of the Engineer's Report for FY 2022/23 – April 19, 2022.
2. Council considers the adoption of Resolutions Approving the FY 2022/23 Engineer's Report, Stating the Intention to Levy and Collect Assessments, and Setting a Public Hearing to Consider the Proposed Assessments – May 3, 2022.
3. Council conducts the public hearing and then considers the adoption of a Resolution Confirming the Assessment Diagrams and Levying and Authorizing Collection of Assessments for FY 2022/23 – June 21, 2022.

Provisions of SB 919 (the Proposition 218 Omnibus Implementation Act) adopted by the California State Legislature in 1997 (Chapter 38, Stats. 1997) are implemented during the renewal process. Proposition 218 becomes applicable only when increases in the current assessment rates are contemplated, due primarily to rising maintenance costs and increases in the costs of water and power. If that were to take place, the above noted process would be modified by introducing a mail-in balloting procedure for each zone that begins after the items in step 2 are approved by Council and concludes at the close of the public hearing.

At the conclusion of step 3, the staff transmits the assessment amounts to the County Assessor which appear as a separate item on the property tax bill for each parcel.

DISCUSSION:

Streets & Highways Code Section 22622 states, *"The legislative body shall adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report in accordance with Article 4 (commencing with Section 22565)."*

Exhibit A to the Resolution contained in Attachment 1 describes the improvements (services) to be provided to the Districts and directs the preparation of the Engineer's Report.

PAGE 3 OF 3

SUBJECT: Adopt a Resolution Describing Improvements and Directing Preparation of the
Town Engineer's Report for Fiscal Year 2022/23 for Landscape and Lighting
Assessment Districts No. 1 and 2

DATE: March 17, 2022,

CONCLUSION:

Adopt a Resolution describing improvements and directing preparation of the Town Engineer's report for Fiscal Year 2022/23 for Landscape and Lighting Assessment Districts No. 1 and 2.

FISCAL IMPACT:

The Town's Landscape and Lighting Assessment Districts do not impact the Town's General Fund. The impact of any proposed changes to District budgets on the assessments of individual property owners will be provided in the Engineer's Report.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Resolution Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2022/23.
2. Diagrams of Benefit Zones for Landscape and Lighting Districts No. 1 and 2 (labeled as Attachments 2.1 through 2.6)

RESOLUTION 2022-
RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
DESCRIBING IMPROVEMENTS AND
DIRECTING PREPARATION OF ENGINEER'S REPORT
FOR FISCAL YEAR 2022/23
TOWN OF LOS GATOS
LANDSCAPE AND LIGHTING ASSESSMENT DISTRICTS NO. 1 AND 2

WHEREAS, the Town Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the Town of Los Gatos Landscaping and Lighting Assessment Districts No. 1 and 2; and

WHEREAS, the public interest, convenience and necessity require, and it is the intention of said Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said Districts, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof, for the fiscal year 2022/23; and

WHEREAS, the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in (Exhibit A) hereto attached and by reference incorporated herein; and

WHEREAS, the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said Districts, the exterior boundaries of which Districts are the composite and consolidated area as more particularly shown on a map thereof on file in the Clerk Department of the Town of Los Gatos to which reference is hereby made for further particulars. Said map indicates, by a boundary line, the extent of the territory included in said Districts and of any zone thereof and shall govern for all details as to the extent of the assessment districts; and

NOW, THEREFORE, BE IT RESOLVED: The Engineer of said Town is hereby directed to prepare and file with said Town Clerk a report, in writing, referring to the assessment districts

by their distinctive designations, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

- a. Plans and specification of the existing improvements and for proposed new improvements, if any, to be made within the assessment districts or within any zones thereof;
- b. An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;
- c. A diagram showing the exterior boundaries of the assessment districts and of any zones within said districts and the lines and dimensions of each lot or parcel of land within the districts as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d. A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said districts in proportion to the estimated particular and distinct benefits to be received by each of such lots or parcels of land, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

NOW, THEREFORE, BE IT FURTHER RESOLVED: The Office of the Engineer of said Town is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein and may be contacted during regular office hours at 41 Miles Avenue, Los Gatos, California 95030 or by calling (408) 399-5770.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of April 2022 by the following vote:

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 A

DESCRIPTION OF IMPROVEMENTS TOWN OF LOS GATOS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1

1. General Description of Improvements:

The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Descriptions of Improvements:

Blackwell Drive Benefit Zone - Maintenance of the landscaping in the median island on Blackwell Drive constructed as a part of the public improvements required of Tract No. 8306, and maintenance of the street lights installed along Blackwell Drive and National Avenue installed as a part of the public improvements required of Tract No. 8306.

Hillbrook Benefit Zone - The maintenance of trees, landscaping, irrigation systems, hardscape and fences as currently exist on APN 523-11-028, located at the southeast corner of Blossom Hill Road and Hillbrook Drive.

Kennedy Meadows Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trail and street lights within the open space areas (Parcels A and B) and along Kennedy Court and Forrester Court, installed as a part of the public improvements required of Tract No. 8612, and the implementation of mitigation and enhancement measures within the riparian and wetlands areas of said Tract described in the report prepared by H.T. Harvey Associates, dated November 11, 1994.

Santa Rosa Heights Benefit Zone - The maintenance of trees, landscaping, trails and retaining walls constructed as a part of the public improvements required of Tract No. 8400.

Vasona Heights Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trails, emergency access roads and retaining walls within the open space areas required as a part of the public improvements required of Tract No. 8280.

EXHIBIT A

DESCRIPTION OF IMPROVEMENTS TOWN OF LOS GATOS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2

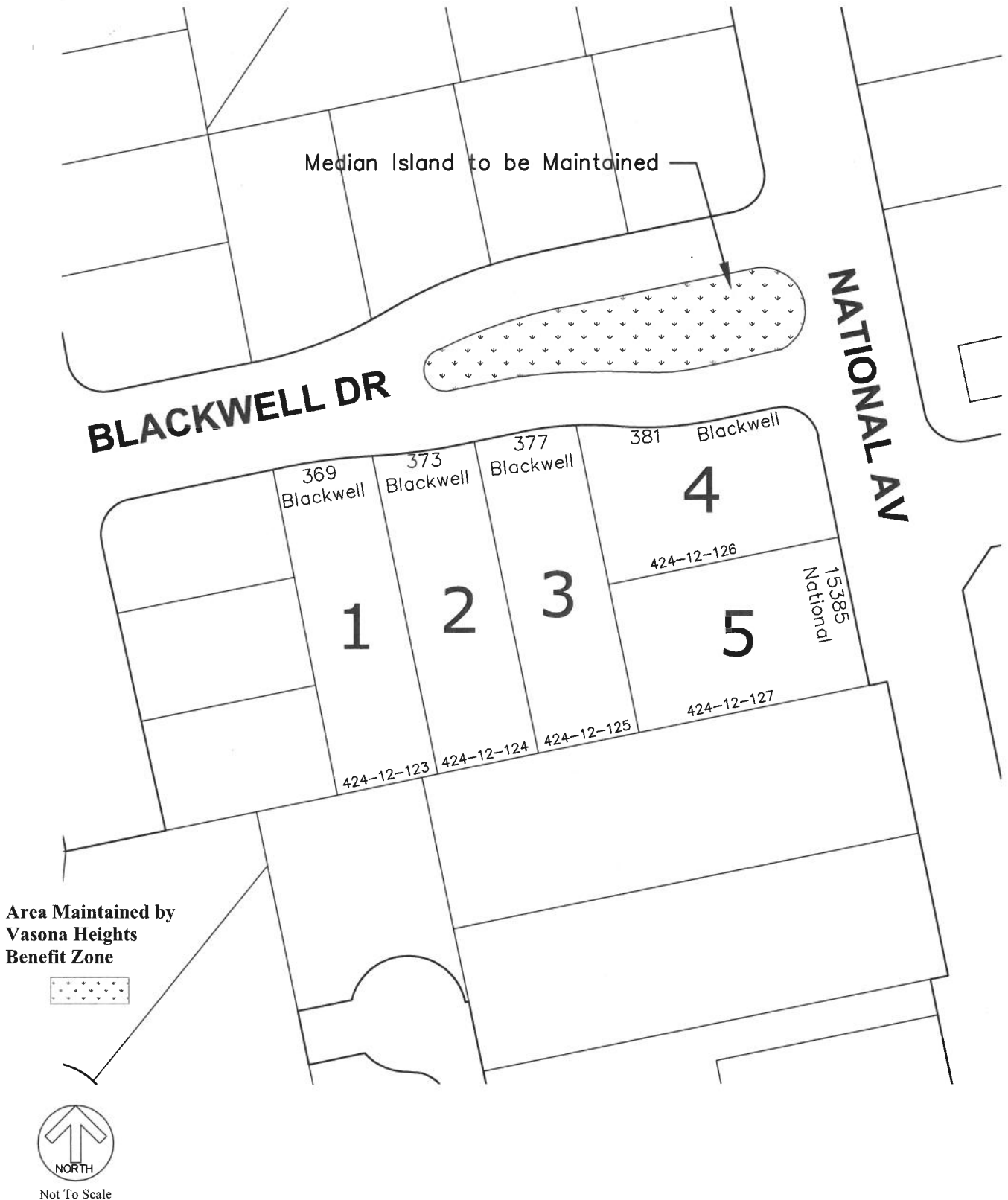
1. General Description of Improvements:

The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Description of Improvements:

Gemini Court Benefit Zone - The maintenance of trees, landscaping, irrigation systems, lighting, sound walls, and fences installed as a part of the public improvements required of Tract No. 8439.

PART "D"
Assessment Diagram



Blackwell Drive Benefit Zone
Landscaping & Lighting Assessment District No. 1

PART "A"

Existing Improvements to be Maintained

BLOSSOM HILL RD

HILLBROOK
SIGN

HILLBROOK DR

EX.
OAK

523-11-028

LAWN

EX.
OAK

EX. SHRUBS

EX. SHRUBS



Not To Scale

Hillbrook Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"
Assessment Diagram

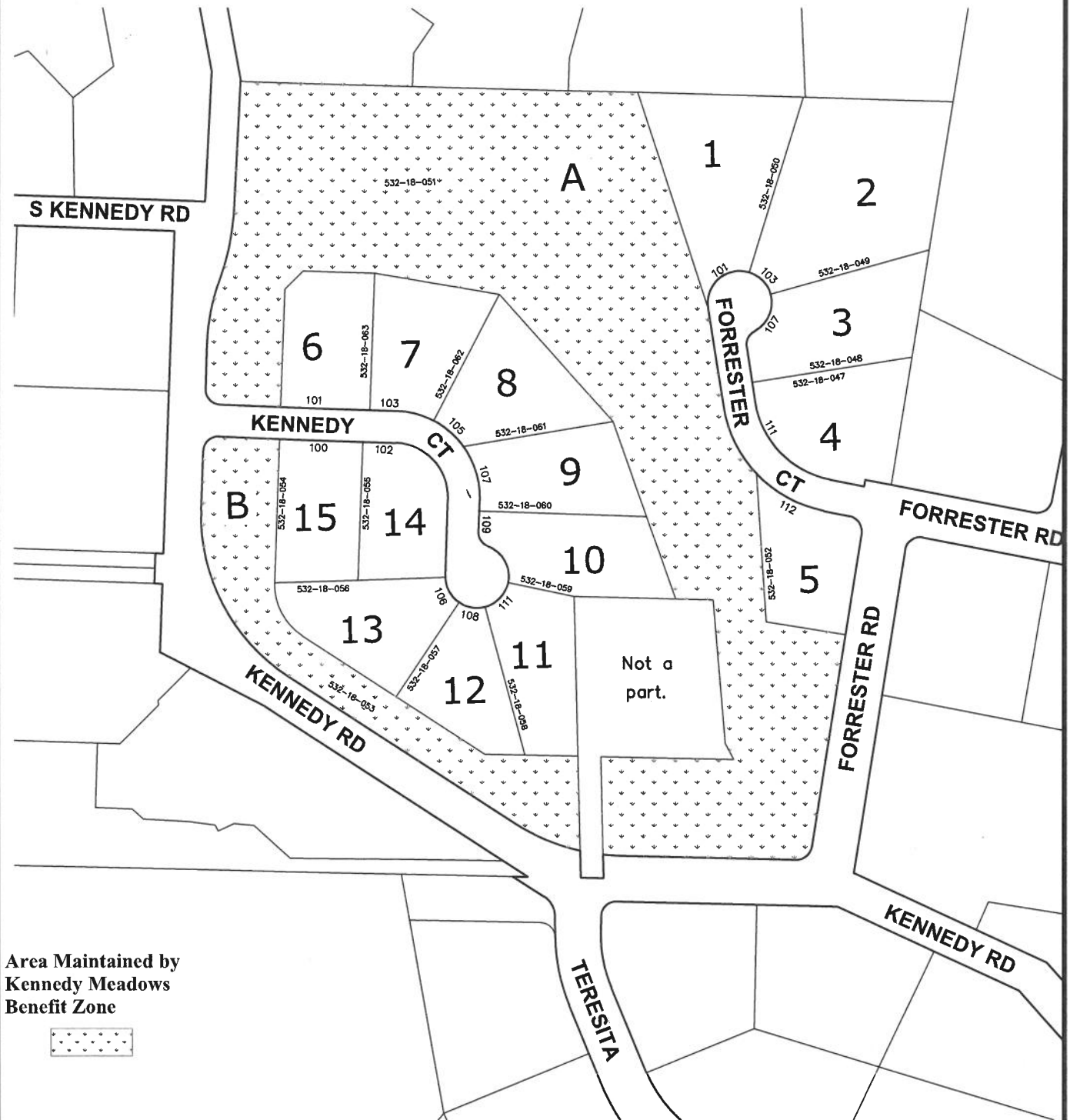
BLOSSOM HILL RD



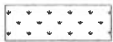
Not To Scale

Hillbrook Benefit Zone
Landscaping & Lighting Assessment District No. 1

PART "D"
Assessment Diagram



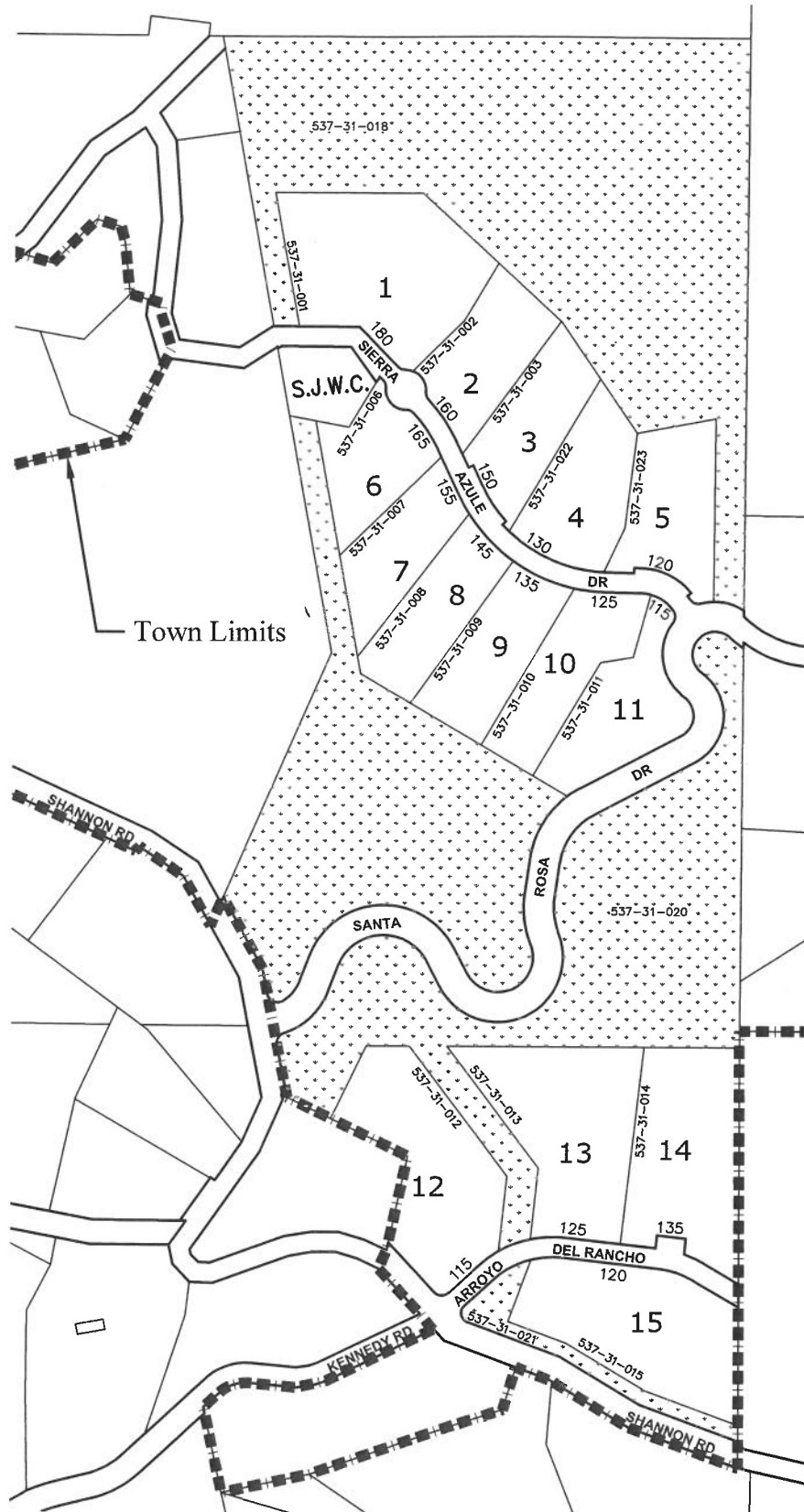
Area Maintained by
Kennedy Meadows
Benefit Zone



Not To Scale

Kennedy Meadows Benefit Zone
Landscaping & Lighting Assessment District No. 1

PART "D" Assessment Diagram



Area Maintained by
Santa Rosa Heights
Benefit Zone

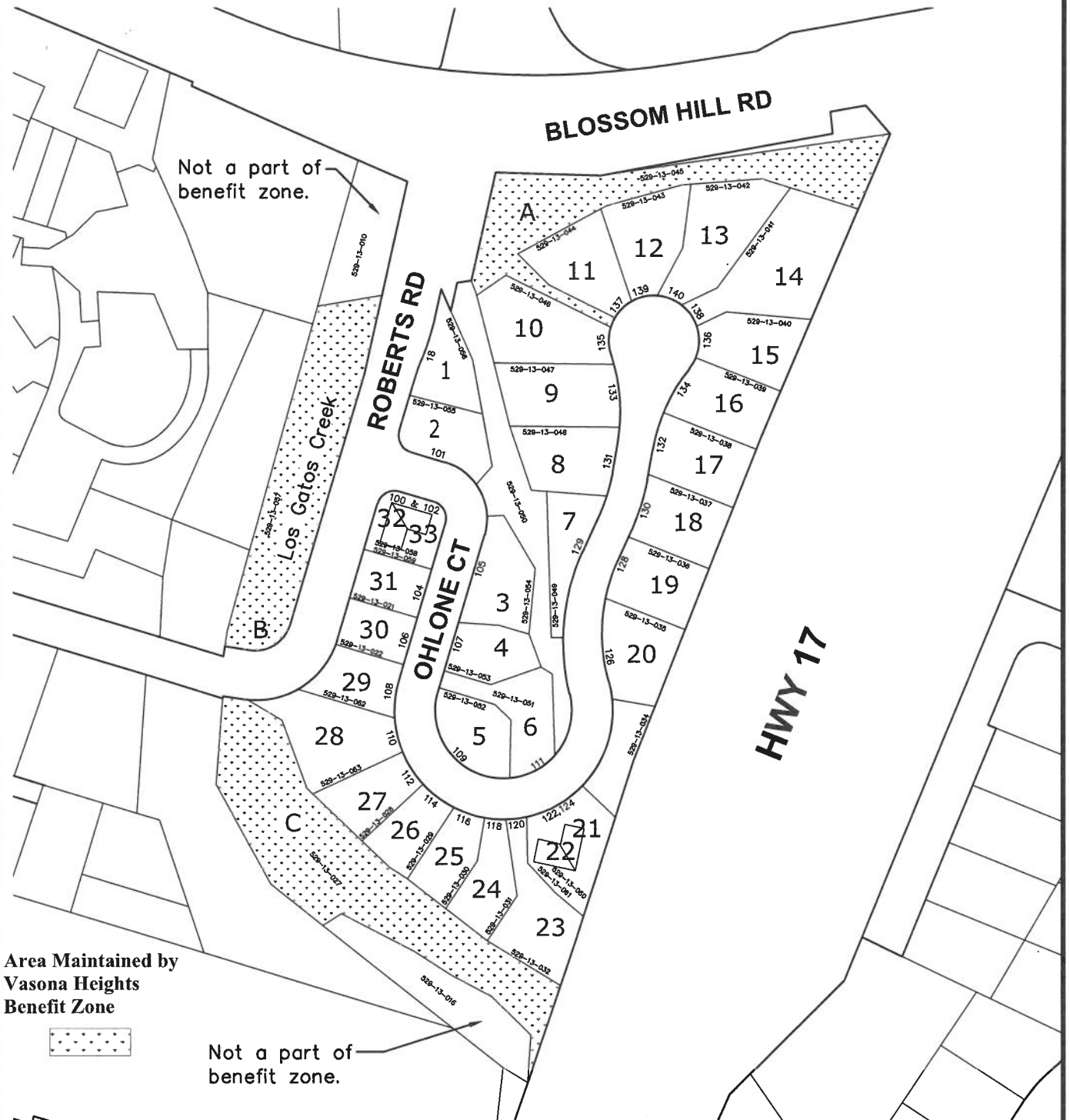


Not To Scale

Santa Rosa Heights Benefit Zone
Landscaping & Lighting Assessment District No. 1

PART "D"

Assessment Diagram



Area Maintained by Vasona Heights Benefit Zone



Not a part of
benefit zone.

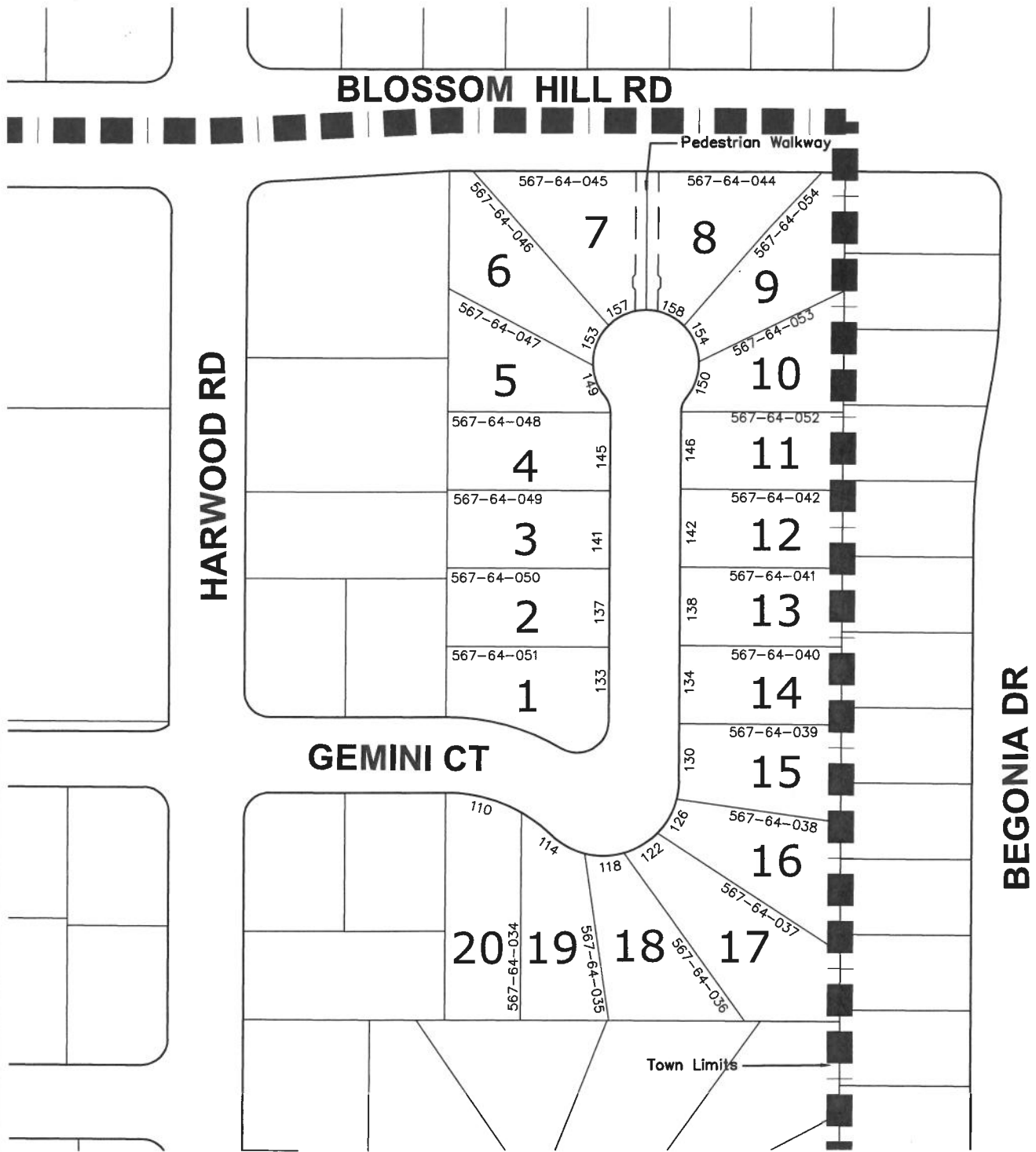


Not To Scale

Vasona Heights Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"
Assessment Diagram



Not To Scale

Gemini Court Benefit Zone
Landscaping & Lighting Assessment District No. 2



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 7

DATE: April 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving the Parcel Map for 16220 Harwood Road and Accepting the Public Service Easement Dedication

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving the Parcel Map for 16220 Harwood Road and accepting the public service easement dedication.

BACKGROUND:

On October 13, 2020, the Development Review Committee approved the Subdivision Application M-19-007 for a 0.8-acre lot located at 16220 Harwood Road, zoned R-1:10, to be subdivided into three residential lots per the corresponding tentative map and conditions.

DISCUSSION:

The property owners, Majid and Zari Mohazzab, have filed the Parcel Map (Attachment 2) to subdivide the aforementioned existing parcel and dedicate a 5-foot-wide public service easement along the Almond Blossom Lane frontage of the parcel to the Town for future utilities. The easement dedication is identified on the Parcel Map.

The Parcel Map formalizes the existing parcel for three new single-family residential units. Separate Architecture and Site Applications would need to be submitted and reviewed by staff for the development. The property owner has provided all necessary maps and drawings.

PREPARED BY: Mike Weisz
Senior Civil Engineer

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

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Approving the Parcel Map for 16220 Harwood Road and
Accepting the Public Service Easement Dedication

DATE: April 8, 2022

CONCLUSION:

Staff recommends that Council adopt a resolution approving the Parcel Map and accept the public service easement dedication for the development of 16220 Harwood Road.

COORDINATION:

This project has been coordinated with the Town Attorney and the Community Development Department.

FISCAL IMPACT:

Acceptance of the project will not result in a fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act - Section 15315: Minor Land Divisions and Section 15303: New Construction or Conversion of Small Structures.

Attachments:

1. Resolution
2. Parcel Map - 16220 Harwood Road

RESOLUTION 2022-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING THE PARCEL MAP FOR 16220 HARWOOD ROAD
AND ACCEPTING THE PUBLIC SERVICE EASEMENT DEDICATION**

WHEREAS, on October 13, 2020, the Development Review Committee approved the Subdivision Application M-19-007 for a 0.8-acre lot located at 16220 Harwood Road, zoned R-1:10, to be subdivided into three residential lots per the corresponding tentative map and conditions; and

WHEREAS, the property owners, Majid and Zari Mohazzab, are required to dedicate a portion of the land for a public service easement within the property as indicated on the Parcel Map prepared; and

WHEREAS, the property owners have complied with the conditions of Subdivision Application M-19-007; and

WHEREAS, the Parcel Map has been reviewed by staff and found to be in compliance with the Subdivision Map Act and Chapter 24 of the Town of Los Gatos Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the certain Parcel Map of 16220 Harwood Road, dated March 2022 and prepared by SMP Engineers, Inc., is hereby approved; and

BE IT FURTHER RESOLVED that the dedication of public service easement identified on the Parcel Map are hereby accepted, in substantial conformance to the Conditions of Approval as set forth above and subject to the final approval by the Town Attorney.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 19th day of April 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CA

DATE: _____

ATTEST:

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

DATE: _____

PARCEL MAP

16220 HARWOOD RD., LOS GATOS, CA

CONSISTING OF THREE (3) SHEETS

BEING A SUBDIVISION OF PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP
FILED FOR RECORD ON DECEMBER 11, 1980, IN BOOK 476 OF MAPS, AT PAGE 36,
RECORDS OF SANTA CLARA COUNTY AND LYING ENTIRELY WITHIN THE

TOWN OF LOS GATOS COUNTY OF SANTA CLARA CALIFORNIA
MARCH 2022
SCALE 1" = 40'

SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024

LEGEND AND ABBREVIATIONS

DISTINCTIVE BORDER LINE	---
STREET CENTERLINE	---
EXISTING LOT LINE	---
TIE LINE	---
EASEMENT LINE	---

FOUND MONUMENT AS DESCRIBED	●
INDICATES SET 3/4" IRON PIPE WITH CAP LS 8261	○
SQUARE FEET	SQ. FT.
PUBLIC UTILITY EASEMENT	P.U.E.
IRON PIPE	I.P.
SEARCHED FOR NOT FOUND	SFNF
NOT TO SCALE	NTS

REFERENCES:

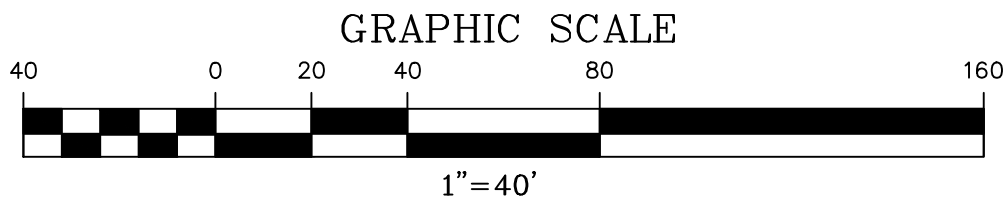
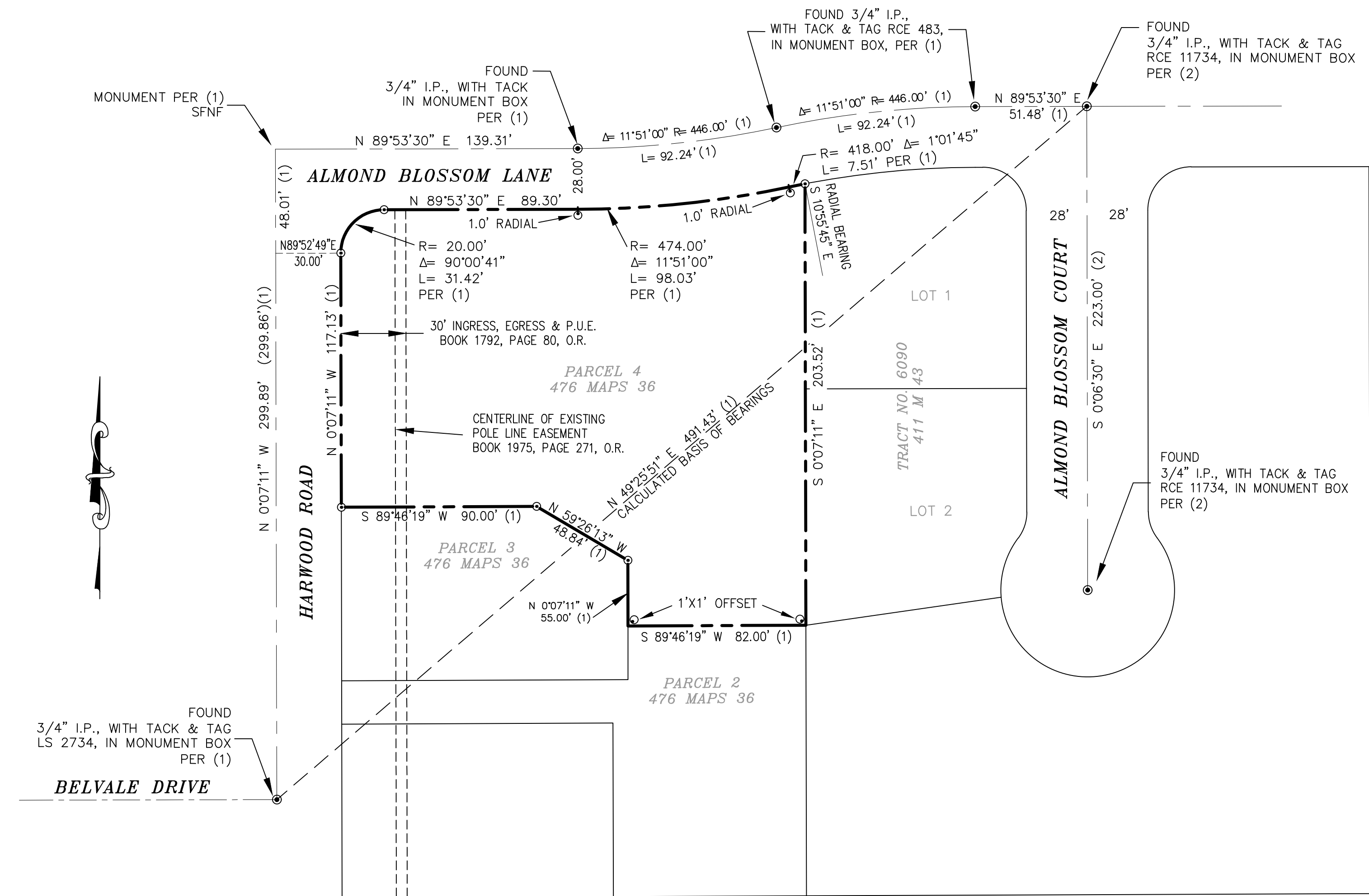
- (1) PARCEL MAP 476-M-36
(2) TRACT NO. 6090 411-M-43

NOTES:

- ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- THE AREA OF LAND WITHIN THE DISTINCTIVE BORDER LINE IS 34,676 SQ. FT. (0.796 ACRES), MORE OR LESS.
- THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY OF THE SUBDIVISION.

BASIS OF BEARINGS:

THE CALCULATED BEARING N 49°25'51" E, BETWEEN FOUND MONUMENT AT THE INTERSECTION OF HARWOOD ROAD AND BELVALE DRIVE AND FOUND MONUMENT AT THE INTERSECTION OF ALMOND BLOSSOM LANE AND ALMOND BLOSSOM COURT, AS SHOWN ON CERTAIN PARCEL MAP, FILED FOR RECORD IN BOOK 476 OF MAPS AT PAGE 36, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.



PARCEL MAP

16220 HARWOOD RD., LOS GATOS, CA

CONSISTING OF THREE (3) SHEETS

BEING A SUBDIVISION OF PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP
FILED FOR RECORD ON DECEMBER 11, 1980, IN BOOK 476 OF MAPS, AT PAGE 36,
RECORDS OF SANTA CLARA COUNTY AND LYING ENTIRELY WITHIN THE

TOWN OF LOS GATOS COUNTY OF SANTA CLARA CALIFORNIA
MARCH 2022
SCALE 1" = 20'

SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024

LEGEND AND ABBREVIATIONS

DISTINCTIVE BORDER LINE	---
STREET CENTERLINE	- - - - -
LOT LINE	_____
TIE LINE	-----
EASEMENT LINE	-----

FOUND MONUMENT AS DESCRIBED

SQUARE FEET	SQ. FT.
PUBLIC UTILITY EASEMENT	P.U.E.
PUBLIC SERVICE EASEMENT	P.S.E.
IRON PIPE	I.P.
SEARCHED FOR NOT FOUND	SFNF
NOT TO SCALE	NTS

REFERENCES:

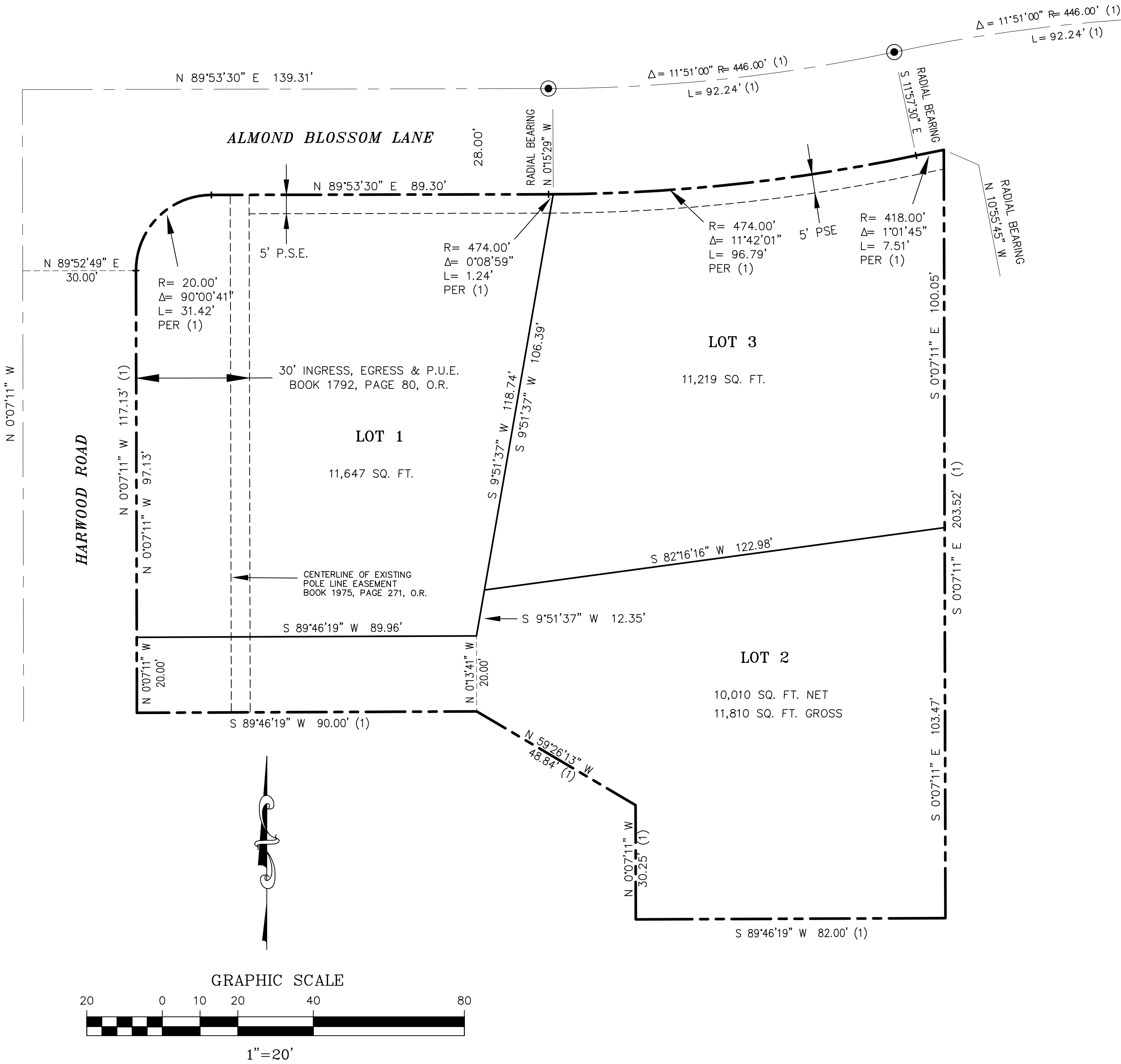
- (1) PARCEL MAP 476-M-36
(2) TRACT NO. 6090 411-M-43

NOTES:

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA OF LAND WITHIN THE DISTINCTIVE BORDER LINE IS 34,676 SQ. FT. (0.796 ACRES), MORE OR LESS.
3. THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY OF THE SUBDIVISION.

BASIS OF BEARINGS:

THE CALCULATED BEARING N 49°25'51" E, BETWEEN FOUND MONUMENT AT THE INTERSECTION OF HARWOOD ROAD AND BELVALE DRIVE AND FOUND MONUMENT AT THE INTERSECTION OF ALMOND BLOSSOM LANE AND ALMOND BLOSSOM COURT, AS SHOWN ON CERTAIN PARCEL MAP, FILED FOR RECORD IN BOOK 476 OF MAPS AT PAGE 36, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 8

DATE: April 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Approving the Parcel Map for 16466 Bonnie Lane and
Accepting the Public Service Easement Dedication

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving the Parcel Map for 16466 Bonnie Lane and accepting the public service easement dedication.

BACKGROUND:

On October 13, 2021, the Planning Commission approved the Subdivision Application M-21-003 for a 1.9-acre lot located at 16466 Bonnie Lane, zoned R-1:20, to be subdivided into two residential lots per the corresponding tentative map and conditions. The Planning Commission included a condition of approval for the dedication of a private open space easement near the riparian corridor.

DISCUSSION:

The property owner, Mish Chadwick, has filed the Parcel Map (Attachment 2) to subdivide the aforementioned existing parcel and dedicate a 20-foot-wide public service easement along the Bonnie Lane frontage of the parcel to the Town for future sidewalk and utilities. The Parcel Map also includes a 20-foot-wide private open space easement along the easterly property lines near the riparian corridor. The easements are identified on the Parcel Map.

The Parcel Map subdivides the existing parcel into two single-family residential lots. There is an existing single-family house on Parcel 2. An Architecture and Site Application would be

PREPARED BY: Mike Weisz
Senior Civil Engineer

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

PAGE 2 OF 2

SUBJECT: Adopt a Resolution Approving the Parcel Map for 16466 Bonnie Lane and
Accepting the Public Service Easement Dedication

DATE: April 8, 2022

DISCUSSION (continued):

required for the development on Parcel 1. The property owner has provided all necessary maps and drawings.

CONCLUSION:

Staff recommends that Council adopt a resolution approving the Parcel Map and accepting the public service dedication for the development of 16466 Bonnie Lane.

COORDINATION:

This project has been coordinated with the Town Attorney and the Community Development Department.

FISCAL IMPACT:

Acceptance of the project will not result in a fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act - Section 15315: Minor Land Divisions and Section 15303: New Construction or Conversion of Small Structures.

Attachments:

1. Resolution
2. Parcel Map - 16466 Bonnie Lane.

RESOLUTION 2022-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING THE PARCEL MAP FOR 16466 BONNIE LANE
AND ACCEPTING THE PUBLIC SERVICE EASEMENT DEDICATION**

WHEREAS, on October 13, 2021, approved the Subdivision Application M-21-003 for a 1.9-acre lot located at 16466 Bonnie Lane, zoned R-1:20, to be subdivided into two residential lots per the corresponding tentative map and conditions; and

WHEREAS, the Planning Commission imposed a condition of approval for open space easement near the riparian corridor; and

WHEREAS, the property owner, Mish Chadwick, is required to dedicate a portion of the land for a public service easement within the property as indicated on the Parcel Map prepared; and

WHEREAS, the property owner has complied with the conditions of Subdivision Application M-21-003; and

WHEREAS, the Parcel Map has been reviewed by staff and found to be in compliance with the Subdivision Map Act and Chapter 24 of the Town of Los Gatos Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos that the certain Parcel Map of 16466 Bonnie Lane, dated March 2022 and prepared by Westfall Engineers, Inc., is hereby approved; and

BE IT FURTHER RESOLVED that the dedication of land for public use identified on the Parcel Map are hereby accepted, in substantial conformance to the Conditions of Approval as set forth above and subject to the final approval by the Town Attorney.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 19th day of April 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CA

DATE: _____

ATTEST:

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

DATE: _____

Owner's Statement

WE HEREBY STATE THAT we are all of the parties having any record title interest in the subdivided real property shown within the distinctive borderline on this map, and all dedications and offers of dedication therein.

We also reserve for the benefit of Parcel 1 and 2 an Open Space Easement. Said easement to be kept open and free from buildings and structures of any kind, except irrigation systems and appurtenances thereto, and lawful fences.

We also reserve 10-foot wide Public Utility Easement. Said easement to be kept open and free from buildings and structures of any kind, except irrigation systems and appurtenances thereto, and lawful fences.

OWNER:
MATTHEW BRENNAN AND MICHELLE CHADWICK, HUSBAND AND
WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP

TRUSTEE:
VERDUGO TRUSTEE SERVICE CORPORATION

ACKNOWLEDGMENT

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) SS

On _____, 20____ before me, _____, a Notary Public,
personally appeared _____and _____, 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 persons(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:

Notary's Signature _____

Printed Notary's Name _____

Notary's Principal Place of Business: _____

Notary Commission Number: _____

Expiration of Notary's Commission: _____

ACKNOWLEDGMENT

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) SS

On _____, 20____ before me, _____, a Notary Public,
personally appeared _____and _____, 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 persons(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:

Notary's Signature _____

Printed Notary's Name _____

Notary's Principal Place of Business: _____

Notary Commission Number: _____

Expiration of Notary's Commission: _____

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Matthew Brennan and Michelle Chadwick on December 30, 2021. I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before January 30, 2022, and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this parcel map substantially conforms to the approved or conditionally approved tentative map.

Harry Babicka, LS 4953 DATE
Registration Expires: 12-31-2023

TOWN ENGINEER'S STATEMENT

I hereby state that I have examined this map, the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the Subdivision Map Act and local ordinances applicable at the time of approval of the tentative map have been complied with.

WooJae Kim DATE
R.C.E. No. 59532
Registration Expires 12-31-2023



PARCEL MAP

ALL OF PARCEL A AS SHOWN ON THE PARCEL MAP FILED
FOR RECORD IN BOOK 310 OF MAPS AT PAGE 51,
SANTA CLARA COUNTY RECORDS

TOWN OF LOS GATOS
SANTA CLARA COUNTY, CALIFORNIA
MARCH 2022

WESTFALL ENGINEERS, INC.

14583 BIG BASIN WAY, SARATOGA, CA 95070

TOWN SURVEYOR'S STATEMENT

I hereby state that I have examined this map, and I am satisfied that said map is technically correct in accordance with Section 66442 of the Government Code (Subdivision Map Act).

Dean A Jurado, Acting Town Surveyor Date
L.S. No. 9032
Registration Expires: 09-30-2023

COUNTY RECORDER'S STATEMENT

Filed this _____day of _____, 20____, at _____ A.M./P.M., in Book _____ of Maps, at pages _____ and _____ Santa Clara County Records, at the request of Fidelity National Title Company.

File No. _____ Regina Alcomendras, County Recorder
Santa Clara County, California

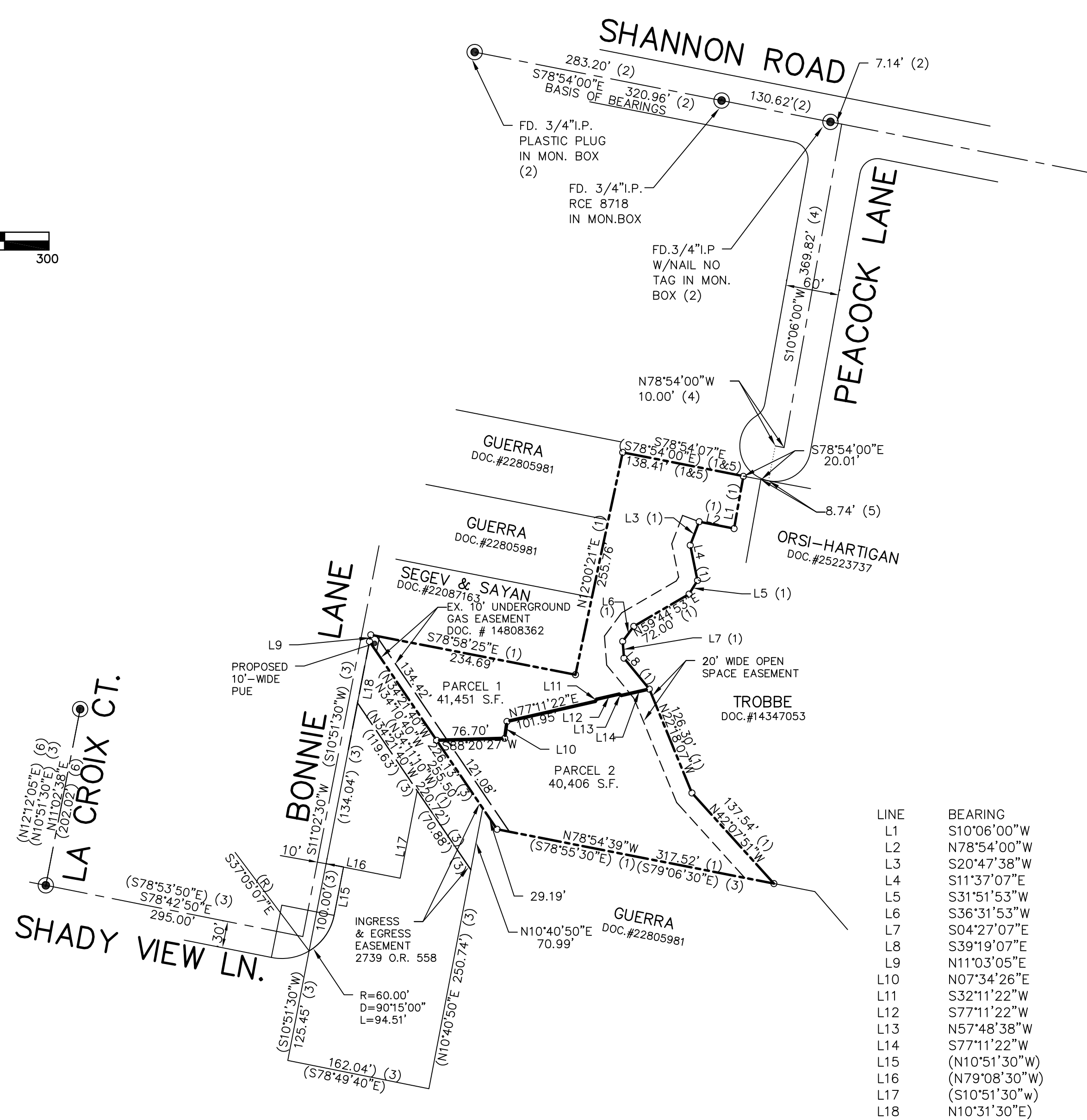
Fee: \$ _____ By: _____ Deputy

STATEMENT OF THE COUNCIL OF THE TOWN OF LOS GATOS

It is ordered that the Parcel Map is hereby approved, that all parcels of land upon said map and thereon offered for dedication are hereby accepted for the purposes for which they are offered.

I hereby state that the foregoing order was adopted by the Town Council of the Town of Los Gatos, California, at a meeting held on the _____ day of _____, 2022 by Resolution No. _____

TOWN CLERK DATE
Town of Los Gatos



ALL OF PARCEL A AS SHOWN ON THE PARCEL MAP FILED
FOR RECORD IN BOOK 310 OF MAPS AT PAGE 51,
SANTA CLARA COUNTY RECORDS

WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070

1. THE AREA WITHIN DISTINCTIVE BORDER IS 1.879 ACRES.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. DATE OF SURVEY: DECEMBER 15, 2021

PROPERTY LINE-DISTINCTIVE BORDER	----
CENTERLINE	----
LOT LINE	----
FOUND 3/4" I.P. OPEN IN MONUMENT BOX,	●
PER (2) UNLESS OTHERWISE NOTED	
SET 3/4" I.P. L.S. 4953	O
FOUND	FD.
MONUMENT	MON.
OFFICIAL RECORDS	O.R.
SQUARE FEET	S.F.
PROPOSED EASEMENT	----
EXISTING EASEMENT	----
PUBLIC UTILITY EASEMENT	PUE

- (1) PARCEL MAP, BOOK 310, MAPS, PAGE 51
- (2) RECORD OF SURVEY, BOOK 766, MAPS, PAGE 34
- (3) PARCEL MAP, BOOK 361 MAPS, PAGE 17
- (4) TRACT 527, BOOK 18 OF MAPS, PAGE 51
- (5) PARCEL MAP, BOOK 288 OF MAPS, PAGE 28
- (6) TRACT 3842, BOOK 193 OF MAPS, PAGE 38

BASIS OF BEARINGS FOR THIS MAP IS A CENTER LINE OF SHANNON ROAD NORTH 78 DEGREES 54 MINUTES 00 SECONDS WEST BETWEEN FOUND MONUMENTS AS SHOWN UPON THE AMENDED RECORD OF SURVEY MAP RECORDED IN BOOK 766 OF MAPS AT PAGE 33 SANTA CLARA COUNTY RECORDS.

LINE	BEARING	DISTANCE
L1	S10°06'00"W	60.00'
L2	N78°54'00"W	40.00'
L3	S20°47'38"W	28.33'
L4	S11°37'07"E	40.50'
L5	S31°51'53"W	18.00'
L6	S36°31'53"W	21.00'
L7	S20°47'07"E	19.00'
L8	S39°19'07"E	45.00'
L9	N11°03'05"E	7.65'
L10	N07°34'26"E	19.14'
L11	S32°11'22"W	2.83'
L12	S77°11'22"W	26.00'
L13	N57°48'38"W	2.83'
L14	S77°11'22"W	32.38'
L15	(N10°51'30"W)	(55.35') (3)
L16	(N79°08'30"W)	(85.00') (3)
L17	(S10°51'30"W)	(100.00') (3)
L18	(N10°31'30"E)	(70.55') (3)



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 9

DATE: April 8, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve the Phil Knopf Minors Baseball Complex Naming Addition to Balzer Field Signage

RECOMMENDATION:

Approve the Phil Knopf Minors Baseball Complex naming addition to Balzer Field signage.

BACKGROUND:

Balzer Field is a baseball field primarily used by Los Gatos Little League (LGLL) located on Miles Avenue just east of the Los Gatos Creek Trail. The signage for Balzer Field resides behind center field on the backside of the scoreboard that has been in place for several years and has reached the end of its serviceable life.

In March of 2014, Los Gatos Little League recognized Phil Knopf for 35 years of volunteer service in the League and was presented with a bronze plaque by Santa Clara County Supervisor Mike Wasserman and Los Gatos Mayor Steve Leonardis.

DISCUSSION:

In February of 2022, Parks and Public Works (PPW) staff received a letter (Attachment 1) from Los Gatos Little League requesting permission to replace the scoreboard and signage at Balzer Field and to amend the signage to say "Phil Knopf Minors Baseball Complex at Balzer Field" as a tribute to Phil Knopf's long-standing service to LGLL. Additionally, the League has requested PPW to install the bronze plaque on the Balzer Field snack shack building.

On April 4th, 2022, LGLL Director Ryan Bertsch brought the request before the Parks Commission and was well received, passing unanimously.

PREPARED BY: Jim Harbin
Superintendent

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

PAGE 2 OF 2

SUBJECT: Phil Knopf Minors Baseball Complex Naming Addition

DATE: April 8, 2022

CONCLUSION:

Per the Naming Town-Owned Facilities Policy (Attachment 2) the LGLL has demonstrated a connection between the individual they seek to honor and the facility to be named. As such, staff recommends approving the Phil Knopf Minors Baseball Complex Naming Addition to Balzer Field.

FISCAL IMPACT:

LGLL will bear all costs for the scoreboard and signage materials and installation. The Parks and Public Works Department will install the bronze plaque on the snack shack building using existing funds in the Operating Budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Los Gatos Little League Letter
2. Town Policy for Naming Town-Owned Facilities



March 28, 2022

Town of Los Gatos
Attn: Parks and Public Works Department, Jim Harbin
41 Miles Avenue
Los Gatos, CA 95030

Mr. Harbin:

This communication is issued to request the Town of Los Gatos Parks and Public Works Department (TLGPPWD) approval of signage updates at Balzer Field as described herein. The requested signage updates are necessary to both modernize the existing scoreboard and entrance signage at Balzer Field as well as recognize of Phil Knopf for his long standing service to Los Gatos Little League (LGLL).

Specifically, Los Gatos Little League intends to modernize the current scoreboard and entrance signage at Balzer Field. We are requesting TLGPPWD's approval of the new scoreboard and signage to include "Phil Knopf Minors Baseball Complex" as well as place a large bronze plaque on the Balzer Field service building as presented by former Town of Los Gatos Mayor Steve Leonardis and Santa Clara County Supervisor Mike Wasserman in March 2014 (reference Attachment A).

Images below are included for visualization purposes and define the scope of intended changes proposed by LGLL.

Improvement request #1: Replace existing Balzer Field scoreboard, update signage at top of scoreboard and update/replace wood frame structure to accommodate change in scoreboard size.



Existing



Proposed

Los Gatos Little League
PO Box 93
Los Gatos, California 95031
Email: lgll@lgll.org



Existing scoreboard: 62.5"H x 97"W

Proposed scoreboard: 90"H x 96"W; Electro-Mech LX1130

Structure: Intention is to replace existing 6"x6" pressure treated wood beam structure with galvanized steel poles to support replacement scoreboard size; electrical connection to remain unchanged in UV compliant flexible electrical conduit.

Improvement request #2: Replace existing Balzer Field sign facing to Miles Avenue and update with new signage to appropriately fit with updated scoreboard size.



Existing

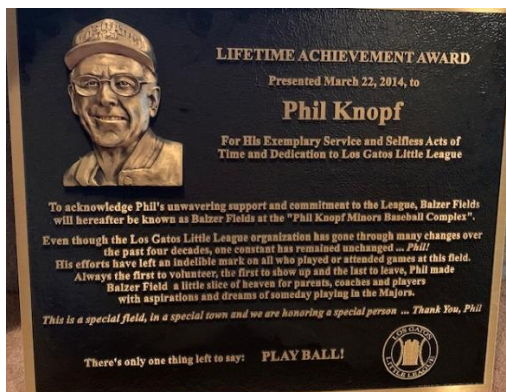


Proposed

Existing sign (painted plywood): 48"H x 96"W

Proposed sign (reflective aluminum): 90"H x 96"W

Improvement request #3: Place the large bronze plaque on the Balzer Field service building as presented to Phil Knopf in 2014. Reference image below for details of plaque contents.



Los Gatos Little League
PO Box 93
Los Gatos, California 95031
Email: lgll@lgll.org



LGLL will assume financial and liability responsibility specific to the requested scoreboard and signage improvements at Balzer Field. LGLL however requests TLGPPWD complete the installation of the large bronze plaque on the Balzer Field service building. LGLL expects to complete the scoreboard improvements in May 2022 subject to lead-times and material availability.

We look forward to having your support with completing the described improvements as outlined herein. Please reach back should you have specific questions.

Regards,

A handwritten signature in black ink that reads "Ryan M. Bertsch".

Ryan Bertsch
Director, Fields and Facilities
Los Gatos Little League



Attachment A: Service award presentation to Phil Knopf per March 2014 Los Gatos Weekly newspaper article.

SPORTS

Los Gatos Little League honors special people on a very special day



PHOTOGRAPHS BY PIETRO BREZZO

Longtime Los Gatos Little League volunteer Phil Knopf, left, was presented a bronze plaque honoring his more than 35 years of volunteer service to the league. Making the presentation were Santa Clara County Supervisor Mike Wasserman, center, and Los Gatos Mayor Steve Leonardis.

By DICK SPARRER

It was a very special day—for Phil Knopf, for the Musser family and for 640 youngsters and their families—when the Los Gatos Little League officially marked the opening of the 2014 baseball season with its annual Little League Day event held on March 22 at John Baggerly Field.

The day began with the league's 52 teams participating in the parade of players, followed by recognition for the four teams—the 9-, 10- and 11-year-old all-stars, and the minor division Yankees—who won District 12 pennants in 2013. In addition to their district flag, the 10-year-old all-stars were also able to hang their Section 5 championship banner.

"I don't believe we've ever had as much success in the post-season as we had in 2013," said league president Jim Hori. If he wasn't sure, there was a guy there who could certainly have let him know. Phil Knopf, a walking encyclopedia of Los Gatos Little League history, was recognized for his more than 35 years of volunteer service to the league.

Knopf was presented a bronze plaque by Santa Clara County Supervisor Mike Wasserman and Los Gatos Mayor Steve Leonardis. The plaque will hang at Balzer Field, which will from now on be known as the Phil Knopf Minors Baseball Complex. And while Knopf's name and bronze bust will forever look over the minor division diamond, John Musser's name will keep watch over Baggerly Field. The John H. Musser Memorial Scoreboard was dedicated on Saturday, and his wife, Carol, and their children Jill, Kristi, Joe and Johnny were there with their families.

The Mussers' grandson, Beau, threw out the ceremonial first pitch, firing a pretty impressive strike to Joey Carrito. "The scoreboard lights came on and everyone cheered," said Hori. "It was a wonderful moment for the family and all those there."

"It was a great day to not only celebrate the league today and how successful we have become," added Hori, "but to honor those that have worked so hard for the league like Phil and John."



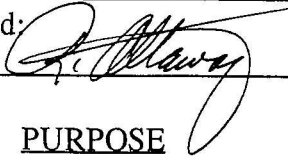

**COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Naming Town-Owned Facilities Page:

1 of 1

Enabling Actions:
Resolution 1996-133

Approved:



Effective Date: 10/21/96 Revised Date:

PURPOSE

To establish a policy for naming Town-owned facilities.

SCOPE

This policy applies to all Town-owned facilities, other than streets (which are covered by other procedures).

BACKGROUND

There are many deserving individuals after whom facilities could be named. The strength of the community is derived partially from its history, which includes its events and outstanding citizens. This policy seeks to provide for honoring Los Gatos' history.

POLICY

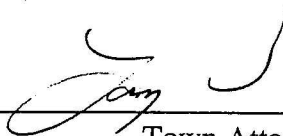
Since there are more deserving people than there are facilities, it is the policy of the Town Council to consider naming Town-owned facilities after individual persons only in the following circumstances:

1. When an extremely close connection can be made between the history of the facility itself and the person after whom the facility is to be named
2. When the facility to be named is located in a Town park, as is the case with the Bill Mason Carousel

PROCEDURES

When such requests are received from groups or individuals it will be incumbent upon the nominators to show the connection between the individual they wish to honor and the facility to be named. A copy of this policy will be provided to any requesting groups or persons.

APPROVED AS TO FORM:



Town Attorney

RESOLUTION 1996 - 133

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ESTABLISHING COUNCIL POLICY ON NAMING
TOWN-OWNED PUBLIC FACILITIES**

WHEREAS, because there are many more worthy people than Town-owned facilities, renaming facilities after people is not in the best interests of the community.

THEREFORE, BE IT RESOLVED:

It is the policy of Town Council not to name Town-owned facilities after people as indicated in the attached Council Policy.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of October, 1996 by the following vote:

COUNCIL MEMBERS:

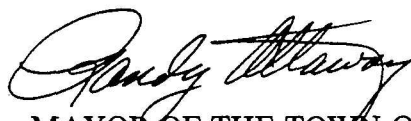
AYES: Joanne Benjamin, Linda Lubeck, Mayor Randy Attaway.

NAYS: Steven Blanton.

ABSENT: Patrick O'Laughlin.

ABSTAIN:

SIGNED:



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

ATTEST:



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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 10

DATE: April 11, 2022
TO: Mayor and Town Council
FROM: Robert Schultz, Interim Town Attorney
SUBJECT: Adoption of an Ordinance of the Town of Los Gatos Repealing and Replacing Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service Ware by Food Facilities to Align with New State Laws

RECOMMENDATION:

Adopt an Ordinance (Attachment 1) that was introduced at the Town Council meeting of April 5, 2022 repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code regulating food service ware by food facilities to align with new State laws.

BACKGROUND:

At its April 5, 2022 meeting, the Town Council voted 5-0 to approve repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code regulating food service ware by food facilities to align with new State laws.

CONCLUSION:

Staff recommends that the Town Council adopt an Ordinance repealing and replacing Article III of Chapter 10 of the Los Gatos Town Code regulating Food service ware by food facilities to align with new State laws.

COORDINATION:

This report was coordinated with the Youth Commission and Town Manager's Office.

PREPARED BY: Robert Schultz
Interim Town Attorney

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

PAGE 2 OF 2

SUBJECT: Adoption of an Ordinance of the Town of Los Gatos Repealing and Replacing
Article III of Chapter 10 of the Los Gatos Town Code Regulating Food Service
Ware by Food Facilities to Align with New State Laws

DATE: April 11, 2022

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.

Attachments:

1. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING ARTICLE III OF CHAPTER 10 OF THE LOS GATOS TOWN CODE RELATED TO FOOD SERVICE WARE

WHEREAS, on December 16, 2014, the Town of Los Gatos adopted an ordinance (2235) prohibiting food providers from selling or providing prepared food using food packaging containing polystyrene foam, and vendors from selling polystyrene foam food service, currently codified as Article III of Chapter 10 of the Town Code; and

WHEREAS, this ordinance continues to prohibit the sale and use of polystyrene foam food service ware and also further regulates nonreusable plastic food service ware and food service ware accessories in Los Gatos ; and

WHEREAS, on October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single use foodware accessories (e.g., utensils, straws, stirrers, condiment packets, etc.) by restaurants and other food facilities; and

WHEREAS, on October 5, 2021, AB 1200 was also signed into law by the Governor which prohibits the sale or distribution of food packaging made primarily from paper, paperboard, or other natural fiber that contains per- and polyfluoroalkyl substances (PFAS) in California beginning January 1, 2023; and

WHEREAS, Ordinance 2235 includes requirements that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200; however, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills; and

WHEREAS, Assembly Bill 1200 does not include a verification mechanism to assist food providers in identifying whether the food packaging contains PFAS; and

WHEREAS, this ordinance, as an exercise of the Town's police power, requires that food service ware used by a food provider in Los Gatos be certified as PFAS-free by an independent third-party certifying organization to assist Los Gatos food providers in identifying PFAS-free food service ware; and

WHEREAS, the State also recently adopted Assembly Bill 1276, which prohibits the distribution of single-use food service ware accessories and standard condiments packaged for single use by food providers except upon request by the consumer; and

WHEREAS, a prohibition of plastics for specified nonreusable food service ware accessories further the Town's goals and is more restrictive than the recently enacted State law; and

ATTACHMENT 1

WHEREAS, this ordinance is consistent with the Town of Los Gatos 's Sustainability Plan that seeks to reduce solid waste at its source and reduce nonreusable food service ware and packaging; and

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

Section 1. Chapter 10, Article III consisting of Sections 10.30.010 through 10.30.040, relating to use of polystyrene foam food service ware by food providers, is hereby repealed in its entirety and replaced by a new Article III Chapter 10 of the Los Gatos Town Code, to read as follows:

“ARTICLE III. - REGULATION OF NONREUSABLE FOOD SERVICE WARE

SEC. 10.30.010. – Findings and purpose.

The Town Council finds and determines that:

- a. Nonreusable food service ware, including plates, cutlery, cups, lids, straws, “clamshells” and other containers, is a major contributor to street litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions.
- b. It is in the interest of the health, safety, and welfare of all who live, work, and do business in the Town of Los Gatos that the amount of litter on public streets, parks and in other public places be reduced.
- c. The production and disposal of nonreusable food service ware and foodservice ware accessories have significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of nonrenewable polluting fossil fuels, greenhouse gas emissions and increased clean-up and end-of-life management costs.
- d. Food service ware made from plastic polymers may last for hundreds and even thousands of years and have broad, long-lasting negative impacts, even though most food service ware is discarded after only a single use.
- e. Certain synthetic chemicals known as per- and polyfluoroalkyl substances (PFAS), which are commonly used in disposable food service ware to repel water and grease, pose a public health risk as they have been linked to serious health effects.
- f. Nonreusable plastic and polystyrene foam food service ware breaks apart easily into small pieces, can end up as litter and is often mistaken as food by birds, fish and wildlife. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable and are present in most of the world's oceans.
- g. Polystyrene foam food service ware is a distinctive litter concern because it is

lightweight, easily windblown into streets and waterways, and floats in water until it reaches the San Francisco Bay and ocean.

h. Eliminating the use of polystyrene foam and other noncompostable and nonrecyclable single-use food service ware items and requiring certification that food service ware is PFAS-free will maximize the operating life of landfills, lessen the economic and environmental costs of waste management for businesses and residents of the Town of Los Gatos and further protect the public health and safety of residents, the natural environment, waterways, and wildlife.

i. Compostable natural fiber-based food service ware can be diverted from landfill and processed into an organic soil amendment and breaks down in the environment if littered.

j. Reduction of nonreusable food service ware and accessories will advance compliance with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit by helping to reduce trash and litter in the waterways, thus improving water quality in Town waterways and reduces risk of harm to wildlife.

k. The Town Council does, accordingly, find and declare that it should restrict the use of nonreusable food service ware and food service ware accessories. The Town of Los Gatos has a substantial interest in protecting its residents and the environment from the negative impacts of nonreusable food service ware. This Chapter is consistent with the Town's Zero Waste Policy and Plan.

SEC 10.30.015. - Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

a. "Aluminum foil-based" means any nonreusable food service ware composed entirely of aluminum, including, but not limited to, aluminum trays, aluminum foil wrappers and aluminum foil baskets.

b. "Compostable" means that an item or material will break down or otherwise become part of usable compost in a safe and timely manner consistent with the composting facility used by the city's franchisee and: (1) is natural fiber-based (including items that are natural fiber-based and coated or lined with biologically based polymer, such as corn or other plant sources, if certified by an independent third-party certifying organization approved by the public works director or designee); or (2) made from other materials approved by the public works director or designee. Compostable does not include items made primarily of biologically based polymer, PLA or other "compostable" plastic, even if labeled or certified as compostable.

c. "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for longer-term multiple reuse.

d. “Food provider” means any establishment, vendor, business, organization, entity, group or individual located or operating in the Town of Los Gatos that offers prepared food or beverages, regardless of whether there is a charge for the food or beverage: (1) to the public for consumption on or off its premises; (2) as a catered event; and/or (3) at cafeterias of private schools and places of employment, whether or not such establishments are open to the general public. “Food provider” includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, delicatessens, fraternal clubs serving the public, mobile food vendors, vehicles or carts, or roadside stands.

e. “Food service ware” means any products used for serving or packaging prepared food and includes, but is not limited to, cups, bowls, plates, trays, cartons, boxes, wrappers or liners, hinged or lidded containers (clamshells) and other items used as part of food or beverage service, or in which prepared food is placed or packaged on a food provider’s premises. Food service ware does not include a food service ware accessory.

f. “Food service ware accessory” means any other item used as part of a prepared food or beverage service that accompanies food service ware such as straws, stirrers, napkins, utensils, condiment packets, cup sleeves, tops, lids, splash sticks and other similar accessory or accompanying items.

g. “Health-care facilities” means places that provide health-care services. Health-care facilities include, but are not limited to, hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.

h. “Nonreusable” means food service ware or food service ware accessories that are designed to be discarded after a single or limited number of uses and not designed or manufactured for sanitation and reuse over an extended period of time.

i. “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

j. “Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:

1. PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

2. The presence of PFAS in a product or product component at or above one hundred (100) parts per million, as measured in total organic fluorine.

j. “Polystyrene foam” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene or EPS), including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding and extrusion-blow molding (extruded foam polystyrene). “Polystyrene foam” is commonly made into nonreusable food service ware products. “Polystyrene foam” does not include clear or solid polystyrene (oriented polystyrene).

k. “Prepared food” means food or beverages that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises of a food provider for consumption, including, but not limited to, ready-to-eat, dine-in, take-out or complimentary food or beverage. “Prepared food” does not include: (1) raw eggs and raw, butchered meat, fish or poultry that is sold from a butcher case or a similar retail method; (2) prepackaged food that is delivered to the food provider wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food provider in the same container or packaging; or (3) nonpolystyrene foam prepackaged items prepared on-site, which are not made to order and sold as “grocery items.”

l. “Vendor” means any store, business, organization, or entity that sells or offers goods or merchandise, located or operating within the Town of Los Gatos .

SEC 10.30.020. - Nonreusable food service ware requirements.

a. **Polystyrene foam:**

1. No food provider within the Town of Los Gatos shall use, sell or otherwise provide prepared food using food service ware made from polystyrene foam.

2. Food service ware made from polystyrene foam and coolers, or ice chests made from polystyrene foam that are not wholly encapsulated or encased within a more durable material shall not be sold or provided by any vendor in the Town of Los Gatos .

b. **Certified PFAS-free and compostable:**

Effective as of January 1, 2023, food providers within the Town of Los Gatos, when providing prepared food in nonreusable food service ware, must ensure it is: (1) certified as free of all regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS by an independent third-party certifying organization approved by the Parks and Public Works Director or designee; and (2) compostable.

SEC 10.30.025. - Plastics prohibited for nonreusable food service ware accessories.

Effective as of January 1, 2023, the following shall apply to nonreusable food service ware accessories:

a. Food providers shall not use, provide, distribute, or sell the following nonreusable food service ware accessories if they are made from or packaged in plastic, including biologically based polymers or compostable plastic: beverage straws, drink stirrers, food picks or toothpicks.

b. **Exception.** Food providers that customarily offer straws may maintain a small supply of plastic or compostable plastic straws to accommodate individuals who may require and request the use of plastic straws due to disability or other medical or physical conditions or circumstances. Health-care facilities may distribute plastic straws with or without a request by a patient at the discretion of the health-care facility staff based on the physical or medical needs of the patient. Nothing in this Article shall conflict with or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities.

SEC 10.30.030. - Exemptions.

The following are exempt from the provisions of this Article:

a. Nonreusable food service ware that is entirely aluminum foil-based.

b. The Parks and Public Works Director or designee may approve temporary exemption of specific nonreusable food service ware items. If the Parks and Public Works Director or designee determines that a reasonably feasible nonreusable food service ware item that complies with this Chapter is not available at the time of evaluation, this item will be exempt from the provisions of this Article until the Parks and Public Works Director, or designee determines that a reasonably feasible alternative is readily available on the market for purchase. The Town will publicly list any items approved as temporarily exempt from the ordinance.

c. In the event of an emergency, the provisions of this Article shall be suspended until the emergency has terminated. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to, natural disasters, emergencies due to release of hazardous materials, emergencies associated with loss of power and/or water or emergency medical response.

SEC 10.30.035. - Waivers.

a. A food provider may apply, in writing, to the public works director or designee for a waiver from compliance with Sec. 16.92, Nonreusable food service ware requirements, subsection (b), Certified PFAS-free and Compostable, if compliance with the Section will impose a unique hardship not generally applicable to other persons in similar circumstances, including, but not limited to, the following:

1. An undue economic hardship.

2. A suitable packaging alternative that conforms to the requirements of this Article does not exist for a specific usage.

3. The omission of noncompliant items from the city's waste streams, which could include, but is not limited to, a city-approved on-site waste processing system.

b. The Parks and Public Works Director or designee shall issue a written decision to grant or deny a waiver and may exempt the food provider for no more than one (1) year from the date of the decision. The Parks and Public Works Director's or designee's decision shall be final and is not subject to appeal.

c. The Parks and Public Works Director or designee may require independent verification of the basis for the requested waiver, which may include, but is not limited to, a request for supporting documentation.

SEC 10.30.045 - Penalties and enforcement.

a. Code Compliance or designee shall have primary responsibility for the enforcement of this Article. The Parks and Public Works Director or designee is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce this Article, including, but not limited to, entering the premises of any food provider during regular business hours to verify compliance.

b. A food provider, vendor or other entity violating or failing to comply with any requirement of this Article may be subject to enforcement and penalties pursuant to Chapter 1 Article III of the Los Gatos Town code.

c. Violation of this Article shall be deemed to constitute a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this Article and state law, including, but not limited to, an action for abatement or injunctive relief.

d. The remedies and penalties provided by this Article are cumulative and in addition to any other remedies available at law or in equity.

SECTION II. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of

the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the _____ day of _____ 2022, by the following vote:

COUNCIL MEMBERS:

AYES

NAYS:

ABSENT:

ABSTAINING:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATED: _____

ATTEST:

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

DATE: _____

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, STATE OF CALIFORNIA, ADDING ARTICLE III TO CHAPTER 21 TO THE TOWN CODE GOVERNING THE USE OF MILITARY EQUIPMENT BY THE POLICE DEPARTMENT

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, (creating Government Code Section 7070, et seq.) relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill No. 481 (“AB 481”), requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term “military equipment” is defined in California Government Code section 7070; and

WHEREAS, AB 481 allows the governing body of a Town to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations; and

WHEREAS, the proposed Military Equipment Use Policy is attached hereto as Exhibit “A” and incorporated herein by this reference (the “Military Equipment Use Policy”); and

WHEREAS, the proposed Military Equipment Use Policy was published on the Los Gatos Police Department’s internet website on March 3, 2022, more than 30 days before the Military Equipment Use Policy was considered at a public hearing before the Town Council on April 5, 2022; and

WHEREAS, the Military Equipment Use Policy meets the requirements of California Government Code section 7070, subdivision (d).

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

SECTION I: That a new Article III is added to Chapter 21 (entitled “Police”) of the Town Code of the Town of Los Gatos to read as follows:

CHAPTER 21, ARTICLE III. - MILITARY EQUIPMENT USE POLICY.

Sec. 21.30.010 – Findings and Purpose.

(a) The Town Council has made the following determinations:

- (1) The military equipment inventoried and presented to the Town Council is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and
- (2) The Military Equipment Use Policy ("Policy") will safeguard the public's welfare, safety, civil rights, and civil liberties; and
- (3) The military equipment identified in the Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objective of Officer and civilian safety; and
- (4) Prior military equipment use complied with the applicable Equipment Use Policy (which included equipment now defined as military equipment) that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(b) The Police Department has submitted a proposed Policy to the Town Council and has made those documents available on the Police Department's website for at least 30 days prior to the public hearing concerning the military equipment at issue.

(c) The Policy was considered by the Town Council as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act, at which public comment was permitted.

(d) The Policy shall be made publicly available on the Police Department's website for as long as the military equipment is available for use.

(e) The Police Department shall submit an annual military equipment report to the Town Council, containing the information required in Government Code Section 7072, and the Town Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (a)(1)-(4) above.

(f) The Town Council shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2)

(g) The Town Council approves the use of the Policy and finds that it satisfies the requirements of Government Code Section 7070(d)."

SECTION II. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of April 2022, by the following vote:

COUNCIL MEMBERS:

AYES

NAYS:

ABSENT:

ABSTAINING:

SIGNED:

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

DATED: _____

ATTEST:

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

DATE: _____



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 11

DATE: April 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance Approving a Military Equipment Funding, Acquisition, and Use Policy Pursuant to Assembly Bill 481.

RECOMMENDATION:

Adopt an Ordinance approving a military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481.

DISCUSSION:

At its April 5, 2022, meeting, the Town Council voted 5-0 to approve the military equipment funding, acquisition, and use policy Ordinance pursuant to Assembly Bill 481.

Staff recommends that the Town Council adopt the Ordinance approving a military equipment funding, acquisition, and use policy pursuant to Assembly Bill 481.

FISCAL IMPACT:

There is no fiscal impact by adopting this Ordinance.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Ordinance

PREPARED BY: Derek Moyer
Interim Operations Captain

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 12

DATE: April 12, 2022
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Introduction and First Reading of an Ordinance Amending Chapter 18, Article III, Entitled Minors and Related to Social Host Liability for Parties at Which Underage Drinking and Drug Use Occurs

RECOMMENDATION:

Accept public comment then move for the introduction and first reading of an Ordinance (Attachment 1), by title only, amending Chapter 18, Article III, entitled Minors and Related to Social Host Liability for Parties at Which Underage Drinking and Drug Use Occurs.

BACKGROUND:

The Town Council adopted modifications to its Municipal Code provisions regarding alcohol use by minors ("social host") in 1989. Unfortunately, due to increases in the use of alcohol and drugs by Los Gatos youth, the Mayor placed this topic on the November 2, 2021 agenda to obtain direction from the Town Council. The Town Council directed the Town Attorney to work with the Youth Commission to update the Social Host Ordinance and to add this item to the Town Council Strategic Priorities and Ordinances.

DISCUSSION:

The Town Attorney's Office has worked with the Youth Commission to revise language in the Social Host Ordinance. The amendments to the Social Host Ordinance expands and holds adults responsible for underage use of intoxicants (alcohol, controlled substances and/or cannabis) in their households whether or not the adults are present. The Ordinance is designed to confront and mitigate the prevalent problem of underage use of intoxicants at private and public venues. It allows law enforcement officials to issue citations for civil fines and fees against people responsible for gatherings at which intoxicants are served to, consumed by, or in the possession of minors. Adults face a civil fine of \$1,500 for the first violation and \$3,000 for subsequent violations and imposition of all of the costs of law enforcement's response to the incident.

Reviewed by: Town Manager, Assistant Town Manager, and Police Chief

PAGE 2 OF 2

SUBJECT: Introduction and First Reading of an Ordinance Amending Chapter 18, Article III, Entitled Minors and Related to Social Host Liability for Parties at Which Underage Drinking and Drug Use occurs

DATE: April 12, 2022

CONCLUSION:

It is recommended that the Town Council move for the introduction and first reading of an Ordinance (Attachment 1), by title only, amending Chapter amending Chapter 18, Article III, entitled Minors and Related to Social Host Liability for Parties at Which Underage Drinking and Drug Use Occurs.

COORDINATION:

The preparation of the Ordinance was coordinated with the Los Gatos-Saratoga Union High School District, Youth Commission, Police Department and Town Manager's Office.

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Ordinance

ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 18 ARTICLE III, MINORS RELATED TO SOCIAL HOST LIABILITY FOR PARTIES AT WHICH UNDERAGE DRINKING AND DRUG USE OCCURS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AS FOLLOWS:

SECTION 1 : Chapter 18 Title III of the Los Gatos Town Code is hereby amended and restated as follows:

CHAPTER 18.10 SOCIAL HOST ORDINANCE

18.30.010	Findings and Purpose
18.30.015	Definitions
18.30.020	Duty of the Social Host
18.30.025	Prohibition of Underage Gatherings on Private and Public Property
18.30.030	Hosting by Juvenile
18.30.040	Penalties for Violations
18.30.042	Recovery of Response Costs
18.30.045	No Mandatory Duty of Care

18.30.010 Findings and Purpose.

The Town Council of the Town of Los Gatos does hereby find that:

1. The occurrence of underage social gatherings, defined in this ordinance as a gathering of two or more underage persons on private or public property where intoxicants are consumed by underage persons, is harmful to such persons and a threat to public welfare, health, and safety. The Surgeon General's Call to Action (2007) is hereby incorporated by reference, to further establish the health, safety and public welfare concerns that exist with underage drinking or cannabis use.
2. Reliable research indicates that underage consumption of intoxicants is a contributing factor in the three leading causes of teenage deaths: 1) unintentional injury, 2) homicide and 3) suicide. Underage drinking is associated with alcohol abuse and a negative impact on the developing brain of youth. Likewise, consumption of intoxicants is associated with violent crimes including sexual offenses, DUI, and alcohol-related traffic deaths. Underage drinking is a common factor in public disturbances, vandalism, and physical altercations, all of which may require intervention by local law enforcement.

3. Research has identified easy access to intoxicants and permissive attitudes as two key factors that contribute to underage drinking, cannabis, or other drug use.
4. Local, state and national studies have established that underage youth most commonly procure intoxicants from social sources (parties, friends, homes) and others who purchase it for them.
5. Underage social gatherings frequently occur on private or public property where adults who own or control the property have failed to ensure that alcoholic beverages, cannabis, or other intoxicating products are neither served to, nor consumed by underage persons. Furthermore, there are times when parents or other adults are present at the social gathering who condone the underage drinking, cannabis, or controlled substance use and provide the alcohol, cannabis, or controlled substance products.
6. Problems associated with underage social gatherings on private or public property are difficult to prevent and deter unless the Los Gatos Police Department has the legal authority to direct the social host to disperse the gathering and to cite the social host.
7. Law enforcement personnel have in the past been required to respond to underage social gatherings on private and public property where intoxicants are provided to and consumed by underage persons. Such calls for service can result in a disproportionate expenditure of public safety resources and delay official responses to other calls.
8. The Town Council of the Town of Los Gatos, pursuant to the Town's police powers under Article XI, sections 3 and 5 of the California Constitution, has the authority to enact and enforce laws that promote the public health, safety and general welfare of its residents.
9. An ordinance that imposes liability with penalties on social hosts is necessary to deter and prevent such gatherings. Social hosts or anyone who organizes, supervises, aids, conducts, permits, or controls the underage social gathering need not be present at such gathering to incur liability under this ordinance.
10. The purposes of this ordinance are to:
 - a) protect the public health, safety, and welfare by deterring the service to and consumption of alcoholic beverages or cannabis products by underage persons; and
 - b) reduce the cost to the public of providing police response services. These purposes are achieved by issuing a criminal citation which requires the social host to pay a fine and fees for the actual costs incurred by the Town; and

The Town Council, therefore, finds that underage social gatherings held on private or public property are a threat to the public peace, health, safety and general welfare, and a public nuisance as they affect the entire Los Gatos community as well as the neighborhoods in which they occur.

18.30.015 Definitions.

For the purposes of this chapter, the following definitions apply:

(a) "Alcohol." The definition of "alcohol" in Section 23003 of the California Business & Professions Code, as amended from time to time, shall apply to this chapter. As of the introduction of this chapter, section 23003 defines "alcohol" to mean "ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced."

(b) "Alcoholic beverage." The definition of "alcoholic beverage" in Section 23004 of the California Business & Professions Code, as amended from time to time, shall apply to this chapter. As of the introduction of this chapter, section 23004 defines "alcoholic beverage" to mean alcohol, spirits, liquor, wine, beer that contains one-half of one percent or more alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances."

(c) "Cannabis" means all parts of the plant Cannabis Sativa Linnaeus, Cannabis Indica, or Cannabis Ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal purposes. "Cannabis" also means marijuana as defined by section 11018 of the Health and Safety Code, and amended by the California Control, Regulate, and Tax Adult use of Marijuana Initiative, and as defined by other applicable state laws. "Cannabis" does not mean "industrial hemp" as defined by section 11018.S of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

(d) "Cannabis Product" means cannabis or a cannabis product, respectfully, intended to be sold for either medical or adult use.

(e) "Controlled Substance" means a drug or substance whose possession and use are regulated under the California Controlled Substances Act (Health & Safety Code Section 11000 et seq.). Such term does not include any drug or substance for which the individual found to have consumed or possessed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription, or in the case of medical cannabis, a recommendation for medical marijuana from an approved provider, or a State of California medical identification card.

(f) "Intoxicants" means alcohol, controlled substances and/or cannabis as defined herein.

(g) "Juvenile" means any person under eighteen years of age.

(h) "Private or public property" means any location such as a residence and adjoining property, an apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a

temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function or used with or without permission or compensation.

(i) "Response costs" means the costs associated with responses by law enforcement to underage social gatherings including but not limited to:

(1) salaries and benefits of law enforcement personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly or underage gatherings

(2) the cost of any medical treatment to or for any law enforcement personnel injured responding to, remaining at or leaving the scene of an underage social gathering;

(3) the cost of repairing any Town equipment or property damage, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an underage social gathering; and

(4) any costs recoverable in accordance with California Civil Code section 1714.9.

(j) "Social Host" means any person or persons with a right of possession of private or public property at which an underage social gathering occurs, including, but not limited to the following:

(1) the owner of record as of the time of the underage social gathering or tenant or lessee of the property;

(2) any person who exercises control over the private or public property at the time of the underage social gathering;

(3) anyone who organizes, supervises, officiates, aids, conducts, allows, permits or controls the underage social gathering.

(4) A social host need not be present at such gathering to incur liability under this ordinance.

(k) "Town" means the Town of Los Gatos.

(l) "Underage social gathering" means a party or gathering of two or more persons held on private or public property in the Town where intoxicants are consumed by any underage person.

(m) "Underage person" means any person under twenty-one years of age.

18.30.020 Duty of Social Host.

It is the duty of the Social Host to take reasonable steps to prevent underage access to intoxicants on private and public property. Such steps include but are not limited to controlling the quantity of intoxicants; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that underage persons do not consume intoxicants while at the gathering; and supervising the activities of underage persons at the gathering.

18.30.025 Prohibition of Underage Social Gatherings on Private and Public Property.

It is unlawful and a public nuisance for any person to knowingly host an underage social gathering on private or public property in the Town. For purposes of this chapter, a person knowingly hosts an underage social gathering whenever the social host is aware that an underage person has consumed intoxicants or reasonably should have been aware had the social host taken reasonable steps to prevent consumption of intoxicants by underage persons in accordance with Chapter

18.30.030. Hosting by Juvenile.

In the event that a juvenile hosts an underage social gathering at a residence or on other private or public property in the Town in violation of this chapter, the parents or guardians of that juvenile may be jointly and severally liable for any penalties and response costs imposed pursuant to this chapter.

18.30.035 Penalties for Violations.

(a) The enforcement officer, at his or her discretion, may immediately issue a citation for violation of this Chapter upon evidence of the violation. There is no requirement of a first warning in order for the enforcement officer to issue this citation.

(b) Administrative Fine: A first violation of this chapter shall result in a citation with a \$1,500 fine. A second violation and subsequent violations shall result in a citation with a \$3,000 fine.

(c) The enforcement officer shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by the chapter within 10 days of the violation. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

(d) The administrative fine prescribed in this section is in addition to any cost recovery fee for public safety responses that may be assessed pursuant to section 18.30.040.

18.30.040 Recovery of Response Costs.

When the Police make an initial response to an underage social gathering on private or public property and a police officer issues a citation for violation of this chapter, the officer shall,

in writing, inform any responsible person(s) at the property or location that:

- (a) An underage social gathering exists; and
- (b) The social host(s) will be charged for any response costs incurred for subsequent responses to the property for hosting an underage social gathering within a 12-month period.
- (c) This warning will be given to all social hosts at the time of the first response to an underage social gathering where a citation is issued for violation of this chapter.
- (d) Within 30 calendar days of the initial citation, a written warning will be delivered via certified mail to the owner of record of the involved property.
- (e) When a police officer responds to an underage social gathering at a residence or other private property within the Town within 12 months of a citation and warning given to social hosts at the same property, and such officer issues a second or subsequent citation pursuant to this chapter, all responsible persons shall be jointly and severally liable for the Town's response costs concerning such second or subsequent underage social gathering, but only to the extent that the identified social host(s) concerning the first citation at such property remain the social host(s) for the second or subsequent citation at such property.
- (f) The requirement of a first warning does not limit the ability of public safety personnel to issue a civil citation for the imposition of civil penalties for cost recovery on the same day that the warning is given if the warning does not end the serving, consumption of or possession of intoxicants by underage person(s) at any gathering. The cost recovery for public safety responses shall be separate and distinct from a citation and administrative fine for a violation described in section 18.30.035

18.30.045 No Mandatory Duty of Care.

This chapter is not intended to impose and shall not be construed or given effect in a manner that imposes upon the Town, or any officer, employee, agent, or representative of the Town, a mandatory duty of care toward persons or property within or without the Town limits, so as to provide a basis of civil liability for damages, except as may otherwise be imposed by law.

SECTION II. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of

the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the _____ day of _____ 2022, by the following vote:

COUNCIL MEMBERS:

AYES

NAYS:

ABSENT:

ABSTAINING:

SIGNED:

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

ATTEST:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 13

DATE: April 12, 2022
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Introduction and First Reading of an Ordinance Amending Chapter 29 of the Los Gatos Town Code Regulating Tree Protection

RECOMMENDATION:

Accept public comment then move for the introduction and first reading of an Ordinance (Attachment 1), by title only, amending Chapter 29 of the Los Gatos Town Code regulating Tree Protection.

BACKGROUND:

On June 2, 2015, the Town Council adopted Ordinance 2240, the Tree Protection Ordinance. The intent of the Tree Protection Ordinance is to regulate the removal of trees within the Town to retain as many trees as possible consistent with the purpose of the Ordinance and the reasonable use of private property. The provisions of the Ordinance require that anyone seeking to remove or prune a Protected Tree, as defined in the Ordinance, must obtain a permit. The Ordinance outlines review criteria to be applied to applications for Tree Removal. The Ordinance also includes a penalty section for violations of the Tree Protection Ordinance.

DISCUSSION:

The Tree Protection Ordinance has been in place for over six years and has played a role in maintaining the wooded environment of the Town. Based on staff's experience in implementing the tree ordinance and processing tree removal permit applications, staff proposes minor revisions to the ordinance to provide clarity within the chapter related primarily to fines and penalties.

On March 23, 2022, the Planning Commission held a public hearing on the draft revisions to the Tree Protection Ordinance and made additional modifications after hearing public comment and

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

PAGE 2 OF 2

SUBJECT: Introduction and First Reading of an Ordinance Amending Chapter 29 of the Los Gatos Town Code Regulating Tree Protection.

DATE: April 12, 2022

DISCUSSION (continued):

dilberating on the draft Ordiance. The proposed modifications by the Planning Commsision have been incorporated into the proposed code revisions as redlined in Attachment 1.

CONCLUSION:

It is recommended that the Town Council move for the introduction and first reading of an Ordinance (Attachment 1), by title only, amending Chapter 29 of the Los Gatos Town Code regulating Tree Protection.

COORDINATION:

This report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Ordinance
2. Public comments received before 11am on April 14

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS
GATOS AMENDING CHAPTER 29 OF THE LOS GATOS TOWN CODE
REGULATING TREE PROTECTION.**

WHEREAS, Tree protection preservation is necessary for the health and welfare of the citizens of the Town of Los Gatos in order to provide cooling shade and beauty, increase property values, minimize spread of disease to healthy trees, conserve scenic beauty, prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area; and

WHEREAS, on June 2, 2015, the Town Council adopted Ordinance 2240, the Tree Protection Ordinance, to preserve and enhance the existing healthy tree canopies on individual residential properties as well as the overall neighborhood, in order to maintain the neighborhood character, while allowing flexibility for removal of existing trees that may be inappropriate for an area or causing damage; and

WHEREAS, in implementing the tree ordinance and processing tree removal permit applications, staff proposes minor revisions to the ordinance to provide clarity within the chapter related primarily to fines and penalties; and

WHEREAS, the The Town of Los Gatos Planning Commission held a public hearing on March 23, 2022 and recommended that the Tree Protection Ordinance be amended by the Town Council; and

WHEREAS, the Town Council held a public hearing on April 19, 2022 to consider the recommendation of the Planning Commission; and

WHREAS, the Town Council finds it is in the public interest to reenact the Ordinance for the purpose of promoting the health, safety, and general welfare of the residents of Los Gatos, insofar as trees provide a wide variety of functions, values and benefits.

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

Section 1. Chapter 29, Article I, Division 2 consisting of Sections 29.10.0950 through 29.10.1045, entitled Tree Protection is hereby amended to read as follows:

DIVISION 2. TREE PROTECTION

Sec. 29.10.0950. Intent.

This division is adopted because the Town of Los Gatos is forested by many native and non-native trees and contains individual trees of great beauty. The community of the Town benefit from preserving the scenic beauty of the Town, preventing erosion of topsoil, providing protection against flood hazards and risk of landslides, counteracting pollutants in the air, maintaining climatic balance, and decreasing wind velocities. It is the intent of this division to regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property. While trees provide multiple benefits, it is also the intent of this division to acknowledge that a portion of the Town is located in a Very High Fire Hazard Severity Zone, as defined by the California Department of Forestry and Fire Protection (CAL FIRE) and the associated wildfire threat that exists for the community. It is the intent of this division to preserve as many protected trees as possible throughout the Town through staff review and the development review process. Special provisions regarding hillsides are included in section 29.10.0987 of this division in recognition of the unique biological and environmental differences between the hillside and non-hillside areas of the Town. This section does not supersede the provisions of Chapter 26 of this Code.

Sec. 29.10.0955. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section:

Building envelope means the area of a parcel (1) upon which, under applicable zoning regulations, a structure may be built outside of required setbacks without a variance; or (2) that is necessary for the construction of primary access to structures located on the parcel, where there exists no feasible means of access which would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the building envelope access shall not exceed ten (10) feet in width.

Certified or consulting arborist means an individual in the profession of arboriculture who, through experience, education, and related training, possesses the competence to provide a tree report, tree survey or supervise the care and maintenance of trees; and who is certified by the International Society of Arboriculture, a member of the American Society of Consulting Arborists or approved by the director.

Damage means any action undertaken **intentionally** or negligently which causes short-term or long-term injury, death, or disfigurement to a tree. This includes but is not limited to mechanical injury, cutting of roots or limbs, poisoning, over-watering, relocation or transplanting a tree, or trenching, grading, compaction, excavating, paving, or installing impervious surface within the root zone of a protected tree.

Dead tree means a tree that cannot be restored to good health and has at least one of the following characteristics:

(1) Is completely devoid of life;

(2) Has no leaves at a time when it should;

(3) Exhibits no buds if dormant;

(4) Is incapable of translocating food and water between leaves and roots; or

(5) Has a high likelihood of imminent death in the opinion of the CityTown Arborist.

Destroy means to cause the premature decline of tree health or life as evaluated and determined by the Town Arborist.

Defensible Space means 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 structures.

Development means any work upon any property in the Town which requires a subdivision, rezoning, planning permit, variance, use permit, building permit, demolition permit, grading permit or other Town approval or which involves survey work, story pole placement, excavation, landscaping, construction, etc., or clearing and grubbing within the dripline or any area that would affect a protected tree.

Diameter means measurement of the trunk diameter for the purpose of applying this section shall be made four and one-half (4.5) feet (fifty-four (54) inches) above natural grade. Measurement of multi-trunked trees shall be determined by the sum of all trunk diameters measured at four and one-half (4.5) feet (fifty-four (54) inches) above natural grade.

Director means the Director of Community Development or the Director's designated representative.

Dripline area means the area around the trunk of the tree extending out a distance ten (10) times the diameter of the trunk, or the perimeter of the tree canopy, whichever is greater.

Heritage tree means a tree or grouping of trees specifically designated by action of the Town Council, upon the recommendation of the Historic Preservation Commission, that possess exceptional aesthetic, biological, cultural, or historic value and is expected to have a continuing contribution to the community,

Hillside means all properties located within the area defined by the hillside area map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

Large protected tree means any oak (*Quercus*), California buckeye (*Aesculus californica*), or Pacific madrone (*Arbutus menziesii*) which has a 24-inch or greater diameter (75-inch circumference); or any other species of tree with a 48-inch or greater diameter (150-inch circumference).

Mechanical injury means injury done to a tree either intentionally or negligently that leads to deviation from normal growth or a physical damage or death to the tree. Common causes of mechanical injury are landscape maintenance equipment, staking damage, vehicles, or vandalism.

Multi-trunk tree means a tree that has more than one (1) major supporting stem or trunk growing from a single root mass located at ground level or just above the trunk flare.

Native means any tree that is found in the immediate natural habitat. For instance, redwood trees are native to the Santa Cruz Mountains but they are not native to the oak woodlands and chaparral areas of Los Gatos.

Pollarding means a pruning technique where the ends of the branches of a tree are terminated with a heading cut to a predetermined length, and then resultant epicormic shoots that emerge from just below the heading cut are cut back on an annual basis, forming an enlarging "knob" or knuckle" at the end of the remaining branches over time. Pollarding should be done on small branches no more than two (2) inches in diameter and is only allowed without a permit on fruitless mulberry trees (*Morus alba*) or other species approved by the Town Arborist.

Protected tree means a tree regulated by the Town of Los Gatos as set forth in Section. 29.10.0960, Scope of protected trees.

Pruning means the selective removal of plant parts to meet specific goals and objectives, including but not limited to: safety and risk reduction; clearance; health maintenance; aesthetic improvement; growth control; and to enhance performance or function by developing and preserving tree structure and health. All pruning shall be in accordance with the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management-Standard Practices, (Pruning).

Public nuisance, means any tree, shrub, plant or part thereof growing in, or overhanging, a public street or right-of-way, interfering with the use of any public street or public place in the Town, or tree which, in the opinion of the Director, endangers the life, health, safety, comfort or property of any persons using such public street, or in such public place, because of the tree's or shrub's location, condition of its limbs, roots or trunk, or because of its diseased condition, is hereby declared to be a public nuisance.

Public place means any road or street, or public school, or place of public assemblage, or real property, building, or other space or area which is open to public access, and which is under public control, or maintained at public expense, or which the Town or the County of Santa Clara, or the State of California, or the United States, as the case may be, owns some or all interest or which it leases.

Public street means all or any portion of territory within the Town set apart and designated for the use of the public as a thoroughfare for travel, including the sidewalks, curb and gutter.

Remove means any of the following: (1) Complete removal, such as cutting to the ground or extraction, of a protected tree or one of its multi-trunks; (2) Taking any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to severe pruning, cutting, girdling, poisoning, overwatering, unauthorized relocation or ~~transportation~~ transplanting of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

Severe pruning means topping or removal of foliage or significant scaffold limbs or large diameter branches so as to cause permanent damage and/or disfigurement of a tree, and/or which does not meet specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management-Standard Practices, (Pruning). Severe Pruning shall also include pruning as described in section 29.10.1010(3) of this chapter.

Shrub means a bushy, woody plant, usually with several permanent stems, and usually not over fifteen (15) feet high at maturity.

Significant impact on a property from a tree means an unreasonable interference with the normal and intended use of the property. In determining whether there is a significant impact, the typical longevity of the subject tree species, the size of the tree relative to the property, and whether the condition can be corrected shall be considered. Normal maintenance, including but not limited to pruning not requiring a permit under this division, and leaf removal and minor damage to paving or fences shall not be considered when making a determination of significant impact.

Street tree means a tree in a public place, or along or within a public street or right-of-way.

Topping means the practice of cutting back large diameter branches of a tree, including but not limited to cutting of a central leader, to some predetermined lower height to reduce the overall height of the tree, where the remaining buds, stubs or lateral branches are not large enough to assume a terminal role.

Tree means a woody perennial plant characterized by having a main stem or trunk, or a multi stemmed trunk system with a more or less definitely formed crown, and is usually over ten (10) feet high at maturity.

Tree canopy replacement standard means a replacement tree formula to mitigate removal of a protected tree. The standard is based on measuring the widest distance across the canopy of a tree for the purpose of determining the mitigating size and number of replacement trees.

Tree protection zone (TPZ) means the area of a temporary fenced tree enclosure under the tree's dripline or as specified in a report prepared by a certified or consulting arborist. The TPZ is a restricted activity zone before and after construction where no soil disturbance is permitted unless approved and supervised by the certified or consulting arborist.

Tree Risk Rating means a categorization of risk based on an assessment of the likelihood of failure and impact and the consequences such failure and impact would have on life, property, utilities, or essential transportation systems. For purposes of this division, Tree Risk Rating shall be the rating of tree risk as provided for in the International Society of Arboriculture (ISA) Tree Risk Assessment Best Management Practices Tree Risk Rating Matrix, which categorizes risk as Extreme, High, Moderate or Low.

Tree value standard means the method of appraising a tree's value to a property using the Trunk Formula Method or Replacement Cost Method as described in the most recent edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA)

and the Species Classification and Group Assignment by the Western Chapter of the International Society of Arboriculture (ISA).

Trunk means the primary structural woody part of the tree beginning at and including the trunk flare and extending up into the crown from which scaffold branches grow.

Trunk flare means the area at the base of the plant's trunk where it broadens to form roots and is the transition area between the root system and the trunk.

Sec. 29.10.0960. Scope of protected trees.

This division shall apply to every property owner and to every person, corporation, partnership, sole proprietorship or other entity responsible for removing, maintaining or protecting a tree. The trees protected by this division are:

- (1) All trees which have a twelve-inch or greater diameter (thirty-seven and one-half-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eighteen inches or greater diameter (fifty-six and one-half-inch circumference) of the sum of all trunks, where such trees are located on developed residential property.
- (2) All trees which have an eight-inch or greater diameter (twenty-five-inch circumference) of any trunk or in the case of multi-trunk trees, a total of eight inches or greater diameter (twenty-five-inch circumference) of the sum of all trunks, where such trees are located on developed Hillside residential property.
- (3) All trees of the following species which have an eight-inch or greater diameter (twenty-five-inch circumference) located on developed residential property:
 - a. Blue Oak (*Quercus douglasii*);
 - b. Black Oak (*Quercus kelloggii*);
 - c. California Buckeye (*Aesculus californica*);
 - d. Pacific Madrone (*Arbutus menziesii*).
- (4) All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required.
- (5) Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (6) of this section (e.g., landscape or site plans).
- (6) Any tree that was required by the Town to be planted or retained by the terms and conditions of a development application, building permit or subdivision approval in all zoning districts, tree removal permit or code enforcement action.
- (7) All trees, which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk and are located on property other than developed residential property.

- (8) All publicly owned trees growing on Town lands, public places or in a public right-of-way easement, which have a four-inch or greater diameter (twelve and one-half-inch circumference) of any trunk.
- (9) A protected tree shall also include a stand of trees, the nature of which makes each dependent upon the other for the survival of the stand.
- (10) The following trees shall also be considered protected trees and shall be subject to the pruning permit requirements set forth in section 29.10.0982 and the public noticing procedures set forth in section 20.10.0994:
 - a. Heritage trees;
 - b. Large protected trees.

Sec. 29.10.0965. Prohibitions.

Except as provided in section 29.10.0970, it shall be unlawful:

- (1) To remove or cause to be removed any protected tree in the Town without first obtaining a permit pursuant to this chapter.
- (2) To prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five (25) percent or more of any protected tree without first obtaining a permit pursuant to this chapter.
- (3) To prune, trim, or cut any branch or root greater than four (4) inches in diameter (twelve and one-half (12.5) inches in circumference) of a Heritage tree or large protected tree without first obtaining a permit pursuant to this chapter.
- (4) To conduct severe pruning as defined in section 29.10.0955 without first obtaining a permit pursuant to this chapter.
- (5) For any person or business entity engaged in the business of removing trees or tree care to perform work requiring a permit under this division without first obtaining a permit under this division. The permit shall be posted on-site at all times during the removal or permitted pruning of a tree and must be made available upon request from the Chief of Police, Code Compliance Officer, Director of Parks and Public Works Department, or their designee. After a second violation, the Los Gatos business license of the violating person or entity shall be suspended for a period of one (1) year.

Sec. 29.10.0970. Exceptions.

The following trees are excepted from the provisions of this division and may be removed or severely pruned without Town approval or issuance of a tree removal permit:

- (1) A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

- (2) Any of the following trees that are less than twenty-four (24) inches in diameter (seventy-five (75) inches in circumference):
 - a. Black Acacia (*Acacia melanoxylon*)
 - b. Tulip Tree (*Liriodendron tulipifera*)
 - c. Tree of Heaven (*Ailanthus altissima*)
 - d. Blue Gum Eucalyptus (*E. globulus*)
 - e. Red Gum Eucalyptus (*E. camaldulensis*)
 - f. Other Eucalyptus (*E. spp.*)-Hillsides only
 - g. Palm (except *Phoenix canariensis*)
 - h. Privet (*Ligustrum lucidum*)
- (3) Any removal or maintenance of a tree to conform with the implementation and maintenance of Defensible Space per Chapter 9 - Fire Prevention and Protection with the exception of any tree listed in subcategories (3) and (10) of Section 29.10.0960 - Scope of Protected Trees.

Sec. 29.10.0975. Emergency action.

A protected tree may be removed or severely pruned without a permit where it presents an imminent danger to life, property, utilities or essential transportation systems and a Tree Risk Rating of Extreme or High is present. In such event, the property owner or representative shall be responsible for the following:

- (1) Notify the Town Parks and Public Works Department during business hours or the Police Department after business hours and request authorization of the proposed emergency action, including removal or severe pruning.
- (2) Emergency action may be authorized by the Director, Town Manager, Parks and Public Works Director, Town Arborist or their designees, or a member of the police or fire department or other emergency personnel when the situation and conditions warrant immediate action to protect life or property and other Town officials are unavailable.
- (3) No later than seventy-two (72) hours after the emergency action has been taken the property owner shall submit photo documentation and written verification to the Town confirming the emergency condition and describing the action taken.

If the Director determines that the condition was not reasonably determined to have been an emergency requiring immediate action, the person responsible for removing or damaging the protected tree shall be subject to fines and penalties as set forth in section 29.10.1025.

Sec. 29.10.0980. Applications for a tree removal or severe pruning permit.

Applications for a protected tree removal or severe pruning permit for trees on private property shall be available from and filed with the Town as indicated on the application. Application submittals for the removal of trees on public property (street trees) are provided for in section 26.10.060 of the Town Code. Applications for tree removal or severe pruning on private property may be granted, denied or granted with conditions. Application submittals for removal or severe pruning of trees on private property shall include the following minimum information for staff review:

- (1) A completed tree removal application form, signed by the property owner.
- (2) A written explanation of why each tree(s) should be removed or pruned and how it meets the Town's Standards of Review.
- (3) Photograph(s) of the tree(s).
- (4) If required by the Director, a certified or consulting arborist's written assessment of the tree's disposition shall be provided for review by the Town. The report shall be signed by the arborist and include tree size (diameter, height, crown spread); location on the site; numbered on a site plan or arborists tree survey (if there is more than one (1) tree); condition of health; condition of structure; and if tree risk findings apply, a Tree Risk Assessment and Rating must be completed using the most recent version of the Tree Risk Assessment Best Management Practices or any successor document published by the International Society of Arboriculture. Other information, images, etc. may be included in the report.
- (5) If structural damage to a building, major landscape feature, or appurtenance, including utilities is the basis for the request, a report from a licensed architect or engineer may also be required in addition to an arborist report. This additional report shall describe what modifications to buildings, structures, improvements or utilities would be required to mitigate the damage(s) directly caused by the tree.
- (6) Payment of permit fee, as established by Town resolution.

Sec. 29.10.0982. Applications for heritage and large protected tree pruning permit.

A pruning permit is required where pruning of branches or roots greater than four (4) inches in diameter is proposed for any Heritage tree or large protected tree. Applications shall be available from and filed with the Town. Applications for pruning may be granted, denied or granted with conditions. Application submittals under this section shall include the following minimum information for staff review:

- (1) A completed pruning permit application, signed by the property owner.
- (2) A written description of the proposed pruning including the pruning objectives and pruning methods to be used consistent with International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management-Standard Practices, (Pruning).

- (3) Photographs of the tree indicating as best possible where pruning is to occur.
- (4) If required by the Director, a certified or consulting arborist's written report describing the proposed pruning.
- (5) If structural damage to a building, major landscape feature, or appurtenance, including utilities is the basis for the request, a report from a licensed architect or engineer may be required in addition to an arborist report. This additional report shall describe what modifications to buildings, structures, improvements or utilities would be required to mitigate the damages directly caused by the tree.
- (6) Payment of permit fee, as established by Town resolution.

Sec. 29.10.0985. Determination and conditions of permit.

The Director shall determine whether to grant a permit. The Director may consult with other Town departments or outside agencies at his/her discretion. When a development application for any zoning approval, or subdivision of land, including lot line adjustment, is under consideration by the Planning Commission, the determination on the tree removal permit shall be made concurrently by the Planning Commission with the related matter. The Director or the deciding body ~~shall~~^{may} impose, except when removal is permitted if the tree is dead or a Tree Risk Rating of Extreme or High is present, as a condition on which a protected tree removal permit is granted that two (2) or more replacement trees of a species and a size designated by the Director or designee, shall be planted in the following order of preference:

- (1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 3-1, Tree Canopy-Replacement Standard shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.
- (2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:
 - a. Add or replace trees on public property in the vicinity of the subject property; or
 - b. Add or replace trees or landscaping on other Town property; or
 - c. Support the Town's urban forestry management program.

Table 3-1 — Tree Canopy — Replacement Standard

Canopy Size of Removed Tree ¹	Replacement Requirement ^{2, 4}	Single Family Residential Replacement Option ^{3, 4}
10 feet or less	Two 24-inch box trees	Two 15-gallon trees
More than 10 feet to 25 feet	Three 24-inch box trees	Three 15-gallon trees

More than 25 feet to 40 feet	Four 24-inch box trees; or Two 36-inch box trees	Four 15-gallon trees
More than 40 feet to 55 feet	Six 24-inch box trees; or Three 36-inch box trees	Not Available
Greater than 55 feet	Ten 24-inch box trees; or Five 36-inch box trees	Not Available

Notes

- ¹ To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.
- ² Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.
- ³ Single Family Residential Replacement Option is available for developed single family residential lots under n thousand (10,000) square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All fifteen-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on twenty-four-inch box tree rates as adopted by Town Council.
- ⁴ Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged but is required for Hillside properties, as per Sec. 29.10.0987, Special Provisions Hillside, with tree species per ~~Replacement requirements in the Hillside shall comply with the Hillside Development Standards and Guidelines Appendix A, and section 29.10.0987 Special Provisions—Hillside.~~

Sec. 29.10.0987. Special provisions-hillside

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

- (1) All protected trees located thirty (30) or more feet from the primary residence that are removed shall be replaced with native trees listed in Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines (HDS&G).
- (2) All protected trees located within thirty (30) feet of the primary residence that are removed shall be replaced as follows:

- (a) If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.
 - (b) If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Director.
 - (c) Replacement trees listed in Appendix A may be planted anywhere on the property.
 - (d) Replacement trees not listed in Appendix A may only be planted within thirty (30) feet of the primary residence.
- (3) Replacement requirements shall comply with the requirements in Table 3-1, Tree Canopy—Replacement Standard of this Code.
 - (4) Property owners should be encouraged to retain dead or declining trees where they do not pose a safety or fire hazard, in order to foster wildlife habitat and the natural renewal of the hillside environment.

Sec. 29.10.0990. Standards of review.

The Director or deciding body shall review each application for a tree removal permit required by this division using the following standards of review. The standards of review are intended to serve as criteria for evaluating tree removal requests and the basis upon which the Director or the deciding body will subsequently determine whether or not one (1) or more of the Required Findings listed in section 29.10.0992 can be made.

- (1) The condition of the tree or trees with respect to: (a) disease, (b) imminent danger of falling, (c) structural failure, (d) proximity to existing or proposed structures, (e) structural damage to a building, or (f) a public nuisance caused by a tree. The International Society of Arboriculture (ISA) Best Management Practices for Tree Risk Assessment shall be used where appropriate in determining a Tree Risk Rating.
- (2) The condition of the tree giving rise to the permit application cannot be reduced to a less than significant level by the reasonable application of preservation, preventative measures or routine maintenance.
- (3) The removal of the tree(s) will not result in a density of trees or tree cover that is inconsistent with the neighborhood.
- (4) The number of trees the particular parcel can adequately support according to good urban forestry practices, or whether a protected tree is a detriment to or crowding another protected tree.
- (5) In connection with a proposed subdivision of land into two (2) or more parcels, the removal of a protected tree is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.).

- (6) Except for properties located within the hillsides, the retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (7) The Hillside Development Standards and Guidelines.
- (8) Removal of the protected tree(s) will not result in a substantial adverse change in the site's aesthetic and biological significance; the topography of the land and the effect of the removal of the tree on erosion, soil retention, or diversion or increased flow of surface waters.
- (9) Whether the Protected Tree has a significant impact on the property. Significant impact from a tree is defined in section 29.10.0955. Definitions.
- (10) The species, size (diameter, canopy, height), estimated age and location on the property of the protected tree.

Sec. 29.10.0992. Required findings.

The Director, Director's designee, or deciding body shall approve a protected tree removal permit, severe pruning permit, or pruning permit for Heritage trees or large protected trees only after making at least one (1) of the following findings:

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.
- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication.
- (3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.
- (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.
- (5) The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.
- (6) The tree has caused or may imminently cause significant damage to an existing structure that cannot be controlled or remedied through reasonable modification of the root or branch structure of the tree.

- (7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (8) The removal of the tree is unavoidable due to restricted access to the property.
- (9) The removal of the tree is necessary to repair a geologic hazard.
- (10) The removal of the tree and replacement with a more appropriate tree species will enhance the Town's urban forest.
- (11) The removal of the tree is necessary to conform with the implementation and maintenance of Defensible Space per Chapter 9 - Fire Prevention and Protection per direction by the Fire Chief or his/her designee.

Sec. 29.10.0994. Additional procedures for heritage and large protected tree removal or pruning permits.

- (1) These procedures are established for the review of Heritage tree and large protected tree removal or pruning permit applications where a permit is requested for a tree that is not dead, severely disfigured, profoundly diseased, or an Extreme or High Risk on the ISA Tree Risk Rating Matrix, and where findings (1) or (2) above cannot be made.
- (2) In addition to the fee and application materials required by section 29.10.0980 or section 29.10.0982, the applicant will be required to submit one (1) set of stamped, addressed envelopes for neighboring residents and property owners. The Planning Department will assist the applicant in determining the properties to be notified (all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of it).
- (3) The Director shall review the application using the Standards of Review set forth in section 29.10.0990 and the Required Findings set forth in section 29.10.0992.
- (4) If the Director intends to approve the application, a "Notice of Pending Issuance of Tree Removal or Pruning Permit" will be mailed to neighboring residents and property owners including any applicable conditions, and required tree replacement requirements. The notice will describe the proposed tree removal or pruning, and that the permit will be issued unless there is an objection. Any interested party shall have ten (10) days from the date of the "Notice of Pending Issuance of Tree Removal or Pruning Permit" to notify the Director in writing of any concerns or problems.
- (5) If a written objection is not filed within the ten-day period, the permit will be issued. If a written objection is filed and a resolution is found that meets all parties' concerns then the permit will also be issued.
- (6) If an objection is filed in a timely manner and a mutually acceptable resolution cannot be agreed upon with the Director within ten (10) days, the objecting party shall be so advised and shall be provided an additional five (5) days to file a formal appeal of the tree removal or pruning permit with the Town, which shall be scheduled for consideration by the

Planning Commission. All property owners and residents notified under section 29.10.0994(4) shall be notified of the Planning Commission meeting.

- (7) Trees removed illegally or damaged shall require the issuance of a retroactive tree removal permit. Once this retroactive permit is issued, and all conditions fulfilled, along with any assessed monetary penalties paid and replacement requirements completed, then any Stop Work Order shall be removed.

Sec. 29.10.0995. Disclosure of information regarding existing trees.

- (a) Any application for a discretionary development approval, or for a building, grading or demolition permit where no discretionary development approval is required, shall be accompanied by a signed tree disclosure statement by the property owner or authorized agent which discloses whether any protected trees exist on the property which is the subject of the application, and describing each such tree, its species, size (diameter, canopy dripline area, height) and location. This requirement shall be met by including the following information on plans submitted in connection with the development application.
- (b) The location of all trees on the site and in the adjacent public right-of-way which are within thirty (30) feet of the area proposed for development, and trees located on adjacent property with canopies overhanging the project site, shall be shown on the plans, identified by species, size (diameter, canopy, dripline area, height), and location.
- (c) Within the dripline area or area that would affect a protected tree, the location of shrubs and other vegetation subject to development shall be shown on the plans.
- (d) The director may require submittal of such other information as is necessary to further the purposes of this division including but not limited to photographs.
- (e) Disclosure of information pursuant to this section shall not be required when the development for which the approval or permit is sought does not involve any change in building footprint nor any grading, trenching or paving.
- (f) Knowingly or negligently providing false or misleading information in response to this disclosure requirement shall constitute a violation of this division.

Sec. 29.10.1000. New property development.

- (a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one (1) or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. Tree survey inventory number tags in place from previous tree surveys, if easily visible, shall be retained and used in any new tree survey report. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:
 - (1) Location of all existing trees on the property as described in section 29.10.0995;

- (2) Identify all trees that could potentially be affected by the project (directly or indirectly-immediately or in long term), such as upslope grading or compaction outside of the dripline;
 - (3) Notation of all trees classified as protected trees;
 - (4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.
- (b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;
- (c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:
- (1) The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;
 - (2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;
 - (3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:
 - a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the

condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.

- b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.
- (d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant, or their successors, will then be responsible for the removal or loss of any tree at any time during development that was not previously approved for removal. For protected trees, which were removed, the developer shall pay a penalty in the amount of the appraised value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.
- (e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.
- (f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.

- (g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.
- (h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

Sec. 29.10.1005. Protection of trees during construction.

- (a) Protective tree fencing shall specify the following:
 - (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
 - (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
 - (3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
 - (4) Warning sign. Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning—Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025."
- (b) All persons, shall comply with the following precautions:
 - (1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

- (2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
- (3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
- (4) Prohibit the attachment of wires, signs or ropes to any protected tree.
- (5) Design utility services and irrigation lines to be located outside of the dripline when feasible.
- (6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
- (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2240, § 1 (Exh. B), 6-2-15-)

Sec. 29.10.1010. Pruning and maintenance.

Tree pruning must not be done in a manner that is detrimental to the tree. Any action undertaken which intentionally or recklessly causes or tends to cause injury, death, or disfigurement to a tree is considered to be detrimental. Examples of actions which are detrimental to trees may include excessive cutting, poisoning, burning, over-watering, relocating, or transplanting a tree.

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

- (1) Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a protected tree shall obtain written permission from the Director before performing any work, including pruning, which may cause injury to a protected tree (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.).
- (2) Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1)-Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning, except where no other alternative is available, is prohibited.

- (3) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any protected tree without first obtaining a permit pursuant to this division except for pollarding of fruitless mulberry trees (*Morus alba*) or other species approved by the Town Arborist. Applications for a pruning permit shall include photographs indicating where pruning is proposed.
- (4) No person shall remove any Heritage tree or large protected tree branch or root through pruning or other method greater than four (4) inches in diameter (twelve and one-half (12.5) inches in circumference) without first obtaining a permit pursuant to this division.

Sec. 29.10.1015. No limitation of authority.

Nothing in this division limits or modifies the existing authority of the Town under Division 29 of Title 29 (Zoning Regulations), Title 26 (Public Trees) or the Hillside Development Standards and Guidelines to require trees and other plants to be identified, retained, protected, and/or planted as conditions of the approval of development. In the event of conflict between provisions of this division and conditions of any permit or other approval granted pursuant to Chapter 29 or Chapter 26 of the Town Code or the Hillside Development Standards and Guidelines. The more protective requirements shall prevail.

Sec. 29.10.1020. Responsibility for enforcement.

The Town shall vigorously enforce the provisions of this Chapter. All officers and employees of the Town shall report violations of this division to the Director of Community Development. Whenever an Enforcement Officer as defined in section 1.30.015 of the Town Code determines that a violation of this Code has occurred, the Enforcement Officer shall have the authority to issue an administrative citation pursuant to the provisions of section 1.30.020 of the Town Code.

Whenever an Enforcement Officer charged with the enforcement of this Code determines that a violation of that provision has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation.

Sec. 29.10.1025. Enforcement—Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the Town for violation of this division. While these remedies can be levied against any person, property owner, firm or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, it is not the Town's intention to pursue such remedies against homeowners who unintentionally have minor violations of this chapter. These remedies are reserved for those entities who should have knowledge of such regulations from previous

interactions or activity with the Town, such as information given during a previous or current application, and have nevertheless intentionally violated this chapter:-

(1) Tree removals in absence of or in anticipation of development.

a. If a violation occurs in the absence of or prior to proposed development, then discretionary applications and/or building permit applications will not be accepted or processed by the Town until the violation has been remedied to the reasonable satisfaction of the Director. Mitigation measures as determined by the Director may be imposed as a condition of any subsequent application approval or permit for development on the subject property. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed or damaged tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.-

b. The second violation of any provisions in this division during the conduct by any person or business of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(2) Pending development applications.

a. Incomplete applications will not be processed further until the violation has been remedied. If an application has been deemed complete, it may be denied by the Director or forwarded to the Planning Commission with a recommendation for denial at the Director's discretion. Mitigation measures as determined by the director may be imposed as a condition of approval. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall

execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

b. The second violation of any provisions in this division during the conduct by any person or company of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(3) Projects under construction.

a. If a violation occurs during construction, the Town may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the Director, agreed to in writing by the property owner(s) or the applicant(s) or both, and either implemented or guaranteed by the posting of adequate security in the discretion of the Director. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

b. The second violation of any provisions in this division during the conduct by any person or company of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(4) Criminal penalties. Notwithstanding section 29.20.950 relating to criminal penalty, any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than 6 months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day and

for every violation, as defined in Sec. 29.10.1031, during any portion of which any violation is committed.

(5) Civil penalties. Notwithstanding section 29.20.950 and Section (4) above, relating to criminal penalty, any person, property owner, firm, or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, found to have violated section 29.10.0965 shall be liable to pay the Town a civil penalty as prescribed in subsections a. through d.

- a. As part of any administrative and/or civil action brought by the Town, a hearing officer and/or court may assess against any person who commits, allows, or maintains a violation of any provision of this division an administrative and/or civil penalty in an amount not to exceed five thousand dollars per violation. For damaged trees, in addition to civil penalties, the property owner will be required to obtain the services of an ISA certified arborist to determine the future viability of the tree and if salvageable, create a maintenance plan to restore the tree.
- b. Where the violation has resulted in removal of a protected tree, the civil penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. If the tree removal is related to any development or subdivision then the civil penalties shall be the value of the tree times four, plus all related staff costs. Such amount shall be payable to the Town and deposited into the Tree Replacement Fund. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, as prepared by the Council of Tree and Landscape Appraisers and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture.
- c. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town.
- d. The cost of enforcing this division, which shall include all costs, staff time, and attorneys' fees.

(56) Injunctive relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

(67) Costs. In any civil action brought pursuant to this division in which the Town prevails, the court shall award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

- (8) Remedies not exclusive. To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other ~~re~~ provided for herein shall be cumulative and not exclusive.

Sec. 29.10.1030. Fees.

The fee, as adopted by Town Resolution, prescribed therefore in the municipal fee schedule shall accompany the removal or pruning permit application submitted to the Town for review and evaluation pursuant to this division.

Sec. 29.10.1031. Fees schedule for remediation of Tree Protection Ordinance violations.

These monetary fines are in addition to any remediations described elsewhere in this section. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this chapter is guilty of a violation of the Town Code. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued, or permitted by such person and shall be punishable as herein provided. To expand, violating any portion of this chapter for any tree will count as one (1) violation. For instance, if a tree is excessively trimmed using illegal spikes, then two (2) violations are committed. If two (2) such violations were committed to two (2) trees, then that totals to four (4) separate violations. Violations would also include those remediations required by a Town's Consulting Arborist, to be accrued at the rate of one (1) violation/day for each and every requirement.

Each violation is subject to a fine of \$500. For continuing violations, the fee schedule is \$500 for the first day and \$1,000 for each subsequent day.

Sec. 29.10.1035. Severability.

If any provision of this division or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this division which can be given effect without the invalid provision or application, and to this end the provisions of this division are declared to be severable.

Sec. 29.10.1040. Notices.

All notices required under this division shall conform to noticing provisions of the applicable Town Code.

Sec. 29.10.1045. Appeals.

Any interested person, as defined in section 29.10.020 of the Town Code, may appeal a decision of the director, including the 1 year suspension of a business license, pursuant to this division in accordance with the procedures set forth in section 29.20.260 of the Town Code. All appeals shall comply with the public noticing provisions of section 29.20.450 of the Town Code.

Sec 29.10.1050 No liability upon the Town.

Nothing in this chapter shall be deemed to impose any liability upon the Town or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep in safe condition any trees and shrubs upon that private property or upon sidewalks and planting areas in front of that property.

SECTION II. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Town Council of the Town of Los Gatos declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION IV. EFFECTIVE DATE AND PUBLICATION. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the _____ day of _____ 2022, by the following vote:

COUNCIL MEMBERS:

AYES

NAYS:
ABSENT:
ABSTAINING:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATED: _____

ATTEST:

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

DATE: _____

DRAFT

To: Town Council, meeting of April 19, 2022
From: Dave Weissman
Re: Tree Protection Ordinance (TPO) revisions

I would like to address several concerns raised by various Planning Commissioners at their meeting of March 23, 2022. All of these concerns have either been incorporated into the latest version of the TPO prepared by Staff, or are addressed in this letter.

1. Commissioner Tavana wanted to know why the TPO was being revised at this time. The simple reason is that 2 recent experiences, one with the Davidon project in the Highlands of Los Gatos and the other with 16100 Greenridge Terrace (GRT), showed the inability of the TPO to provide adequate penalties to deter future violations. In other words, the punishment wasn't commensurate with the crime. The latter situation of GRT is particularly illustrative where 17 protected trees suffered a number of TPO violations (Code Compliance Violation No. VL-19-561) but the owner was fined a grand total of \$300. So insignificant was this fine that similar violations (Code Compliance Violation No. VL-21-084) occurred on the same property 1 year later.
2. Some Commissioners were concerned about the distinction between trees "damaged" versus trees "removed". This is actually a continuum with much overlap. For instance, what may start out as a mechanical injury (i.e., damage) to a tree, can over time (months to years) turn into a removal of that tree if the damage caused by the mechanical injury results in a fungal infection entering the tree and killing it. This possibility was discussed by previous Town Consulting Arborist Debra Ellis for several mechanical injury violations on the Highlands of Los Gatos.
3. Several Commissioners spoke about the need for community outreach, after the TPO is revised, so that folks are aware of these new changes. This is always a good idea. Nevertheless, I was surprised to be told by Gitta Ungvari, Town Finance and Budget Manager, that while most gardeners working in Los Gatos have a Service License and some landscapers require a CA State Contractor License, none of them are routinely given a copy of the Town's most current Tree Protection Ordinance when they acquire/pay for their licenses. This oversight should obviously be changed, especially since these tree maintenance businesses can now suffer consequences for violating these codes. Additionally, any person coming into the Planning Dept and inquiring about building a home in Town, especially in the hillsides, should also be given such information, or at least a link to the latest version of the TPO.
4. Some Commissioners were concerned about the new TPO option of criminal charges and imprisonment. Having this provision in the TPO, even if rarely or never used, will hopefully provide a certain amount of hesitancy to landowners pondering possible future violations.
5. Does the Town go after the property owner or tree company for TPO violations? The Town's past policy has been to levy fines against the violating property owner. But for those rare situations of major, deliberate, possibly repeat TPO violations, or where the relationship between the violating business and property owner may be obscure, or unknown, this

provision is needed to help decrease these violations. Ignorance of the law is still no excuse, and shouldn't be used to get the violating business free of responsibility. And while the property owner may easily be able to pay the fine, and write those costs off as the price of doing business, the business owner may think twice about the potential for their business license being suspended for 1 year.

6. There is no intention, in any of these revisions, of going after the individual home owner who inadvertently commits a minor violation of the TPO (and such language has been added in Sec. 29.10.1025). Rather, these revisions are directed toward the professional tree trimmer or developer, for example as discussed above under #1, where many trees were damaged or removed, excessive pruning occurred, spikes were used to climb trees, etc., all in an effort to increase the value of hillside lots by increasing the visibility of the valley floor below. As Town Attorney Schultz explained to the Planning Commission, these proposed revisions are a means to have 'extra tools in your box' to deal with the different situations that may occur down the road.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2022

ITEM NO: 14

DATE: April 10, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduction and First Reading of an Ordinance Amending the Los Gatos Town Code Chapter 15 Regarding Motor Vehicles and Traffic to Include Parking Meter Zones and Amending Ordinance Definitions and Requirements.

RECOMMENDATION:

Introduction and first reading of an Ordinance (Attachment 1) amending the Los Gatos Town Code Chapter 15 regarding motor vehicles and traffic to include parking meter zones and amending ordinance definitions and requirements.

BACKGROUND:

On January 26, 2021, the Town Council directed staff to move forward with Phase I of the 2019 Parking Study Roadmap which included the Employee Permit Parking Program and the Wayfinding Improvement Project.

In November 2021, Town Staff began working with a wayfinding consultant to develop a Downtown Wayfinding Master Plan along with parking wayfinding and signage.

On March 15, 2022, the Town Council received a report on Parking Study implementation updates. Based on recommendations from the report, Council directed Town staff to move forward in developing the Pay-to-Stay parking ordinance. This ordinance would allow Downtown visitors to “park once” and pay a nominal parking fee to stay parked in the same parking space beyond the initial free 3-hour time limit.

California Vehicle Code section 22508 requires local authorities to adopt an ordinance when establishing parking meter zones and setting rates for parking meter fees.

PREPARED BY: Greg Borromeo and Jim Renelle
Sergeant Parking Program Manager

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

SUBJECT: Introduction and First Reading of an Ordinance Amending the Los Gatos Town Code Chapter 15 Regarding Motor Vehicles and Traffic to Include Parking Meter Zones and Amending Ordinance Definitions and Requirements.

DATE: April 10, 2022

DISCUSSION:

During the Employee Permit Parking Program development process, the Town's unlimited time parking spaces (approximately 432 spaces) in the core downtown Municipal parking lots are being reassigned for use by the Employee Parking Program. Any unlimited time spaces (approximately 15 spaces) in the core lots not utilized for the Employee Parking Program are being converted to 3-hour public parking. Unlimited time parking spaces in the Northside and Miles Avenue parking lots would remain unchanged and available to all. However, these outlying lots do not provide sufficient convenient parking for most visitors.

To achieve a goal of providing convenient "park once" visitor parking, the Town needs to establish a "pay-to-stay" parking meter zone. This would allow downtown visitors to park in a lot for three hours of free parking and then pay a nominal parking fee to remain parked for any additional time they may need.

The Parking Meter Zones ordinance would establish the following:

Downtown Parking Meter Zone Boundary – Town staff recommends a Downtown Meter Zone to include the area geographically bordered by Tait Avenue to the west, Los Gatos-Saratoga Boulevard to the north and Highway 17 to the south and east. For the purposes of a Downtown Meter Zone, East Main Street from Highway 17 to Los Gatos Boulevard and within 1 block of all intersecting streets shall also be included in the zone. Please see Attachment 2 for a map of the area.

Downtown Parking Meter Fee Range – Town staff recommend setting a Parking Meter Zone Fee range between \$0.00 and \$5.00 per hour that is adjusted as necessary to control the demand for parking. Parking demand and space utilization would be periodically reviewed by Town staff who will provide a report to the Town Manager. The actual rate is to be set by Town Council resolution. The majority of business owners who participated in a Chamber of Commerce parking outreach meeting on April 12, 2022 were in favor of maintaining the existing 2- and 3-hour time limits, and they also favored a \$2.00 fee after the 3-hour free period in the municipal lots. Town staff recommends starting the program with an initial rate of \$2.00 per hour.

Please see the chart below for comparison with other nearby jurisdictions for off-street parking rates and time limits. Several jurisdictions have variable time limits and parking rates based on the proximity to their core business area.

SUBJECT: Introduction and First Reading of an Ordinance Amending the Los Gatos Town Code Chapter 15 Regarding Motor Vehicles and Traffic to Include Parking Meter Zones and Amending Ordinance Definitions and Requirements.

DATE: April 10, 2022

DISCUSSION (continued):

Location	Free Period	Pay Period	Pay Rate
Los Altos	2 and 3 Hours	By Permit Only	\$1 Day*
Palo Alto	2 and 3 Hours	By Permit Only	\$25 Day**
Redwood City	No Free Period	Immediately	\$1/Hour
San Jose	90 Minutes	After First 90 Minutes	\$1/15min. (\$4/Hour)
Santa Cruz (A)***	3 Hours Max	N/A	N/A
Santa Cruz (B)***	No Free Period	Immediately	\$1.25/Hour
Valley Fair Mall	2 Hours	After First 2 Hours	\$1/Hour
Walnut Creek	1 Hour	After First 1 Hour	\$1.25/Hour

* By a Permit sold directly to the business and provided to the customer free of charge

** Visitor must purchase flat rate daily permit

*** City of Santa Cruz is a hybrid system with both free and paid blocks

Use of Revenue – Town staff recommend using revenue collected for the parking meter fees to operate and maintain the Pay-to-Stay program along with other programs that support various activities directly related to parking or alternative transportation in the Downtown Parking Meter Zone.

CONCLUSION:

It is recommended that the Town Council introduce the first reading of an ordinance, by title only, amending the Los Gatos Town Code Chapter 15 relating to Motor Vehicles and Traffic to include Pay-to-Stay Parking Meter Zones and amending ordinance definitions and requirements.

COORDINATION:

This report was coordinated with the Parks and Public Works Department and the Office of Economic Vitality.

FISCAL IMPACT:

Staff anticipates that costs for the maintenance and operation of Pay-to-Stay parking will be covered by the parking fees received under this program.

ENVIRONMENTAL ASSESSMENT:

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

PAGE 4 OF 4

SUBJECT: Introduction and First Reading of an Ordinance Amending the Los Gatos Town Code
Chapter 15 Regarding Motor Vehicles and Traffic to Include Parking Meter Zones and
Amending Ordinance Definitions and Requirements.

DATE: April 10, 2022

Attachments:

1. Draft Ordinance - Parking Meter Zones
2. Pay-to-Stay Parking Meter Zone Map

ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO AMEND CHAPTER 15 RELATING TO MOTOR VEHICLES AND TRAFFIC TO INCLUDE PAY-TO-STAY PARKING METER ZONES AND AMENDING SECTIONS CONFLICTING WITH ORDINANCE DEFINITIONS AND REQUIREMENTS

WHEREAS, on December 17, 2019, the Town Council received the 2019 Parking Study Roadmap with recommendations to improve parking space utilization in Downtown.

WHEREAS, on January 26, 2021, the Town Council adopted the Parking Roadmap Phase I which included establishment of a Park Once philosophy and a Pay-to-Stay policy after the initial free parking period.

WHEREAS, California Vehicle Code section 22508(a) states a local authority shall not establish parking meter zones or fix the rate of fees for those zones except by ordinance. The rate of fee may be variable, based upon criteria identified by the local authority in the ordinance. An ordinance establishing a parking meter zone shall describe the area that would be included in the zone.

WHEREAS, California Vehicle Code section 22508(e) states a local authority may accept but shall not require payment of parking meter fees by a mobile device.

WHEREAS, existing language within Chapter 15 of the Town Code requires updating to correspond with establishment of a Parking Meter Zones ordinance.

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

Chapter 15 of the Town Code shall be modified to reflect the changes identified in Exhibit A; and

The following code sections shall be added to Chapter 15 of the Town Code:

SECTION I

The Council finds and declares that the 2019 Parking Study Parking Roadmap recommendations have been identified and adopted for implementation. The Council further finds that to improve parking availability for the visiting public, parking space utilization needs to be managed. The Council further finds that parking spaces can be effectively managed by controlling space utilization using time limits and fees. Accordingly, the Council finds that a Parking Meter Zones ordinance is warranted to achieve effective parking space management.

SECTION II

Chapter 15 Article I and Article IV of the Los Gatos Town Code is hereby amended to add sections related to Parking Meter Zones. Sections added to Chapter 15 are as follows:

ARTICLE I. – IN GENERAL

Sec. 15.10.010 – Definitions

Downtown Parking Meter Zone.

Downtown Parking Meter Zone refers to all parking spaces located on-street and in any off-street parking facility owned or operated by the Town located within the geographic borders of Los Gatos-Saratoga Road to the north, Tait Avenue to the west, Highway 17 to the east and south. This zone shall also include East Main Street from Highway 17 to Los Gatos Boulevard and within 1 block of all intersecting streets.

Parking Meter.

Parking meter is any device that accepts payment for use of parking spaces. Such devices include, but are not limited to, parking meters, pay-by-space devices, pay-by-plate devices, pay-on-foot devices, pay-and-display devices and any software application that processes payments from a mobile computer device such as a mobile phone for the purpose of controlling the period of time a parking space is occupied by any motorized vehicle.

Pay-to-Stay Zone.

Pay-to-Stay Zone refers to an area where all parking spaces require the payment of a fee to continue parking a motorized vehicle beyond the initial posted free parking period.

ARTICLE IV. – STOPPING, STANDING AND PARKING

DIVISION I. - GENERALLY

Sec. 15.40.087 Establishment of Pay-To-Stay Parking Meter Zones

The Downtown Parking Meter Zone is established as a parking meter zone or pay-to-stay zone. The Director of Parks and Public Works is authorized to direct the installation of parking meters in those streets or parts of streets or in any off-street parking facility owned or operated by the Town within the Downtown Parking Meter Zone where it is determined on the basis of an engineering and traffic investigation that the installation of parking meters will be necessary to regulate parking.

- (a) The rate of parking fees for the use of a metered or pay-to-stay parking space in the Downtown Parking Meter Zone shall be established between zero dollars (\$0.00) and five dollars (\$5.00) per hour.
- (b) Failure to observe the restrictions imposed or failure to pay the amount so required

shall be a violation of this chapter

(c) Time of Operation

Where parking meters are installed pursuant to this article, the parking of vehicles shall be regulated during such hours and on such days as established by Town Council resolution. Time of operation shall be in effect only after appropriate signs or markings are in place giving notice or through information provided by the parking meter.

(d) Deposit of Fees

The operator of a motorized vehicle who stops, leaves standing or parks a vehicle in a parking space in the Downtown Parking Meter Zone shall immediately thereupon deposit fees in an adjacent or nearby parking meter. The operator of a motorized vehicle, after making a proper deposit of fees, shall set into operation the timing mechanism of the parking meter. Parking fees may be deposited with United States Treasury coins and currency, credit cards or electronic bank debit. No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, metallic device, any forged or defaced bill or other substitute of US coin or currency. No person shall deposit or cause to deposit any fraudulent credit or electronic bank debit card information.

(e) Parking After Time Has Expired

It shall be a violation of this chapter for the operator of a motorized vehicle to permit such vehicle to remain stopped, standing or parked in any parking spaces after the initial free parking period has ended and the pay-to-stay parking period has expired other than such time necessary to operate the parking meter immediately after the initial parking of the vehicle.

(f) Prima Facie Presumption

The stopping, standing or parking of a motorized vehicle in a space in which the parking meter indicates by display or signal that time has expired shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand longer than the period permitted by this article.

(g) Damaging, Destroying, Defacing,... A Parking Meter

It shall be unlawful for any person to deface, injure, tamper with, open without authorization, willfully break, destroy or impair the usefulness of any parking meter.

(h) Periodic Adjustment of Parking Meter Rates

The Town Council hereby adopts the following process for adjusting the Downtown Parking Meter Zone meter rates to manage the use and occupancy of the parking spaces for the public benefit in all parking areas within the Downtown Parking Meter Zone.

To achieve the goal of managing the supply of parking and to make it reasonably available when and where needed, a target range of 80%-95% occupancy is established for on-street and off-street parking with an initial starting rate of 85%. The Town Manager or their designee may adjust the target rate of occupancy based on survey data collected annually.

On at least an annual basis, the Town Manager or their designee shall survey the occupancy of all parking areas (on and off-street) in the Downtown Parking Meter Zone. To achieve the set occupancy rate, the Town Manager may raise or lower the parking meter rates within the Downtown Parking Meter Zone in increments of no more than

one dollar (\$1.00) per hour within the rate range set forth within this article. The adjustments to the rates made pursuant to this section will become effective upon the programming of the parking meters for that rate and the proper posting of the rate. The current schedule of parking meter rates will be available at the Town Clerk's Office and on the Town's webpage. The Town Manager may also create incentive programs to encourage certain categories of parkers to use other areas of parking thereby freeing the most convenient spaces for business customers.

(i) Preferential Residential Parking Permit Areas Exempted

Preferential residential parking permit areas located within the boundaries of the Downtown Parking Meter Zone are exempt from the provisions of this section and parking meters will not be installed in these areas.

(j) Specialized Parking Management Programs

The Town may adopt specialized parking management programs to meet the needs of the parking program which may include but is not limited to a Merchant Parking Validation Program.

(k) Use of Revenue

All parking meter revenues collected pursuant to the provisions of this chapter shall be deposited into a designated parking fund. All funds shall be used solely to support activities benefiting the Downtown Parking Meter Zone. The specific authorized uses of revenues shall be as follows:

- 1) For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and enforcement of the parking meters in the Downtown Parking Meter Zone.
- 2) For the purchasing, leasing, installing, repairing, maintaining, operating and removing of vehicle occupancy counting equipment, wayfinding equipment and signage for vehicles and pedestrians along with the supporting infrastructure in the Downtown Parking Meter Zone.
- 3) For the purchasing, leasing, acquiring, improving, operating and maintaining on and off-street parking facilities in the Downtown Parking Meter Zone.
- 4) For transportation and parking planning, marketing and education programs related to the Downtown Parking Meter Zone.
- 5) For public safety technologies directly related to the safety and security of the public within the Downtown Parking Meter Zone.
- 6) For purchasing, leasing, acquiring, maintaining and operating a courtesy shuttle primarily operating in the Downtown Parking Meter Zone.
- 7) For the purchasing, leasing, acquiring, installing, maintaining additional traffic safety and traffic control devices within the Downtown Parking Meter Zone.
- 8) For supporting bicycle masterplan, pedestrian masterplan and other alternative transportation modes that directly impact traffic and parking congestion in the Downtown Parking Meter Zone.

SECTION III

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Los Gatos hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. 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 IV

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.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 19th day of April 2022 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of May 2022 . This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

Attachment – EXHIBIT A

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: _____

AMENDMENT TO CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC

CHAPTER 15

ARTICLE I. – IN GENERAL

Parking Definitions:

Sec. 15.10.010 (Add to existing definitions in Article I)

Downtown Parking Meter Zone.

Downtown Parking Meter Zone refers to all parking spaces located on-street and in any off-street parking facility owned or operated by the Town located within the geographic borders of Los Gatos-Saratoga Road to the north, Tait Avenue to the west, Highway 17 to the east and south. This zone shall also include East Main Street from Highway 17 to Los Gatos Boulevard and within 1 block of all intersecting streets.

Parking Meter.

Parking meter is any device that accepts payment for use of parking spaces. Such devices include, but are not limited to, parking meters, pay-by-space devices, pay-by-plate devices, pay-on-foot devices, pay-and-display devices and any software application that processes payments from a mobile computer device such as a mobile phone for the purpose of controlling the period of time a parking space is occupied by any motorized vehicle.

Pay-to-Stay Zone.

Pay-to-Stay refers to an area where all parking spaces require the payment of a fee to continue parking a motorized vehicle beyond the initial posted free parking period.

ARTICLE IV. – STOPPING, STANDING AND PARKING

DIVISION I - GENERALLY

Parking Code Changes or Additions:

Sec. 15.40.087 *Establishment of Pay-To-Stay Parking Meter Zones*

- (a) The Downtown Parking Meter Zone is established as a parking meter zone or pay-to-stay zone. The Director of Parks and Public Works is authorized to direct the installation of parking meters in those streets or parts of streets or in any off-street parking facility owned or operated by the Town within the Downtown Parking Meter Zone where it is determined on the basis of an engineering and traffic investigation that the installation of parking meters will be necessary to regulate parking.

(b) The rate of parking fees for the use of a metered or pay-to-stay parking space in the Downtown Parking Meter Zone shall be between zero dollars (\$0.00) and five dollars (\$5.00) per hour.

(c) Failure to observe the restrictions imposed or failure to pay the amount so required shall be a violation of this chapter

(d) Time of Operation

Where parking meters are installed pursuant to this article, the parking of vehicles shall be regulated during such hours and on such days as established by Town Council resolution. Time of operation shall be in effect only after appropriate signs or markings are in place giving notice or through information provided by the parking meter.

(e) Deposit of Fees

The operator of a motorized vehicle who stops, leaves standing or parks a vehicle in a parking space in the Downtown Parking Meter Zone shall immediately thereupon deposit fees in an adjacent or nearby parking meter. The operator of a motorized vehicle, after making a proper deposit of fees, shall set into operation the timing mechanism of the parking meter. Parking fees may be deposited with United States Treasury coins and currency, credit cards or electronic bank debit. No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, metallic device, any forged or defaced bill or other substitute of US coin or currency. No person shall deposit or cause to deposit any fraudulent credit or electronic bank debit card information.

(f) Parking After Time Has Expired

It shall be a violation of this chapter for the operator of a motorized vehicle to permit such vehicle to remain stopped, standing or parked in any parking spaces after the initial free parking period has ended and the pay-to-stay parking period has expired other than such time necessary to operate the parking meter immediately after the initial parking of the vehicle.

(g) Prima Facie Presumption

The stopping, standing or parking of a motorized vehicle in a space in which the parking meter indicates by display or signal that time has expired shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand longer than the period permitted by this article.

(h) Damaging, Destroying, Defacing,... A Parking Meter

It shall be unlawful for any person to deface, injure, tamper with, open without authorization, willfully break, destroy or impair the usefulness of any parking meter.

(i) Periodic Adjustment of Parking Meter Rates

The Town Council hereby adopts the following process for adjusting the Downtown Parking Meter Zone meter rates to manage the use and occupancy of the parking spaces for the public benefit in all parking areas within the Downtown Parking Meter Zone.

To achieve the goal of managing the supply of parking and to make it reasonably available when and where needed, a target range of 80%-95% occupancy is established for on-street and off-street parking with an initial starting rate of 85%. The Town Manager or their designee may adjust the target rate of occupancy based on survey data collected annually.

On at least an annual basis, the Town Manager or their designee shall survey the occupancy of all parking areas (on and off-street) in the Downtown Parking Meter Zone. To achieve the set occupancy rate, the Town Manager may raise or lower the parking meter rates within the Downtown Parking Meter Zone in increments of no more than one dollar (\$1.00) per hour within the rate range set forth within this article. The adjustments to the rates made pursuant to this section will become effective upon the programming of the parking meters for that rate and the proper posting of the rate. The current schedule of parking meter rates will be available at the Town Clerk's Office and on the Town's webpage. The Town Manager may also create incentive programs to encourage certain categories of parkers to use other areas of parking freeing the most convenient spaces for business customers.

(j) Preferential Residential Parking Permit Areas Exempted

Preferential residential parking permit areas located within the boundaries of the Downtown Parking Meter Zone are exempt from the provisions of this section and parking meters will not be installed in these areas.

(k) Specialized Parking Management Programs

The Town may adopt specialized parking management programs to meet the needs of the parking program which may include but is not limited to a Merchant Parking Validation Program.

(l) Use of Revenue

All parking meter revenues collected pursuant to the provisions of this chapter shall be deposited into a designated parking fund. All funds shall be used solely to support activities benefiting the Downtown Parking Meter Zone. The specific authorized uses of revenues shall be as follows:

- 1) For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and enforcement of the parking meters in the Downtown Parking Meter Zone.
- 2) For the purchasing, leasing, installing, repairing, maintaining, operating and removing of vehicle occupancy counting equipment, wayfinding equipment and signage for vehicles and pedestrians along with the supporting infrastructure in the Downtown Parking Meter Zone.
- 3) For the purchasing, leasing, acquiring, improving, operating and maintaining on and off-street parking facilities in the Downtown Parking Meter Zone.

- 4) For transportation and parking planning, marketing and education programs related to the Downtown Parking Meter Zone.
- 5) For public safety technologies directly related to the safety and security of the public within the Downtown Parking Meter Zone.
- 6) For purchasing, leasing, acquiring, maintaining and operating a courtesy shuttle primarily operating in the Downtown Parking Meter Zone.
- 7) For the purchasing, leasing, acquiring, installing, maintaining additional traffic safety and traffic control devices within the Downtown Parking Meter Zone.
- 8) For supporting bicycle masterplan, pedestrian masterplan and other alternative transportation modes that directly impact traffic and parking congestion in the Downtown Parking Meter Zone.

Town of Los Gatos
Pay to Stay Parking Meter Zone





**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/19/2021

ITEM NO: 15

DATE: April 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on Community Engagement Efforts for the General Plan and Housing Element Updates.

RECOMMENDATION:

Discuss and provide direction on community engagement efforts for the General Plan and Housing Element updates.

DISCUSSION:

The Institute for Local Government (ILG), the non-profit education affiliate of the League of California Cities, has a document entitled, "What is Public Engagement and Why Do it?" available online here: <https://www.ca-ilg.org/document/what-public-engagement>. In this document, the term "Public Engagement" is defined as, "a general term we are using for a broad range of methods through which members of the public become more informed about and/or influence public decisions. Given our work to support good public involvement in California, we are especially focused on how local officials use public involvement practices to help inform residents and help guide the policy decisions and actions of local government."

In another document titled "Planning Public Engagement: Key Questions for Local Officials" (available online here: <https://www.ca-ilg.org/PublicEngagementKeyQuestions>), ILG provides a description of what should be done to achieve more inclusive engagement, including reaching out to local media, clergy and congregations, leadership and advocacy groups, and others that serve less involved populations; co-sponsoring/hosting activities with trusted local groups on their site; and providing age appropriate and language accessible materials and activities.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

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

DISCUSSION (continued):

At the core of the discussion of public engagement is the importance of using varied methods and reaching out to the community through established channels. Practitioners have learned that an effective public engagement program also includes flexibility and adaptability.

Effective public engagement has been a priority component of the General Plan update process from its inception and continues to be a priority for the Housing Element update process.

Outreach activities conducted throughout the General Plan update process have included: the Town's website and weekly newsletter; social media posts; online engagement activities; newsletters; two in-person community workshops; numerous in-person and online community meetings; handouts and posters at the Library; information in the email signature of Planning Division staff; a Town-wide mailer; and informational booths at the farmers market, the Library, Spring into Green, and Music in the Park.

Staff has compiled some data to illustrate the efforts that the Town has employed to reach out to the community for input during the General Plan update process:

- 110 newspaper ads published about the General Plan update;
- 433 social media posts across five platforms;
- 17,320 notice cards sent to all residents in Town for 2021 community meeting;
- 26 pop-up tables at farmers market, library, or public events;
- 7 presentations at community group meetings;
- 369 sign-ups to receive email notifications about the General Plan update;
- 538 unique searches for "Los Gatos General Plan Update" or closely related in Google; and
- 29,343 unique visitors to the Los Gatos General Plan Update website since June 2021. Of the unique visitors, 92 percent originated in the United States.

Staff expects to continue this level of outreach and engagement throughout the remainder of the General Plan and Housing Element update processes including: information on the Town's website and weekly newsletter; newspaper ads; social media posts; email notifications; notice cards sent to all residents in Town for key events; pop-up tables at farmers market, library, and public events; community workshops; presentations at community group meetings; and custom websites for the General Plan update (logatos2040.com) and Housing Element update (engagelosgatoshousing.com).

CONCLUSION:

Because of the importance of flexibility and adaptability for effective public engagement, staff looks forward to Council's discussion and direction on outreach options within our budgetary and workload constraints.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/19/2022

ITEM NO: 16

DATE: April 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Local Roadway Safety Plan:
a. Adopt the Local Roadway Safety Plan (LRSP);
b. Direct Staff to Develop the Short-Term Improvements and Pursue Grant Funding; and
c. Direct Staff to Proceed with All Implementation Actions in the LRSP

RECOMMENDATION:

Staff recommends the Town Council:

- a. Adopt the Local Roadway Safety Plan (LRSP);
- b. Direct staff to develop the short-term improvements and pursue grant funding; and
- c. Direct staff to proceed with all implementation actions in the LRSP.

BACKGROUND:

The Town received a Highway Safety Improvement Program (HSIP) grant in an amount of \$72,000 from Caltrans in 2019 to prepare a Local Roadway Safety Plan (LRSP). The preparation of a LRSP is included in the Town's adopted FY 2020/21-2024/25 Capital Improvement Program (CIP). Preparing a LRSP provides an opportunity to address unique roadway safety needs in Los Gatos while contributing to the success of the State's Strategic Highway Safety Plan.

The LRSP will help establish a framework and process for identifying, analyzing, and prioritizing roadway safety improvements on local and rural streets. In addition, completing the LRSP will allow the Town to be eligible for applying and receiving HSIP grant funds in future years.

The Town began the LRSP process in January 2021. A progress report, summarizing the major completed tasks, was provided at the December 21, 2021 Town Council meeting. The progress report provided a high-level summary of the completed tasks of Vision Statement, Existing

PREPARED BY: Ying Smith
Transportation and Mobility Manager

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

BACKGROUND (continued):

Conditions and Safety Data Analysis, Collision Profiles, Community Engagement, and Priority Emphasis Areas.

DISCUSSION:

The project team, made up of Town and Fehr & Peers staff, completed the remaining LSRP tasks in early 2022. Following is a high-level summary of the remaining tasks:

1. **Walk Audit:** The project team prepared the draft countermeasures in the Priority Emphasis Areas and held a walk audit with the Safety Partners on January 25, 2022. The Safety Partners included representatives from the Los Gatos - Monte Sereno Safe Routes to School, the Los Gatos Union School District, the Complete Streets and Transportation Commission (CSTC), Santa Clara County Public Health Department, the Los Gatos-Monte Sereno Police Department, and the Town Traffic Engineer. The group walked through two of the five Priority Emphasis Areas, Tait Avenue and Los Gatos Boulevard between Bennett Way to Garden Lane, discussed the draft countermeasures and provided input. Following the walk audit and consideration of the input, the project team modified the countermeasure recommendations and included them in the Final Report.
2. **Countermeasures:** The project team prepared a toolkit of countermeasures to address the safety patterns. The most relevant countermeasures were recommended for the priority emphasis areas. These recommendations will help guide future design and engineering to develop projects to improve safety at key locations.
3. **Final Report:** The report (Attachment 1) documents the process and results of all tasks, including technical data and detailed analysis. Most importantly, the report includes recommendations for implementation actions, phasing, and sequencing. Implementing countermeasures, projects, and programs identified in the LRSP typically requires an ongoing, long-term commitment from the Town. To facilitate the evaluation and prioritization of funding, it can be desirable to consider the implementation of safety projects through different time horizons.

Near-term implementation efforts may focus on low-cost improvements which can be constructed within five years. These may include systemic improvements such as upgraded traffic signal heads, signal phasing and timing modifications, high-visibility crosswalk markings, and pedestrian visibility enhancements which can be pursued as discrete projects or as system improvements at multiple locations.

DISCUSSION (continued):

Medium-term implementation goals may target the pursuit of progressive safety elements such as those identified in the Countermeasure Toolbox in all capital projects and infrastructure planning efforts already underway. This could include emphasizing safety in projects such as the Highway 17 Bicycle and Pedestrian Overcrossing, Winchester Boulevard Complete Streets, Blossom Hill Road Safety Improvements, and Los Gatos Boulevard corridor improvements.

Long-term goals may focus on further emphasizing safety in future planning and design efforts, including updates to the *Bicycle and Pedestrian Master Plan* and all capital improvement projects. Future efforts for the Town to consider may also include formalizing a Town pledge to Vision Zero strategies and values. An ongoing commitment to the inclusion of off-site safety improvements in conjunction with development projects would allow the Town to capitalize on additional funding opportunities.

CONCLUSION:

Staff recommends the Town Council adopt the Local Roadway Safety Plan and direct staff to proceed with the implementation actions in the Final Report.

COORDINATION:

The Complete Streets and Transportation Committee (CSTC) has received regular updates on the project progress and provided input. At its March 10, 2022 meeting, the CSTC reviewed the progress report on the new tasks completed since January this year.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Local Roadway Safety Plan Final Report

Los Gatos Local Roadway Safety Plan

Prepared for:
The Town of Los Gatos

April 2022

SJ21-2070

FEHR  PEERS

Attachment 1

Acknowledgements

The 2022 Los Gatos Local Roadway Safety Plan was funded through a Highway Safety Improvement Program (HSIP) grant provided by the California Department of Transportation (Caltrans).

Input was sought from Town Staff and the Safety Partners, an advisory group consisting of key stakeholder groups and the community. Fehr & Peers assisted Los Gatos in preparing the plan.

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Introduction

The Town of Los Gatos is committed to prioritizing safety and eliminating traffic related deaths and serious injuries on Town streets. This Local Roadway Safety Plan (LRSP) proactively evaluates locations with relatively high numbers of collisions (hot spots) and collision trends throughout the Town to identify the proven countermeasures that can be implemented through the current and future Capital Improvement Plan (CIP). This section defines the Safe System approach, an idea which underlies this LRSP, and provides background on Los Gatos.

What is an LRSP?

The LRSP requires each State to have a Strategic Highway Safety Plan (SHSP) that establishes goals, objectives, and emphasis (or challenge) areas to reduce traffic accident fatalities and serious injuries on all public roads using a data-driven approach. An LRSP provides a framework for agencies to proactively and systematically identify and address unique safety issues prevalent in their jurisdiction by facilitating partnerships with key stakeholders in the community.

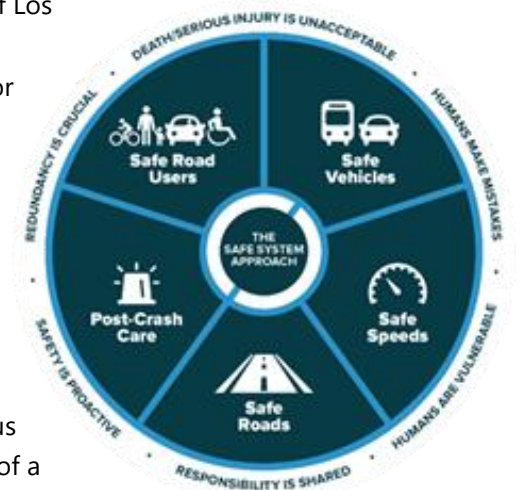
The LRSP process offers an opportunity to learn from many perspectives – from collision hot spot data to feedback on perceived safety issues to contextual patterns in hot spot data that may be similar systemically – to develop and prioritize a list of meaningful and grant-competitive safety projects for Los Gatos. This study also sets up a process for multi-disciplinary collaboration, transparency, and accountability that can last far beyond this effort.

Safe System Approach

Each day, people are killed and seriously injured on California roads. Crashes can irreversibly change the course of human lives, touching victims, their families and loved ones, and society as a whole. Through collective action on the part of all roadway system stakeholders—from system operators, vehicle manufacturers, to law enforcement and everyday users—the Town of Los Gatos can move to a Safe System approach that anticipates human mistakes, with the goal of eliminating fatalities and serious injuries for all road users.

A Safe System acknowledges the vulnerability of the human body – in terms of the amount of kinetic energy transfer a body can withstand – when designing and operating a transportation network to minimize serious consequences of crashes.

According to the World Health Organization, the goal of a Safe System is to ensure that if crashes occur, they “do not result in serious human injury.” A Safe System approach addresses the five elements of a



safe transportation system – safe road users, safe vehicles, safe speeds, safe roads, and post-crash care – in an integrated manner, through a wide range of interventions.

The Safe System approach to road safety started internationally as part of the Vision Zero proclamation that, from an ethical standpoint, no one should be killed or seriously injured on the road system. It is founded on the principle that people make mistakes, and that the road system should be adapted to anticipate and accommodate human mistakes and the physiological and psychological limitations of humans. Countries that have adopted the Safe System approach have had significant success reducing highway fatalities, with reductions in fatalities between 50 and 70%.

The Institute of Transportation Engineers (ITE) and the Road to Zero Coalition's Safe System Explanation and Framework articulate that to anticipate human mistakes, a Safe System seeks to:

- Separate users in a physical space (e.g., sidewalks, dedicated bicycle facilities)
- Separate users in time (e.g., pedestrian scramble, dedicated turn phases)
- Alert users to potential hazards
- Accommodate human injury tolerance through interventions that reduce speed or impact force

Creating a Safe System means shifting a major share of the responsibility from road users to those who design the road transport system. "Individual road users have the responsibility to abide by laws and regulations" and do so by exhibiting due care and proper behavior on the transportation system. While road users are responsible for their own behavior, this is a shared responsibility with those who design, operate, and maintain the transportation network: including the automotive industry, law enforcement, elected officials, and government bodies. In a Safe System, roadway system designers and operators take on the highest level of ethical responsibility. This report is organized by the Safe System key principles to encompass the full range of safety stakeholders and facilitate cross-disciplinary collaboration and accountability. This is consistent with the methods outlined in the United States Department of Transportation (USDOT) National Roadway Safety Strategy and the Caltrans commitment to a Safe System approach to achieving Vision Zero goals.

Background

This is the first comprehensive safety plan for the Town of Los Gatos, but builds upon numerous related transportation planning and engineering efforts. This LRSP provides the Town and its major stakeholders with a blueprint for a safe and more accessible community. This LRSP will assist the Town when it applies for safety infrastructure funding sources. For example, the Cycle 11 Highway Safety Improvement Program (HSIP) funding cycle anticipated in 2022 will require an LRSP for an agency to be eligible to apply for funds.

About Los Gatos

The Town of Los Gatos is home to approximately 33,529 people (2020 US Census). The Los Gatos population is 72.3% white, 14.8% Asian, 7.9% Latino, 0.9% Black and 4.1% two or more races. Approximately 3.8% of Los Gatos residents are in poverty, with a town-wide median income of \$155,860.

Safety Partners

The Town has engaged stakeholders in representing a Safe System Approach of shared responsibility to address the unique traffic safety concerns in Los Gatos. The assembled team of Safety Partners for the LRSP included representatives from the Town of Los Gatos along with the following local and regional partners:

Los Gatos Complete Streets and Transportation Commission

The Complete Streets and Transportation Commission advises the Town Council in matters pertaining to current trends and experiences in enhancing all modes of travel; integration of Town transportation infrastructure, including bike and pedestrian pathways, with neighboring jurisdictions; reviewing relevant grant applications; prioritizing transportation around schools, including enhancing safe routes to schools efforts; reviewing and updating Town master plans, including the *Bicycle and Pedestrian Master Plan* and others as relevant; and related topics as directed by the Town Council or requested by Town staff; and review policies and procedures on streets and trails.

Los Gatos Union School District

The Los Gatos Union School District serves children grades kindergarten through eighth grade and provides equitable learning opportunities.

Los Gatos-Monte Sereno Safe Routes to School

Los Gatos-Monte Sereno Safe Routes to School (SR2S) is a nonprofit organization that provides education and encouragement efforts to eight schools in the Town of Los Gatos and the City of Monte Sereno. SR2S strives to build a collaborative community to support students using alternative transportation (walking, biking, skating and scooting) to and from school with the goal to encourage lifelong healthy habits and create a more livable environment for the community.

Los Gatos Police Department

Police officers provide valuable insight into behaviors they observe on the roads, and are important partners in safety conversations so that jurisdictions can focus enforcement time on behaviors most closely associated with injuries and fatalities. The Los Gatos police department also leads and participates in traffic safety education programs.

Police Department Meeting

The project staff and police department met on April 2, 2021 to discuss recent safety efforts in Los Gatos and hotspot collision locations, a few key findings were:

1. Feedback on Key Collision Locations

- a. Focused on major corridors, particularly Highway 9 (Los Gatos Saratoga Road) at busier cross streets
 - b. Turns along Los Gatos Boulevard and Winchester Boulevard
 - c. School crossing locations
- 2. Common Collision Factors
 - a. Left turns, speeding, right of way violations
 - b. Distractions
- 3. Unreported Collision Occurrences
 - a. Bicyclist crashes not involving vehicles
 - b. Crashes occurring in rural/mountain areas

Vision

At the start of the LRSP preparation, the project team developed the Los Gatos road safety vision statement and solicited feedback from the Complete Streets and Transportation Commission. The commissioners acknowledged that ending all traffic-related deaths and injuries on Town streets was a challenging and aspirational vision, but to work towards anything less (e.g. reduce fatalities and serious injuries) did not feel appropriate because even one fatality or serious injury was unacceptable. Therefore, the project team determined that the Town should strive to eliminate traffic-related deaths and injuries to create a strong vision which shifts roadway safety culture in the Town, while also acknowledging the challenging nature of achieving the vision. The Town's vision statement sets a concise yet comprehensive goal to guide the Town's investments in infrastructure, education, emergency services, and enforcement.

Vision Statement

"The Town is fully committed to ending traffic-related deaths and injuries on Town streets. By taking a Safe System approach, the Town will use targeted enforcement, improved street design, and public collaboration to achieve meaningful results in preventing traffic collisions."

Supporting Efforts

In recent years, the Town's efforts to improve safety have been most visible through a range of plans and programs. This section describes plans, engagement, and recent efforts supporting safety within the Town of Los Gatos.

Plans

Draft General Plan 2040: This planning effort reflects the Town's strong commitment to environmental sustainability, community health, and social equity. During the preparation of the 2040 General Plan, the community requested that the General Plan address climate change and increased risk of wildfire; lessons learned from the COVID-19 pandemic; and justice, equity, diversity, and inclusion. The update process was also tasked with planning for new homes for all incomes to meet the Town's fair share of the Bay Area's housing need.

Traffic Around School Study 2016: Implemented to help make walking and bicycling the preferred mode of travel to school. It identifies preferred corridors for walking and bicycling to school and forms plans to improve these corridors. It identifies priority corridors for improvements and evaluates existing education and enforcement of safe bicycle riding and driving behaviors.

2018 Student Travel Survey: This survey was designed to better understand students' and parents' opinions of what improvements would be beneficial to the students who walk or bike to school and what concerns they might have about using these modes. Parents of elementary through high school students were given the questionnaire.

Connect Los Gatos Community Engagement Plan: Adopted by Town Council in 2021, outlines resources that will be used to engage with the community to communicate about active transportation projects that will provide improved connectivity. The goal of the plan is to promote community knowledge and engagement of these projects.

2020 Community Survey: To engage with the community and raise awareness of the Connect Los Gatos Plan, the survey was opened to the public in 2020. The goal was to provide a more robust background to the Bike and Pedestrian Plan Update through improving understanding of how residents currently use the streets and hearing suggestions for improvements for safer bicycling and walking.

2020 Bicycle and Pedestrian Master Plan Update: The Plan identifies the needs for bicycle and pedestrian improvements and prioritizes the projects through a public process. It includes a benchmarking analysis of programs, policies, and practices for pedestrian and bicyclist safety. The Plan focuses on improving walking and bicycle safety and accessibility and was adopted by the Town Council in 2020.

Engagement and Safety Partners

Community engagement for this project followed the framework identified in the Connect Los Gatos Community Engagement Plan adopted by Town Council in March 2020. A key step in addressing safety issues is hearing from local officials, key stakeholders, and the general public. Working through a collaborative process, the Town can create effective solutions by considering and coordinating with the general public, engineering, enforcement, education, and emergency service strategies. The project team deployed the following tools that are most appropriate for the Town-wide planning effort:

- Project website www.losgatosca.gov/ConnectLG with all relevant project background information, updates, and staff contact information
- Regular updates at the Complete Streets and Transportation Commission meetings, open to the public.
- Formed a group of Safety Partners for input and participation
- Farmers' Market pop up event
- Online community survey

Safety Partners Meeting

Los Gatos held several safety partners meetings to discuss the safety vision, priorities, existing conditions, and draft collision risk profiles in Los Gatos.

LRSP Survey Report

The Town has been continually working to develop better programs for safe, more connected streets. This program, "Connect Los Gatos," is a public engagement initiative that promotes bicycle and pedestrian projects that are all part of a big picture effort to provide connected multi-modal routes through the Town. These projects improve current conditions for pedestrians and cyclists by providing sidewalks, enhancing bike paths and lanes, and incorporating smart street safety design features. The survey was online from November 4, 2021 to December 3, 2021. The main objectives the Town sought to achieve through the LRSP Survey were:

- Gaining a greater understanding of the problems people face on the roads
- Learning how the community travels
- Building support for the Connect Los Gatos Programs
- Helping inform the LRSP development

Figure 1 highlights the primary safety concerns of the residents who completed the survey, while the broader survey responses are shown in Appendix A. The respondents provided valuable feedback on top priorities as well as specific locations of concern. Some of the top priorities listed by residents were improving intersection crossing safety, reducing speeding, enforcing stop signs, and improving biking and walking infrastructure. Los Gatos Boulevard, Blossom Hill Road, Lark Avenue, Highway 9 (Los Gatos Saratoga Road) and Kennedy Road were identified as key locations of concern.

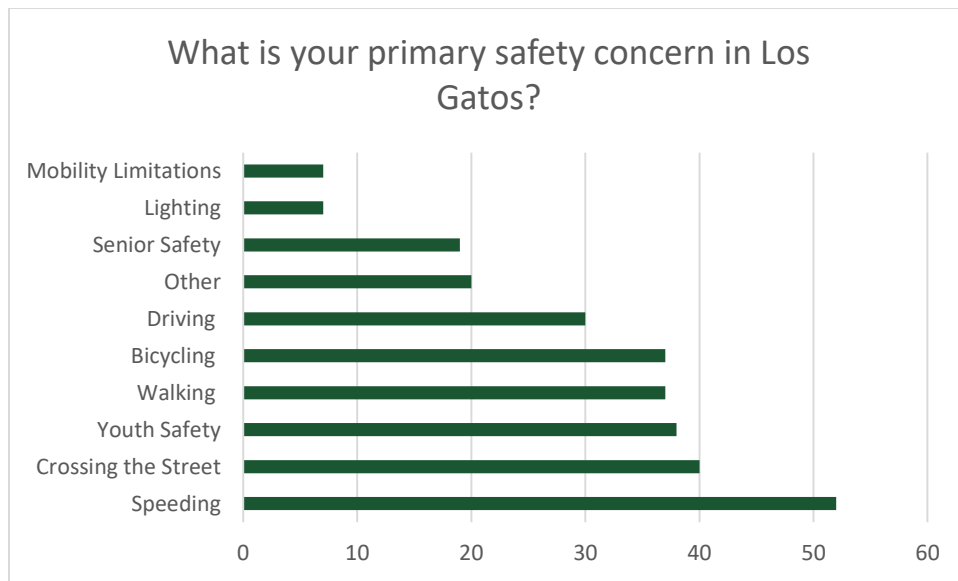


Figure 1: What is your primary safety concern in Los Gatos?

Farmers' Market Pop Up Event

Information pertaining to the development of the LRSP was shared at the Los Gatos Farmers' Market on September 26, 2021 and October 17, 2021. The first event focused on sharing findings of the collision and safety analyses conducted for the LRSP, while the second invited community members to provide feedback on identified collision trends, potential priority locations, and their areas of concern.

Walking Audits

Walking Audits were held on January 25, 2022 with the Los Gatos stakeholders. The group walked along two Emphasis Area locations in Los Gatos. The group discussed potential countermeasures on Los Gatos Boulevard from Los Gatos Almaden to Lark Avenue and Tait Avenue from Los Gatos Saratoga to Main Street.

Commission Meetings

Throughout the Los Gatos LRSP project, a series of presentation were given to the Commission. The presentation materials delivered in these meetings are included in **Appendix B**.

Infrastructure Improvements

In recent years, the Town has completed several bicycle and pedestrian projects that were designed to support safety within the Town:

Blossom Hill Road Class IV Bike Lanes

The first Class IV bike lanes were implemented in 2019, providing separated lanes to improve bicycling safety for school students and other bicyclists on Blossom Hill Road west of Los Gatos Boulevard.

Highway 9/Massol Avenue Intersection Safety Improvements

The project upgraded the flashing beacon with a Rectangular Rapidly Flashing Beacon (RRFB), added "shark teeth" yield lines at the eastbound and westbound approaches, constructed landscaped median island on Highway 9 (Los Gatos Saratoga Road) west of the intersection, installed green bike lanes on Highway 9 (Los Gatos Saratoga Road), and added street lights. The improvements were completed in 2021.

Winchester Boulevard Class IV Bike Lanes

This project, completed in 2021, installed separated Class IV bike lanes between Blossom Hill Road and Albright Way, removed one of the northbound lanes, and constructed ADA curb ramps at multiple intersections.

The Town continues to design and implement bicycle and pedestrian improvements in a program branded as Connect Los Gatos. These projects were identified and prioritized in the 2020 *Bicycle and Pedestrian Master Plan Update*. The program will expand access and improve safety for key community destination points. Connect Los Gatos is aimed at making it easier and safer for all to bike and walk in Los Gatos. This section provides details on the Connect Los Gatos projects under design.

Los Gatos Creek Trail Connector to Highway 9 (Los Gatos - Saratoga Road)

This project will construct 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 Class I path to connect Highway 9 and the Trail.

Highway 17 Bicycle Pedestrian Overcrossing Project

This project will provide a separate bicycle and pedestrian overcrossing (BPOC) just south of the existing Blossom Hill Road bridge. This bicycle and pedestrian overcrossing aims to improve bicycle and pedestrian safety and comfort across Highway 17, improve safe biking and walking routes to school, and promote more biking and walking trips.

Shannon Road Complete Streets

The current plan for the project is to construct sidewalks and Class II bike lanes on both sides of Shannon Road between Los Gatos Blvd. and Cherry Blossom Lane. The project would involve installation of a new curb, gutter, sidewalk, Class II bike lanes, and ADA curb ramps on Shannon Road within the project limits. The work scope may also include some modification to the storm drainage system.

Kennedy Road Sidewalk and Class II Bike Lane

The Town is considering options to improve this street to provide a safer environment for all. The improvements will include new sidewalks, new Class II bike lanes on both sides, ADA upgrade at curb ramps, and intersection improvements for better biking and walking.

Winchester Boulevard Complete Streets

This project will provide Complete Streets improvements, including removal of an automobile lane, separated bike lanes, new or upgraded pedestrian crossings, new sidewalks to fill the gaps, sidewalk improvements, pedestrian refuge islands, ADA upgrade to all bus stops, landscaped median islands, and intersection modifications for safer biking and walking. By making Winchester Boulevard better accommodating of users of all ages and abilities traveling by a variety of modes, the Town hopes to improve safety and connections for motorists, bicyclists and pedestrians and to encourage more bicycling and walking trips.

Blossom Hill Road Traffic Calming

This project focuses on a stretch of Blossom Hill Road between Camelia Terrace and Hillbrook Drive. Although the Town has invested significantly in this roadway, most recently with upgrades to the pedestrian crossing at Hillbrook Drive and prior to that with improvements along Blossom Hill Park frontage, the roadway continues to experience heavy use. Residents have expressed concerns about vehicle speeds and driver behavior in this corridor with special focus on the school and park as areas where children use the sidewalks, crosswalks, and pathways.

Safety Analysis

Chapter 2 of Caltrans' *Local Roadway Safety Manual (LRSM)* instructs safety practitioners to "consider a wide range of data sources to get an overall picture of the safety needs." Crash data and contextual data were collected and analyzed as part of this plan, as well as anecdotal input from Town staff, Safety Partners, and community stakeholders.

This section summarizes the results of a broad collision analysis for the Town of Los Gatos, which will inform the project prioritization and countermeasures for the Town. This analysis considers injury collisions from 2015 through 2019 available through the Transportation Injury Mapping System (TIMS). TIMS was created by the Safe Transportation Research and Education Center (SafeTREC). It reports injury collisions utilizing data from the Statewide Integrated Traffic Records System (SWITRS).

Collision Data Source

Collision data for the five-year period spanning January 1, 2015 through December 30, 2019 – the five most recent years of data available at the time the project was undertaken – was collected from TIMS. TIMS provides geocoded access to California crash data using the SWITRS data for injury and fatal collisions. SWITRS is collected and maintained by the California Highway Patrol (CHP) and contains all crashes that were reported to CHP from local and governmental agencies, including collision and citation reports collected by public safety officers in the Town. The California LRSM recommends the use of TIMS data for collision analysis, and the Safe System Approach focuses on specifically analyzing and eliminating collisions where involved parties are killed or seriously injured (known as KSI collisions).

In general, collision databases have been found to have certain reporting biases, including:

- Collision involving people walking, on bicycles, or on motorcycles are less likely to be reported than collisions with people driving
- Property damage collisions are less likely to be reported compared to more severe collisions
- Younger victims are less likely to report collisions
- Alcohol-involved collisions may be under-reported
- Race, income, immigration status, and English proficiency may also impact reporting, but there is limited research on these factors

Bicycle data, roadway characteristic data (centerlines, medians), sidewalk data, crosswalk data, and intersection control data were collected for the project through analysis of aerial imagery and verification of field conditions.

The collected data was spatially referenced and mapped in ArcGIS. Each collision was assigned to the nearest intersection within 250 feet, or the nearest roadway segment if no intersection was within range. A raw count of crashes was calculated for each intersection and roadway segment, and intersection

collisions were separated by signalized and unsignalized locations. Roadway characteristic data were similarly spatially referenced as part of the analysis.

Collision Analysis Summary

This section summarizes the 5-year collision history for injury collisions occurring in the Town of Los Gatos from 2015 through 2019.

Injury Collision Trends

Approximately 481 injury collisions occurred within public right-of-way between January 1, 2015 through December 30, 2019 according to reported data. Of these, 135 (28%) involved a pedestrian or bicyclist. A total of 31 Collisions resulted in a fatality or severe injury. Figure 2 displays all Townwide collision activity for the five-year study period using data processed through TIMS.

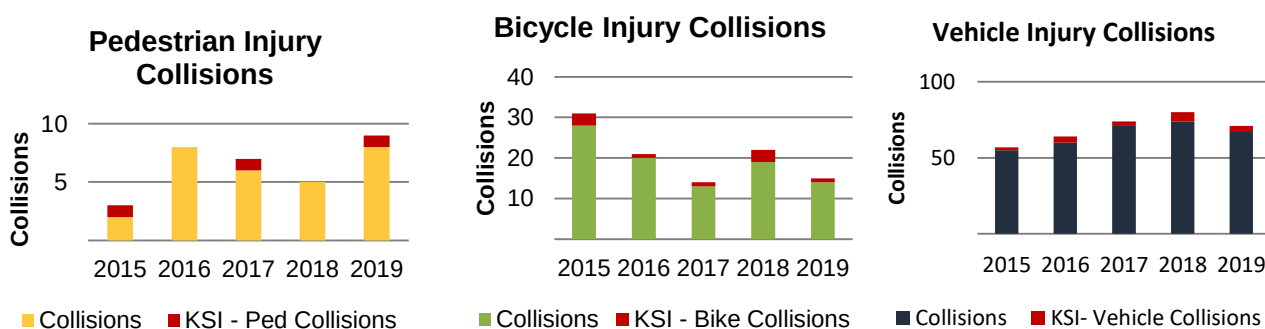


Figure 2: Collision Severity by Mode

Injury Collision Severity

Vulnerable road users, including bicyclists and pedestrians, are more susceptible to fatal or severe injury collisions. Broken down by collision mode, motor vehicle collisions accounted for 66% of injury collisions but 53% of fatal collisions. By contrast, pedestrian-involved collisions made up 8% of injury collisions but 12% of fatal collisions. Bicycle collisions made up 26% of injury collisions and 35% of fatal collisions. The bicycle and pedestrian collisions are disproportionately high in Los Gatos.

Injury Collisions by Type

Collision types describe how a crash is reported by law enforcement based upon the parties who were involved and generally describes the way contact was made between the involved parties, shown in Figure 3.

- Vehicle-Pedestrian collisions are any crash involving both a motor vehicle and a pedestrian.
- Vehicle-Bicycle collisions are any collision involving both a motor vehicle and a bicyclist.
- An Overturned collision is any type of crash that results in at least one vehicle rotating 90 degrees or more side-to-side or end-to-end (also known as a "rollover.")

- A Head-on collision is between two vehicles where the primary point of contact was the front of both vehicles.
- Hit Object collisions are between a vehicle and non-vehicular object in or near the roadway.
- Sideswipe collisions are between vehicles, typically traveling the same direction, where the primary point of contact was the side of the vehicles.
- A Rear-end collision is between two vehicles traveling in the same direction where the front of one vehicle contacts the rear of another.
- Broadside collisions are between vehicles on conflicting paths where the front of one vehicle contacts the side of another.
- Unknown/Other collisions describe any reported collision that was not consistent with one of the primary collision types above or where collision type was not coded into the collision database.

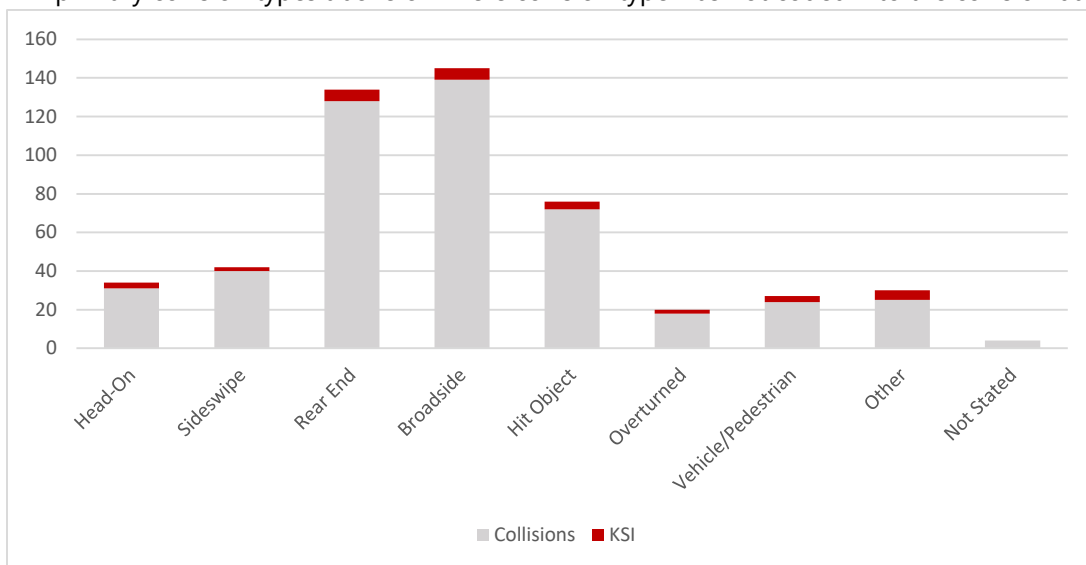


Figure 3: Collision Severity by Type

The primary injury collisions by type in Los Gatos are Broadside, Rear End, and Hit Object.

Primary Injury Collision Factors

Primary Collision Factors (PCFs) describe the primary reason(s) for a crash reported by law enforcement based upon citations or violations of the California Vehicle Code (CVC) shown in Figure 4.

- Auto Right-of-Way (R/W) Violation refers to a driver infringing upon the right-of-way of another party in violation of CVC 21800-21809.
- Improper Turning identifies a collision where a party made a left or right turn in violation of CVC 22100-22113.
- Unsafe Speed refers to a collision where a party is identified to be traveling at a speed exceeding that deemed reasonable or prudent for conditions in violation of CVC 22350.

- Traffic Signals and Signs describes a party disobeying a traffic control device such as a traffic signal or roadside sign in violation of CVC 38280-38302.
- Following Too Closely refers to a driver of a motor vehicle driving behind another vehicle at distance that is too short to be reasonable or prudent for conditions in violation of CVC 21703.
- Driving Under Influence identifies a collision where a driver is found to have been operating a vehicle while impaired by a substance – typically alcohol – in violation of CVC 23152.
- Unsafe Lane Change describes a collision where a party moves between two lanes or deviates course in a hazardous manner and/or without signaling appropriately in violation of CVC 22107.
- Unsafe Starting or Backing refers to a driver unsafely beginning movement of a stopped vehicle or backing a vehicle onto a roadway in violation of CVC 22106.
- Unknown/Other refers to a collision for which the primary cause was either not reported or was not consistent with any of the CVC violations described above.

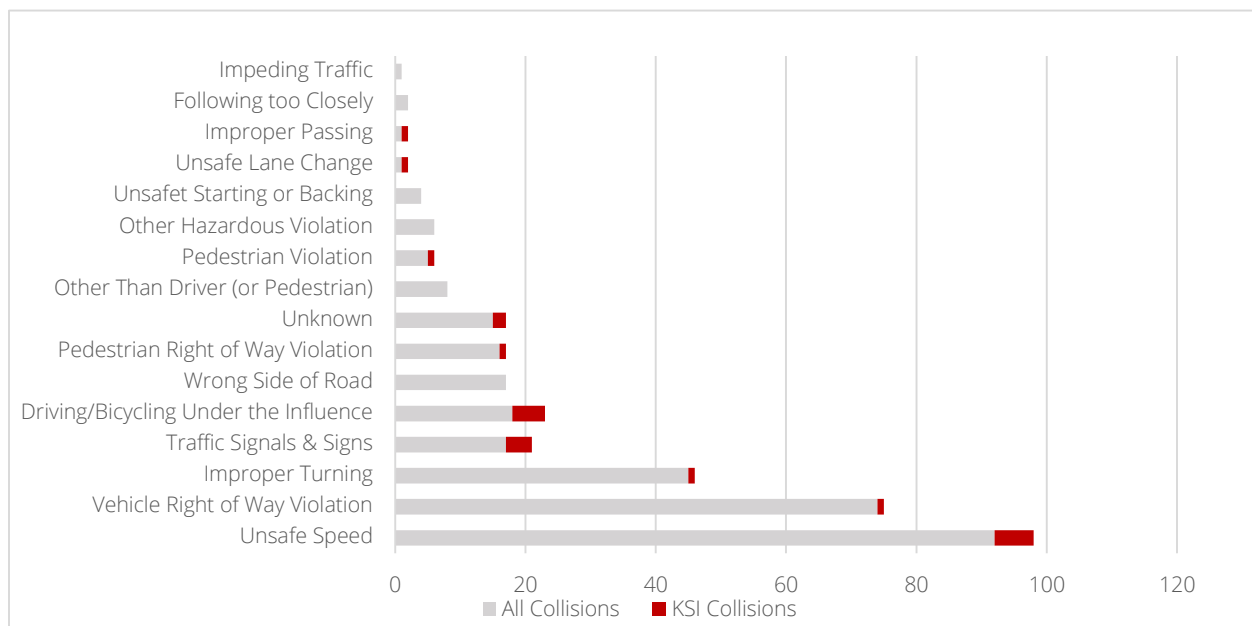


Figure 4: Collision Severity by Primary Collision Factor

Identifying the outcomes of the collision (the injuries or type of damage which occurred) is a key part of assessing the environment and safety factors around the site of the collision. The major Primary Collision Factors in Los Gatos for injury collisions are Unsafe Speed, Vehicle Right of Way Violations, and Improper Turning.

Collision Trends in Los Gatos

This analysis identified several collision trends and risk factors in Los Gatos, including:

- Drugs or alcohol increased the likelihood that a collision will be more severe
- A much larger share of collisions occurred with ages 60 and older
- People walking and biking were more likely to be fatally or severely injured

Hot Spot Analysis

Following conventional collision mapping processes, the top intersections and corridors where collisions occurred in the 5-year analysis period were identified. The locations of fatal and severe injury (KSI) collisions were overlaid to reveal where the most severe collisions occurred and if there was overlap with the collision hotspots.

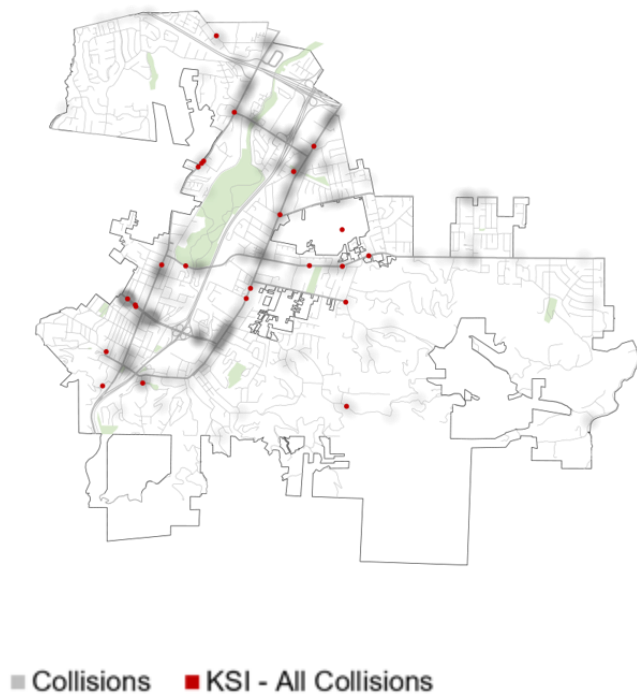
Killed or Severely Injured Collision (KSI)

Severe injuries resulting from a traffic collision can result in a number of catastrophic impacts, including permanent disability, lost productivity and wages, and ongoing healthcare costs. These injuries can include:

- Broken bones
- Dislocated or distorted limbs
- Severe lacerations
- Unconsciousness at or when taken from the collision scene

Throughout this plan, the acronym KSI is used to denote collisions where someone was killed or severely injured. **Figure 5** shows the collision hot spot locations and KSIs in the Town. See **Appendix C** for KSIs in Los Gatos.

Figure 2: Injury Collisions and KSI Collisions in Los Gatos



The key collision locations and corridors identified through this hotspot analysis and Figure 6 are:

Key Collision Locations

- a. Los Gatos Saratoga Rd and Massol Ave/Montgomery St
- b. Los Gatos Saratoga Rd and University Ave
- c. Los Gatos Saratoga Rd and Los Gatos Blvd
- d. Los Gatos Saratoga Rd and Alberto Way
- e. Winchester Blvd and Lark Ave
- f. Los Gatos Blvd and Blossom Hill Rd
- g. Blossom Hill Rd and Cherry Blossom Lane

Key Collision Corridors

- a. Los Gatos Blvd: SR-85 to Simons Way
- b. Los Gatos Saratoga Rd: Montgomery St to Los Gatos Blvd
- c. Blossom Hill Rd: Roberts Rd to Hillbrook Dr
- d. Santa Cruz Ave: Blossom Hill Rd to Wood Rd
- e. University Ave: Vasona Oaks Dr to Lark Ave
- f. Lark Ave: Winchester Blvd to Los Gatos Blvd

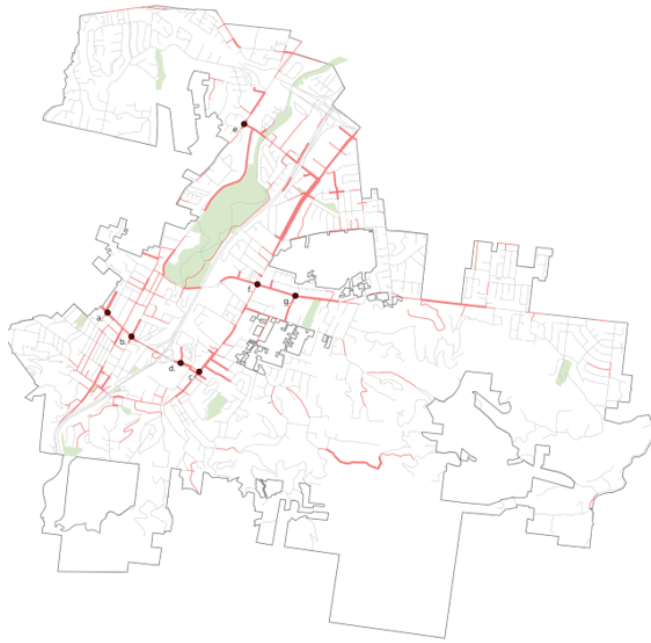


Figure 3: Key Collision Locations and Corridors

Systemic Analysis

Systemic analysis is a proactive safety approach that focuses on evaluating an entire roadway network using a defined set of criteria. It looks at collision history on an aggregate basis to identify high-risk roadway characteristics in addition to looking at high collision locations. By merging adjacent road and intersection features with collision data, relationships can be uncovered between contextual factors and the risk of frequent and severe collisions. This systemic process relied on a two-fold approach to identify key safety issues and locations to prioritize hot spot analysis and development of collision types.

Collision Typing

In developing systemic analysis, it is important to understand the relationship between collisions and the contexts in which they occurred. A systemic matrix illustrating the number of collisions at the intersection of a collision characteristic (e.g. location of pedestrian) and a contextual characteristic (e.g. posted speed of roadway) was identified. Each combination of a collision characteristic and a contextual characteristic represents a collision type. The highest occurring collision types and collision types with the largest share of severe collisions were mapped and considered for further study. This process evaluates risk across the entire roadway system, rather than only managing risk at certain locations where collisions have occurred.

Systemic Matrices

Collision data was paired with geographic roadway and other contextual data to develop collision types using a series of systemic matrices. Outputs from the collision analysis were used to populate a set of matrices that allow us to look at crosstabs (collision data in rows and geographic data in columns) for

collisions across the entire roadway network. The matrices allowed for identification of the combinations of factors that contributed to a high number of all collisions, and combinations that led to a high number of fatal and severe collisions. Matrices were created for each mode, as well as for the most severe collisions. From these matrices, we identified a set of collision types that represent the most frequent and most severe collision types across a broad range of roadway contexts within Los Gatos.

The result of the systemic analysis was the identification of Town-wide collision profiles shown in the subsequent chapter.

Collision Risk Profiles and Countermeasure Toolbox

This chapter presents profiles identified through the hotspot and systemic analyses as well as key safety countermeasures applicable to different roadway contexts across Los Gatos.

Collision Risk Profiles

Based upon the analysis of collision history, collision rates, and contextual factors, collision profiles or typologies can be identified. These profiles describe roadway characteristics and/or driver behaviors that are found to be leading to collisions and can therefore be used in a systemic methodology to proactively identify locations which have similar contexts but may have experienced fewer collisions in the past.

The systemic analysis combined collision history with contextual data on roadway characteristics as well as input from local stakeholders to produce a set of 10 collision profiles to highlight the most common and severe collision patterns in Los Gatos, shown in Table 1:

Table 1: Collision Risk Profiles

Collision Risk Profile	Description	Factors	Number of Collisions	Potential Countermeasures
Age 60+ Involvement	Collisions involving people age 60 or older	Pedestrians, bicyclists and/or vehicles involved parties, involved party age 60+	82 Injury (21%), 6 KSI (20%)	Curb Extensions, Extended Pedestrian Crossing Time, Raised Crosswalks, Speed Tables, Pedestrian Refuge Island and Median, Signing and Striping Improvements, Enhanced Bicycle Facility, New Sidewalk, Retroreflective Backplates for Signals, Daylighting Intersections
Unmarked Pedestrian Crossing	Pedestrians who are crossing outside of crosswalks involved in collisions	Pedestrians and vehicles both involved parties, location has unmarked crosswalk	10 Injury (3%), 3 KSI (10%)	Curb Extensions, Pedestrian Refuge Island and Median, Flashing Beacons, High Visibility Crosswalk
Failure to Yield to Pedestrians in Crosswalk	Pedestrians who are crossing at crosswalks involved in collisions	Pedestrians and vehicles both involved parties, location has marked crosswalk (midblock or at intersection, signalized or unsignalized)	16 Injury (4%)	Curb Extensions, Pedestrian Refuge Island and Median, Flashing Beacons, Leading Pedestrian Interval, High Visibility Crosswalk

Walking or Bicycling on a Major Roadway	Pedestrians or bicyclists involved in collisions along arterials such as Los Gatos Boulevard, Santa Cruz Avenue, and Blossom Hill Road	Pedestrians and/or bicyclists involved parties, location is classified as arterial	87 Injury (22%), 7 KSI (23%)	Enhanced Bicycle Facility, New Sidewalk, Enhanced Sidewalk (e.g. buffer), Roadway and Intersection Safety Lighting, Pedestrian Signal Improvements, Pedestrian Refuge Island and Median
Bicyclists at Stop Signs	Cyclists at stop signs who are involved in collisions with vehicles	Bicyclists and vehicles both involved parties, location is unsignalized intersection with stop control	38 Injury (10%), 3 KSI (10%)	Enhanced Bicycle Facility, Curb Extensions, Signing and Striping Improvements, Parking Restrictions
Midblock Bicycle Conflict	Cyclists who are involved in collisions with vehicles away from an intersection	Bicyclists and vehicles involved parties, location is not intersection	31 Injury (8%), 4 KSI (13%)	Enhanced Bicycle Facility, Roadway and Intersection Safety Lighting, Pedestrian Crossing Enhancements
Speed Related Conflict	Vehicles involved in collisions where speed is identified as a contributing factor	Unsafe speed identified	116 Injury (30%); 5 KSI (16%)	Vehicle Speed Feedback Sign, Traffic Calming (Speed Humps or Raised Crosswalks), Protected Bikeway, Lane Reduction or Narrowing
Broadside Unsignalized Vehicle	Vehicle colliding with the side of another vehicle at unsignalized intersection	Vehicles are the involved party, collision type is broadside, location is unsignalized intersection	22 Injury (6%); 1 KSI (3%)	Signing and Striping Improvements, Parking Restrictions, Turn Restrictions/Medians, Lane Reduction, Modified Intersection Control (All-way Stop or Signalization)
Red Light Violation	Vehicles running red lights at signalized intersections	Vehicle is involved party, location is signalized intersection, violation is traffic signals and signs violation	17 Injury (4%), 1 KSI (3%)	Advance Dilemma-zone Detection, Signal Timing and Phasing Improvements, Signal Equipment Upgrades, Education & Compliance
Driving Under the Influence	Drivers driving under the influence of alcohol or drugs	Vehicle is involved party, at least one party was under influence of drugs or alcohol	25 Injury (6%), 5 KSI (16%)	Education, Enforcement, Vehicle Speed Feedback Sign, Traffic Calming (Speed Hump or Raised Crosswalk)

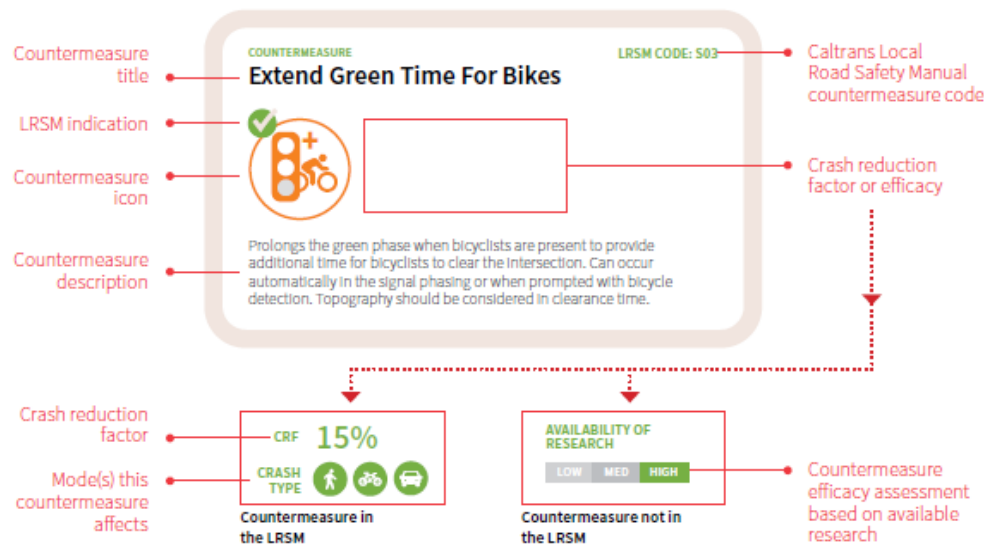
Note: Because an individual collision may be categorized under multiple profiles, the values in the table do not sum to 100%. Cells without a percentage KSI represent profiles where zero KSI collisions occurred for a given mode.

Safety Countermeasures Toolbox

This section presents key safety countermeasures applicable in different roadway contexts across Los Gatos. The countermeasures associated with the collision risk profiles are described further, including engineering countermeasures, Safe System elements, and non-engineering countermeasures.

Many of the countermeasures are Caltrans-approved, with an associated Crash Reduction Factor (CRF) and crash type (i.e., all modes, bicycle and pedestrian crashes only, etc.) as outlined in the 2020 California LRSM. The higher the CRF (100% being the highest), the greater the expected reduction in crashes. Countermeasures not in the LRSM are scored on a “low-medium-high” AVAILABILITY OF RESEARCH scale based on proven safety studies; otherwise, denoted as “N/A” when limited safety studies are available. The higher the AVAILABILITY OF RESEARCH rating, the greater the expected reduction in crashes.

What You’ll See Inside:



Engineering Countermeasures

A complete Safety Countermeasure Toolbox containing 88 countermeasures can be found in **Appendix D**.

Safe System Elements

Making a commitment to zero deaths means addressing every aspect of collision risks through the five elements of a Safe System, shown below. These layers of protection and shared responsibility promote a holistic approach to safety across the entire transportation system. The key focus of the Safe System approach is to reduce death and serious injuries through design that accommodates human mistakes and injury tolerances.

Safe Road Users

The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes.

Safe Vehicles

Vehicles are designed and regulated to minimize the occurrence and severity of collisions using safety measures that incorporate the latest technology.

Safe Speeds

Humans are unlikely to survive high-speed collisions. Reducing speeds can accommodate human injury tolerances in three ways: reducing impact forces, providing additional time for drivers to stop, and improving visibility.

Safe Roads

Designing to accommodate human mistakes and injury tolerances can greatly reduce the severity of collisions that do occur. Examples include physically separating people traveling at different speeds, providing dedicated times for different users to move through a space, and alerting users to hazards and other road users.

Post-Crash Care

When a person is injured in a collision, they rely on emergency first responders to quickly locate them, stabilize their injury, and transport them to medical facilities. Post-collision care also includes forensic analysis at the collision site, traffic incident management, and other activities.

Non-Engineering Countermeasures

Education

Transportation safety education plays an important role in shaping and shifting behavior. Many cities, such as Seattle, Oakland, and Los Angeles, are including community engagement and education to make streets safer for all. For example, the Los Angeles Vision Zero Dignity-Infused Community Engagement (DICE) approach includes partnerships with local nonprofits, paid outreach work for those experiencing barriers to employment, and both large- and small-scale community engagement events.

Community engagement is not a one-size-fits-all model as different communities have different needs. By developing culturally relevant engagement strategies, all participants are invited into conversations about safety. For example, including cultural markers of a local community can be a creative and welcoming way of engaging residents. Also, meeting people "where they are" to gather input on safety issues at local parks can more effectively engage parents and children, rather than expecting families to attend a meeting at a government building. Pop-up engagement conducted by the Town and Safe Routes to School staff at the Los Gatos Farmers' Market as part of the LRSP is an example of such education efforts.

Enforcement

Traffic enforcement can be one part of a multipronged approach to communicating expected behaviors for safe road users, combined with other strategies such as road user education and safe road design. The following sections discuss effective strategies and noteworthy considerations for implementing enforcement-based strategies.

Emergency services

Victims involved in collision have a higher chance of survival if they can quickly receive medical care. In many cases, law enforcement officers and fire department staff are the first responders to arrive at a collision location. In addition to equipping all first responders with the appropriate training, improving response times for Emergency Medical Services (EMS) will help improve collision victims' chances of survival. Additionally, collisions on their own can also put first responders' and other road users' lives at risk due to increased congestion during the collision response, which may lead to secondary collisions.

Los Gatos should work with EMS to provide effective response times while maintaining a safe environment while traveling to the scene of collisions and attending to patients at the scene. Strategies include designing emergency vehicles to be highly visible (e.g., retroreflective striping and chevrons, high-visibility paint, and built-in passive light) and implementing emergency vehicle signal preemption, which allows emergency vehicles to break a normal signal cycle and proceed through an intersection.

Emerging technology

Recent advancements in transportation technology have not only introduced new transportation modes and travel patterns, but have also presented opportunities to better understand travel behavior and encourage safe behavior.

Emphasis Areas

Through the collision and contextual data analysis, a set of safety emphasis areas for the Town were identified. These emphasis areas were selected in collaboration with the Town taking into account community and stakeholder feedback on areas of concern, the number of collisions, and systemic analysis results. A full list of emphasis areas can be found in Table 3: priority emphasis areas table. The emphasis area cutsheets can be found in **Appendix E**, which show the collisions, top injury factors, and proposed countermeasures at each location.

In addition to the quantitative and geographic data analyzed as part of this project, a combination of in-person and virtual (remote using satellite, aerial, and virtual photograph imagery from sources such as Google and Bing) investigations were conducted to better understand existing conditions, constraints, opportunities, and needs at each project location. The combination of data analysis and site investigations were utilized to identify issues and candidate treatments.

Initial Selection of Emphasis Areas

An initial list of twelve intersection and segment emphasis areas was identified using a combination of the number of collisions, the number of KSI collisions, and the systemic analysis results. These locations reflect a variety of contexts, location types, and collision risk profiles. The initial 12 locations are reflected in Table 2.

Table 2: Priority Emphasis Area Initial Selection

<i>Location</i>	<i>Type</i>	<i>Collisions</i>	<i>Top Injury Factors</i>
Blossom Hill Road and Vasona Park Road	Intersection	Total Injury Collisions 5 KSI Collisions 0	Unsafe Speed DUI
Los Gatos Saratoga Rd and Montgomery St	Intersection	Total Injury Collisions 10 KSI Collisions 0	Broadside Driver not yielding Failure to signal
Los Gatos Saratoga Rd and University Ave	Intersection	Total Injury Collisions 8 KSI Collisions 0	Unsafe Speed Broadside Rear end Driver not stopping at line
Winchester Blvd and Lark Ave	Intersection	Total Injury Collisions 3 KSI Collisions 1	Unsafe Speed Driver not stopping at line Rear End

Winchester Blvd and Wimbledon Dr	Intersection	Total Injury Collisions 3 KSI Collisions 0	Unsafe Speed Driver not yielding at crosswalk Improper turning
Los Gatos Blvd and Blossom Hill Road	Intersection	Total Injury Collisions 5 KSI Collisions 0	Unsafe Speed DUI Rear End
Los Gatos Blvd and Garden Hill Drive	Intersection	Total Injury Collisions 5 KSI Collisions 0	DUI Unsafe Speed

Segments

Tait Avenue: West Main Street to Los Gatos Saratoga Road	Segment	Total Injury Collisions 4 KSI Collisions 1	Unsafe Speed Left Turn Violation Pedestrian crossing outside of crosswalk
North Santa Cruz Avenue: Main Street to Los Gatos Saratoga Road	Segment	Total Injury Collisions 16 KSI Collisions 0	Unsafe Speed Driver not yielding at crosswalk Failure to signal
North Santa Cruz Avenue: Blossom Hill Road to Thurston Street	Segment	Total Injury Collisions 12 KSI Collisions 1	Rear End Failure to Yield Left Turn Violation
Los Gatos Boulevard: Bennett Way to Los Gatos Almaden Road	Segment	Total Injury Collisions 29 KSI Collisions 2	Unsafe Speed Failure to yield Rear End Broadside
Los Gatos Saratoga Rd: Los Gatos Blvd to HWY 17 off ramp	Segment	Total Injury Collisions 10 KSI Collisions 0	Unsafe Speed DUI Rear End Driver not yielding
Blossom Hill Rd: Los Gatos Blvd to Winterbrook Rd	Segment	Total Injury Collisions 13 KSI Collisions 1	Unsafe Speed DUI Improper Turning Driver not yielding or stopping at line
Los Gatos Blvd: Bennett Way to Garden Ln	Segment	Total Injury Collisions 19 KSI Collisions 1	Unsafe Speed Failure to yield Rear End Broadside

Final Emphasis Areas

Upon consultant with stakeholders and Town staff, five final emphasis areas were selected from the initial twelve locations. The selection of these areas took into account recent or planned implementation of safety improvements at some of the locations, including improvements completed at Highway 9 (Los Gatos Saratoga Road) & Massol Avenue and Winchester Boulevard & Lark Avenue intersection as well as designs included in the CIP at the Highway 9 interchange and along Blossom Hill Road.

- a. Blossom Hill Rd and Vasona Park Rd
- b. Tait Ave: W Main St and Los Gatos Saratoga Rd
- c. Santa Cruz Ave: W Main St and Los Gatos Saratoga Rd
- d. N Santa Cruz Ave: Blossom Hill Rd and Thurston St
- e. Los Gatos Blvd: Bennett Way to Garden Ln

Walking Audits were held on January 25, 2022 with Town staff and the Safety Partners to discuss potential countermeasures as well as benefits and challenges of implementing various safety projects. The group walked two of the five emphasis areas - Los Gatos Boulevard from Los Gatos Almaden Road to Lark Avenue and Tait Avenue from Highway 9 (Los Gatos Saratoga Road) to Main Street. After the walking audits, adjustments to preliminarily identified countermeasures at each location were identified for consideration in not only those two areas, but also for similar treatments in each of the five emphasis areas. Specific elements discussed during the walk audit and through subsequent collaboration with the Safety Partners included:

LOS GATOS LESP WALKING AUDIT MAP
TAIT AVENUE

Legend:

- Carb Extensions
- Speed Pump/Speed Table
- High-Visibility Crosswalk
- Rated Crosswalk

Collision History (2015-2019)

5 Total Collisions
4 Fatal or Serious Injury
1 All Other Injury

Notable Collision Patterns

- Pedestrian Crossing Outside of Crosswalk
- Speed-related conflict
- Left-turn violation

Collision Profiles

- Age 6+ Collisions
- Unmarked Pedestrian Crossing
- Bicycle Collisions at Stop Signs

What do you like about the proposed improvements? Do you have any concerns about the proposed changes? Are there any other types of safety improvements you would like to see?

Are there any other types of safety improvements you would like to see?

connect SKATEstay
BIKE LOS GATOS
JOG gather PLAYwalk



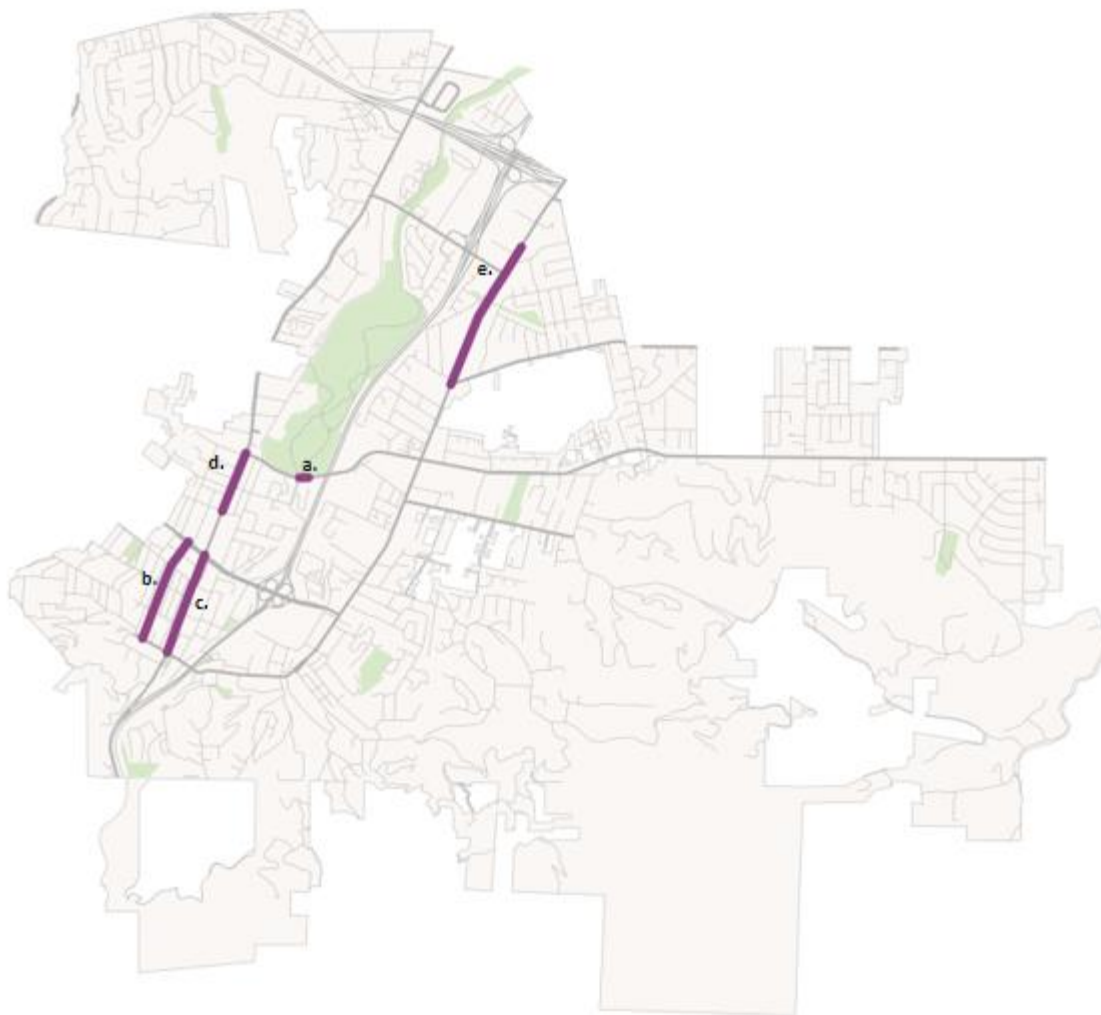


Figure 7: Priority Emphasis Areas

The potential countermeasures at these locations may be suited to a wide variety of approaches for funding and implementation, with opportunities to implement systemic, low-cost, quick-build improvements potentially best suited to funding through the Highway Safety Improvement Program (HSIP). The countermeasures are summarized in Table 4. The emphasis area cutsheets can be found in **Appendix E**, which shows the collisions, top injury factors, and proposed countermeasures at each location.

Table 4: Priority Emphasis Area Countermeasures

#	Location	Signal Timing and Phasing	Signs and Markings	Intersection and Roadway Design	Bikeway Design	Pedestrian Crossings
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1	Blossom Hill Road and Vasona Park Road	• Advance Limit Line • Retroreflective Backplates			• Class IV Bikeway Delineators • Extend Green Time for Bikes • Two-Stage Turn Queue Bike Box	• Protected Intersection • Wayfinding • Leading Pedestrian Interval
2	Tait Avenue: West Main Street to Los Gatos Saratoga Road ¹	• Additional Signal Heads • Extend Green Time for Bikes • Extend Pedestrian Crossing Time • Leading Pedestrian Interval • Retroreflective Backplates • Upgrading to 12" signal heads		• Modify channelized rights & reduce corner radii where feasible	• Green Bike Lane Conflict Zone Markings • Two-Stage Turn Queue Bike Box • Evaluate lane reductions to facilitate bikeway improvements	• ADA Ramps & Audible Push Button Upgrades • High-Visibility Crosswalk • Straighten crosswalks
3	North Santa Cruz Avenue: Main Street to Los Gatos Saratoga Road	• Additional Signal Heads • Extend Pedestrian Crossing Time • Leading Pedestrian Interval • Retroreflective Backplates • Upgrading to 12" signal heads		• Reduce corner radii where feasible	• Green Bike Lane Conflict Zone Markings • Two-Stage Turn Queue Bike Box	• ADA Ramps & Audible Push Button Upgrades • High-Visibility Crosswalk • Straighten crosswalks • Provide Yield Limit lines • RRFB • Improve sightlines

¹Improvements in ii, iii, iv may be pursued in phases with more substantial modifications considered through the LGB Class IV corridor design

4	North Santa Cruz Avenue: Blossom Hill Road to Andrews Street	• Additional Signal Heads • Extend Pedestrian Crossing Time • Leading Pedestrian Interval • Retroreflective Backplates • Upgrading to 12" signal heads		• Modify channelized rights & reduce corner radii where feasible	• Green Bike Lane Conflict Zone Markings • Two-Stage Turn Queue Bike Box • Evaluate lane reductions to facilitate bikeway improvements	• ADA Ramps & Audible Push Button Upgrades • High-Visibility Crosswalk • Straighten crosswalks • Provide Yield Limit lines • RRFB • Improve sightlines
5	Los Gatos Boulevard: Bennett Way to Los Gatos Almaden Road		• Advance Stop Bar • Advance Yield Markings	• Speed Humps or Speed Tables • Paint and Plastic Curb Extension		• Curb Extensions • High-Visibility Crosswalk • Raised Crosswalk • Consider Pedestrian Scale Lighting

Funding, Implementation, and Evaluation Strategies

This chapter identifies funding and implementation considerations that will be important to Town staff as they seek to program and construct safety projects.

Funding Opportunities

Although HSIP is a common avenue for funding safety improvements, a variety of additional funding sources can be used to finance safety projects. The Funding Sources Table 5 outlines regional, state, and federal programs related to transportation, air quality, sustainability, and housing that can be utilized to fund associated safety improvements depending on context.

Table 5: Funding Sources

Funding Source	Program Purpose
Congestion Mitigation and Air Quality (CMAQ) Improvement Program	The FAST Act continued the CMAQ program to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas).
Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant Program	This program supports projects that are "road or bridge projects eligible under title 23, United States Code;" and "intermodal projects." This program replaces the TIGER program.
Highway Safety Improvement Program (HSIP)	California's Local HSIP focuses on infrastructure projects with nationally recognized crash reduction factors (CRFs). Local HSIP projects must be identified on the basis of collision experience, collision potential, collision rate, or other data-supported means.
Active Transportation Program (ATP)	ATP is a statewide competitive grant application process with the goal of encouraging increased use of active modes of transportation. The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SR2S), into a single program with a focus to make California a national leader in active transportation. The ATP administered by the Division of Local Assistance, Office of State Programs.
SB-1 Transportation Funding	The State Transportation Improvement Program (STIP) is the biennial five-year plan for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements.

Santa Clara County 2016 Measure B	A one-half cent sales tax measure in Santa Clara County for transportation improvements to enhance transit, highways, expressways and active transportation through April 1, 2047.
Metropolitan Transportation Commission (MTC) One Bay Area Grant (OBAG) Program	Federally funded program administered by MTC to invest in local street and road maintenance, streetscape enhancements, bicycle and pedestrian improvements, transportation planning, and safe routes to school while advancing regional housing goals.
Caltrans Sustainable Transportation Planning Grant Program	To encourage local and regional planning that furthers state goals, including, but not limited to, the goals and best practices cited in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission.
California Office of Traffic Safety (OTS)	OTS administers traffic safety grants in the following areas: Alcohol Impaired Driving, Distracted Driving, Drug-Impaired Driving, Emergency Medical Services, Motorcycle Safety, Occupant Protection, Pedestrian and Bicycle Safety, Police Traffic Services, Public Relations, Advertising, and Roadway Safety and Traffic Records.
Affordable Housing and Sustainable Communities (AHSC)	The Affordable Housing and Sustainable Communities (AHSC) Program makes it easier for Californians to drive less by making housing, jobs, and key destinations accessible by walking, biking, and transit.

Implementation Strategies

Implementation of the LRSP is a vital step in the process where identified strategies and projects are executed. To successfully implement programs and projects, partnerships, trust, funding and coordination need to be proactively managed. Successful implementation requires sustained and coordinated support from key stakeholders, elected officials and Town staff. Some strategies are outlined below:

Oversight & Accountability

Establishing a committee or Task Force with key officials and stakeholders (in and outside of the Town) that meets bi-annually or quarterly is recommended to facilitate effective delivery of safety projects and programs. Having appointed leadership will be a crucial part of maintaining buy-in and support for the LRSP from not only officials, but the community as well. Leadership could additionally include members from identified LRSP partners. Holding the Town's community development, engineering, and public safety departments accountable is crucial for effective implementation, along with holding County departments accountable as well. Some duties could include conducting briefings and presentations at board and agency meetings, collecting and sharing information on a regular basis and updating a public-facing database (or scorecard) on LRSP goal progress.

Coordination & Partnership

Throughout the lifetime of the LRSP, coordination and partnership amongst diverse stakeholders will be essential for effective delivery of the LRSP. Some strategies include regularly informing leaders and

stakeholders on progress and key milestones, consulting partner agencies early on in the implementation process to gather suggestions and feedback, and finding opportunities for partnership via project bundling (e.g. integrating LRSP projects with pavement resurfacing and maintenance).

Funding

One major hurdle to plan implementation is often funding. As part of an implementation strategy it is recommended that the Town stay up to date on potential grant opportunities and place the most competitive projects forward as grant sources evolve. Additionally, reviewing an updated list of current capital projects to find where LRSP projects could overlap for possible project bundling. See previous section on funding for more details.

Communication

Having continued communication and transparency with stakeholders and community members can allow for greater trust and support of the LRSP's goals. Some strategies include communication across diverse channels (e.g. updated webpage, news, and social media), actively addressing community concerns, publishing updating factsheets on plan progress, and regular public meetings using effective community engagement techniques. An oversight committee or Task Force (as proposed above) could aid with leading efforts on communication and trust-building.

Implementation Actions, Phasing & Sequencing

Implementing countermeasures, projects, and programs identified in the LRSP typically requires an ongoing, long-term commitment from the Town. To facilitate the evaluation and prioritization of funding, it can be desirable to consider the implementation of safety projects through different time horizons.

Near-term implementation efforts may focus on low-cost improvements which can be constructed within five years. These may include systemic improvements such as upgraded traffic signal heads, signal phasing and timing modifications, high-visibility crosswalk markings, and pedestrian visibility enhancements which can be pursued as discrete projects or as system improvements at multiple locations.

Medium-term implementation goals may target the pursuit of progressive safety elements such as those identified in the Countermeasure Toolbox in all capital projects and infrastructure planning efforts already underway. This could include emphasizing safety in projects such as the Highway 17 Bicycle and Pedestrian Overcrossing, Winchester Boulevard Complete Streets, Blossom Hill Road Safety Improvements, and Los Gatos Boulevard corridor improvements.

Long-term goals may focus on further emphasizing safety in future planning and design efforts, including updates to the Bicycle and Pedestrian Master Plan and all capital improvement projects. Future efforts for the Town to consider may also include formalizing the Town's pledge to Vision Zero strategies and values. An ongoing commitment to the inclusion of off-site safety improvements in conjunction with development projects will allow the Town to capitalize on additional funding opportunities.

Evaluation Strategies

Evaluation allows the Town to understand its performance in achieving its safety goals and inform future decision-making accordingly. It provides the basis for determining selection of emphasis or priority areas, countermeasures, and locations to reduce collisions and collision severity.

Update the Plan Regularly

For example, scheduling an update every two years could assist with organizing and directing evaluation efforts. As conditions within the Town and region could change, it will be necessary to update the LRSP in the future.

Identify Target Metrics and Measure Goal Performance in Priority Areas

In order to understand progress and safety conditions, several metrics should be used in LRSP evaluation. Examples of measuring goal performance include monitoring the number of total collisions, specific types of collisions, and/or safety infrastructure improvements installed.

Additional regular measurement of goal progress in priority areas can be performed every year. One example is a safety scorecard. Safety scorecards that are released annually can be a powerful tool for measuring effectiveness, highlighting areas that need further attention and resources, and identifying tasks and deadlines for responsible stakeholder parties.

Continue Engagement of Stakeholders

Efforts around evaluation should include expanding partnership from diverse sources (e.g. officials, agencies, community advocacy groups). Input from identified stakeholders and future partners, along with collected target metrics, could be used to adapt the plan based on community feedback and expert insight as projects and programs are rolled out.

Conduct pre- and post- surveys with community members to measure how their actions and views have shifted after engagement around traffic safety. Local partners can be tasked with disseminating the pre- and post-surveys to residents. Surveys should evaluate whether respondents express a shift in behavior after having participated in traffic safety programming. The metrics for evaluation can also be developed in partnership with local partners to facilitate broader accessibility for the public.

Appendix A: Survey Responses

Appendix B: Los Gatos Existing Conditions Presentation

Appendix C: KSI Collisions

Appendix D: Countermeasure Toolbox

Appendix E: Emphasis Area Cutsheets