TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
OCTOBER 28, 2026
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
7:00 PM

Kendra Burch, Chair
Jeffrey Barnett, Vice Chair
Susan Burnett, Commissioner
Adam Mayer, Commissioner
Joe Sordi, Commissioner
Rob Stump, Commissioner
Emily Thomas, Commissioner

IMPORTANT NOTICE

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

To watch and participate via Zoom, please go to:

https://losgatosca-gov.zoom.us/j/88436489094?pwd=EsA5rW7LuC5mDayk1uQf1SJm1orUDw.1
Enter Passcode: 011614

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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

CONSENT ITEMS (*Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions located at the end of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Chair.)*

1. Approve the Draft Minutes of the October 14, 2026, Planning Commission Meeting.

PUBLIC HEARINGS *(Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Visual presentations that require the use of staff resources shall be limited to appellants and applicants. Members of the public testifying at public hearings shall be limited to no more than three (3) minutes, or such time as authorized by the Chair.)*

2. Consider a Request for Approval to Construct a New Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. **Located at 94 Hernandez Avenue.** APN 510-20-024. Architecture and Site Application S-22-029. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owner: Willie and Helen Cadiente. Applicant: Jaime Arafiles. Project Planner: Jocelyn Shoopman.

3. Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. **Project Location: Town Wide**. Applicant: Town of Los Gatos.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time.)*

ADA NOTICE - In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Please notify the Clerk's Office at least two (2) business days prior to the meeting so that reasonable arrangements can be made to ensure accessibility in compliance with 28 CFR §35.102-35.104 and related provisions.

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

HOW TO PARTICIPATE

The public is welcome to provide oral comments in real-time during the meeting in three ways:

Zoom webinar (Online): Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: https://losgatosca-gov.zoom.us/j/88436489094?pwd=EsA5rW7LuC5mDayk1uQf1SJm1orUDw.1. Passcode: 011614. You can also type in 884 3648 9094 in the "Join a Meeting" page on the Zoom website at https://zoom.us/join and use passcode 011614.

- When the Chair 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.

Telephone: Please dial 855-758-1310 US Toll-free or 408-961-3927 US. (Webinar ID: 884 3648 9094). If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

In-Person: Please complete a "speaker's card" located on the back of the Chamber benches and return it to the Vice Chair before the meeting or when the Chair announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Chair's discretion.
(2) If you are unable to participate in real-time, you may email planning@losgatosca.gov with the subject line "Public Comment Item #__" (insert the item number relevant to your comment).
(3) Deadlines to submit written public comments are:

- 3:00 p.m. the Friday before the Planning Commission meeting for inclusion in the agenda packet.
- 3:00 p.m. the Tuesday before the Planning Commission meeting for inclusion in an addendum.
- 11:00 a.m. on the day of the Planning Commission meeting for inclusion in a desk item.

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DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 14, 2026

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

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Vice Chair Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Adam Mayer, Commissioner Joseph Sordi, Commissioner Rob Stump, and Commissioner Emily Thomas.
Absent: Chair Kendra Burch.

PLEDGE OF ALLEGIANCE

Commissioner Burnett led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

The following individuals spoke during Verbal Communications.

1. Member of the Public

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

The following individuals spoke during Consent Items.

1. Member of the Public

1. **Approval of Minutes** – September 23, 2026

(00:16:15)

MOTION: **Motion** by **Commissioner Stump** to approve adoption of the Consent Calendar. **Seconded** by **Commissioner Sordi.**

Planning Commission asked questions.

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

2. **Town Code Chapter 29 Amendment re: Senate Bill 9 (SB 9) regarding urban lot splits and two-unit housing developments**
   Town Code Amendment Application A-26-004
   Applicant: Town of Los Gatos
   Project Location: Town Wide

   Forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code for Senate Bill 9 (SB 9) regarding urban lot splits and two-unit housing developments in response to changes in state law. The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act, and in accordance with Government Code Section 66411.7 (n) and 66452.21 (g), Senate Bill 9 Ordinances are not a project subject to the California Environmental Quality Act.

Ryan Safty, Associate Planner, presented the staff report.

Planning Commission asked questions.

Vice Chair Barnett Opened Public Comment.

The following individuals spoke on this item:
1. Lee Quintana
2. Member of the Public
3. Lee Fagot

Planning Commission asked questions.

Vice Chair Barnett closed Public Comment.

Planning Commission asked questions.

(01:09:47)
MOTION: **Motion** by **Commissioner Thomas** to forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code for Senate Bill 9 (SB 9) regarding urban lot splits and two-unit housing developments in response to changes in state law. **Seconded** by **Commissioner Sordi.**

Planning Commission discussed the item.

Commissioner Stump requested the motion be amended to direct staff to do additional work on pre-1941 homes, such as benchmarking and reviewing what other jurisdictions have done.

The Maker of the Motion declined to accept the amendment to the motion.

Planning Commission discussed the item.

Planning Commission asked questions.

VOTE: **Motion passed unanimously.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- None.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Committee Name
None.

Commission Matters
None.

ADJOURNMENT

The meeting adjourned at 8:42 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 14, 2026 meeting as approved by the Planning Commission.

_____
/s/ Vicki Blandin

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TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 10/28/2026

ITEM NO: 2

DATE: October 23, 2026

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Construct a New Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. **Located at 94 Hernandez Avenue.** APN 510-20-024. Architecture and Site Application S-22-029. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owner: Willie and Helen Cadiente. Applicant: Jaime Arafiles. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8, Single-Family Residential (8,000 square feet minimum)
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 10,240 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:12
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:12
West	Residential	Low Density Residential	R-1:8

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in the hillside area.

CONSIDERATIONS:

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

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located at the intersection of Hernandez Avenue and Ellenwood Avenue (Exhibit 1). The property is approximately 10,240 square feet and currently developed with a 425-square foot accessory structure.

On September 8, 2020, the property owners entered into an agreement with the Town of Los Gatos to demolish the single-family residence. The Town determined that the single-family structure contained various municipal and state code violations, was uninhabitable, and was deteriorated to a point that it constituted a threat to public health and safety, warranting its demolition (Exhibit 5).

Section 6 of the agreement states that the "subsequent development of the property will require the submittal of a Development Review Application Package, and when the application is complete, it shall be forwarded to the Planning Commission for review and approval in accordance with the Town Code, the General Plan, and the Town's Residential Design Guidelines, and said development shall be required to comply with Section 4.10 of the Town's Residential Design Guidelines even though the subject property is not within a historical district."

Section 4.10 of the Residential Design Guidelines provides guidelines for new houses constructed within one of the Town's designated historic districts (Exhibit 6). The subject property is not located within one of the Town's designated historic districts; however, the single-family home that was demolished was considered to be a historic structure due to its pre-1941 construction date.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located at the intersection of Hernandez Avenue and Ellenwood Avenue (Exhibit 1). Single-family residential development surrounds the property on all sides.

B. Project Summary

The applicant proposes to construct a new 2,702-square foot, two-story single-family residence with an attached 607-square foot garage (Exhibit 11).

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The proposed residence is in compliance with the zoning regulations for allowable floor area, height, setbacks, and on-site parking requirements for the property.

DISCUSSION:

A. Architecture and Site Analysis

Pursuant to Town Code Section 29.40.075, the maximum allowable square footage for the 10,240-square foot property is 3,154 square feet for a residence and 873 square feet for a garage. The applicant proposes construction of a new 2,702-square foot two-story residence with a 607-square foot attached garage. The proposed residence also includes 1,686 square feet of below grade square footage, of which 1,670 square feet would not count towards the allowable floor area; however, 16 square feet of below grade square footage would count towards the allowable floor area as it extends beyond the enclosed building footprint of the main building pursuant to Section 29.40.072 of the Town Code. The residence would be approximately 27 feet, five inches in height when the maximum height of the zone is 30 feet.

The applicant provided a Letter of Justification summarizing the project (Exhibit 4). The development plans show an existing accessory structure located to the rear of the property that is proposed to remain and be converted into an Accessory Dwelling Unit (ADU), which would be reviewed and processed under a separate ministerial permit. Pursuant to state law, the ADU is not being reviewed with this application. Similarly, the ADU floor area is not included in the 2,702-square foot total.

B. Building Design

The applicant proposes a traditional formal mediterranean style residence. Proposed exterior materials include: a concrete tile roof; smooth coat stucco; cast stone trim; and wrought iron flower boxes (Exhibit 11).

The Town's Consulting Architect reviewed the proposed residence and noted that the home is located in an older neighborhood with a mix of one- and two-story homes designed in traditional styles (Exhibit 7).

The Consulting Architect provided 13 recommendations for changes to better align the project with the immediate neighborhood and compliance with Section 4.10 of the Town's Residential Design Guidelines. These are detailed below, along with the applicant's responses (Exhibit 8).

1. Re-orient the Ellenwood Avenue façade walls and porte cochere consistent with the architectural style.

   Applicant Response: *The façade walls and porte cochere along Ellenwood Avenue were re-oriented to be consistent with the mediterranean style of the building.*

2. Reduce corbel size and use consistently around all facades.

   Applicant Response: *A reduction in the corbel size and its use consistently around all facades was incorporated into the revised design.*

3. Use taller ground floor windows - circular or segmented arches recommended.

   Applicant Response: *Taller ground floor windows with segmented arched heads were incorporated into the revised design.*

4. Use cast stone around all windows in lieu of foam trim.

   Applicant Response: *Cast stone around all windows was incorporated into the revised design.*

5. Use cast stone projecting belt molding and building base.

   Applicant Response: *A cast stone projecting belt molding and building base was incorporated into the revised design.*

6. Simplify the porte cochere and refine details.

Applicant Response: *A simplified porte cochere and refined details were incorporated into the revised design.*

7. Simplify roof forms where possible.

   Applicant Response: *A simplified roof form at the porte cochere was incorporated into the revised design.*

8. Add round columns and open railings and trellis at second floor deck. Revise interior floor plan, if possible to take better advantage of the deck.

   Applicant Response: *Round columns with open railings and a trellis on the second-floor deck were incorporated into the revised design.*

9. Add trellises over garages consistent with Residential Design Guideline 3.4.1.

   Applicant Response: *A trellis over the garage doors was incorporated into the revised design.*

10. Simplify rear façade by removing changes in the façade planes.

    Applicant Response: *The removal of façade changes to the rear was incorporated into the revised design.*

11. Use casement windows rather than double hung windows.

    Applicant Response: *Casement windows rather than double hung windows were incorporated into the revised design.*

12. Use aluminum or vinyl covered wood windows to provide sash sizes more appropriate to the style and scale of the house.

    Applicant Response: *Vinyl covered wood windows with sash sizes that are appropriate to the style and scale of the house were incorporated into the revised design.*

13. Discuss the proposed removal of the mature trees on the site.

    Applicant Response: *Existing on-site trees have since been removed with a Tree Removal Permit issued in 2020 and 2023.*

The Consulting Architect's report noted that even if the applicant were to incorporate all of the aforementioned recommendations, he believed that the proposal would still not be fully compliant with Section 4.10 of the Residential Design Guidelines, per the signed agreement. The Consulting Architect recommends an alternative approach that would

include the use of a more informal approach to the mediterranean style that has less formal and bulky forms, with a greater emphasis on the first-floor roof overhangs to better relate to the other homes in the immediate neighborhood (Exhibit 7).

C. Neighborhood Compatibility

The immediate neighborhood contains a mix of one- and two-story residences. Based on Town and County records, the residences in the immediate neighborhood range in size from 1,036 square feet to 3,816 square feet. The floor area ratios (FARs) range from 0.08 to 0.54. The proposed residence would be 2,702 square feet (including 16 square feet of countable below-grade square footage) with a FAR of 0.26. Pursuant to Town Code, the maximum allowable square footage for the 10,240-square foot lot is 3,154 square feet with a maximum FAR of 0.308. The following table reflects the current conditions of the immediate neighborhood.

Address	Zoning	House SF	Garage SF	Total SF	Lot Size	FAR	No. of Stories
74 Ellenwood Avenue	R-1:8	1,328	0	7,363	0.18	1	R-1:8
70 Ellenwood Avenue	R-1:12	1,843	450	12,154	0.15	1	R-1:12
124 Hernandez Avenue	R-1:12	3,564	1,934	43,168	0.08	2	R-1:12
130 Hernandez Avenue	R-1:12	3,111	0	33,250	0.09	2	R-1:12
87 Ellenwood Avenue	R-1:8	1,036	0	8,050	0.13	1	R-1:8
85 Ellenwood Avenue	R-1:8	2,681	576	13,000	0.21	2	R-1:8
73 Ellenwood Avenue	R-1:8	1,601	360	6,400	0.25	1	R-1:8
45 Walnut Avenue	R-1:8	2,677	441	8,332	0.32	2	R-1:8
119 Walnut Avenue	R-1:8	3,816	441	7,080	0.54	2	R-1:8
69 Hernandez Avenue	R-1:8	1,500	228	5,555	0.27	1	R-1:8
94 Hernandez Avenue (P)	**R-1:8**	**2,702**	**607**	**10,240**	**0.26**	**2**	**R-1:8**

D. Grading

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The Town's Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 3).

E. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried no protected trees on-site, but inventoried eight protected trees adjacent to the project area (Exhibit 9). Modifications to the developments plan were made by the applicant in response to recommendations provided by the Consulting Arborist with respect to the trees overhanging the project site along the northwestern portion of the property (Exhibit 10). The Landscape Plans indicate that eight, 24-inch box trees will be planted on site.

F. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

PUBLIC COMMENTS:

Written notice of the Planning Commission hearing was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to construct a new 2,702-square foot, two-story single-family residence with an attached 607-square foot attached garage, and site work requiring a Grading Permit (Exhibit 11). The project complies with the objective standards of the Town Code relating to the allowable floor area, height, setbacks, lot coverage, and on-site parking. The project was reviewed by the Town's Consulting Architect who provided recommendations for the project to refine the design to be more compatible with the immediate neighborhood and Section 4.10 of the Town's Residential Design Guidelines (Exhibit 7). In response to the recommendations of the Consulting Architect, the applicant addressed the issues identified in the report through revisions to the proposed residence (Exhibit 8). The Consulting Architect also noted that even if the applicant were to incorporate all of the recommended modifications, the proposal would still not be fully compliant with Section 4.10 of the Residential Design Guidelines. The Consulting Architect recommends an alternative approach that would include the use of a more informal approach to the mediterranean style that has less formal and bulky forms, with a greater emphasis on the first-floor roof overhangs to better relate to the other homes in the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommend denial of the Architecture and Site application based on concerns related to the project's compliance with Section 4.10 of the Residential Design Guidelines, as discussed in this report.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
   a. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
   b. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
   c. Make the finding that the project complies with the Town's Residential Design Guidelines (Exhibit 2); and
   d. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
   e. Approve Architecture and Site Application S-22-029 with the conditions contained in Exhibit 3 and the development plans in Exhibit 11.
2. Approve the application with additional and/or modified conditions; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Letter of Justification
5. Agreement between the Town of Los Gatos and 94 Hernandez Property Owners
6. Section 4.10 of the Residential Design Guidelines
7. Consulting Architect's Report
8. Applicant's Response to Consulting Architect's Report
9. Consulting Arborist's Report
10. Applicant's Response to Consulting Arborist's Report
11. Development Plans

94 Hernandez Avenue

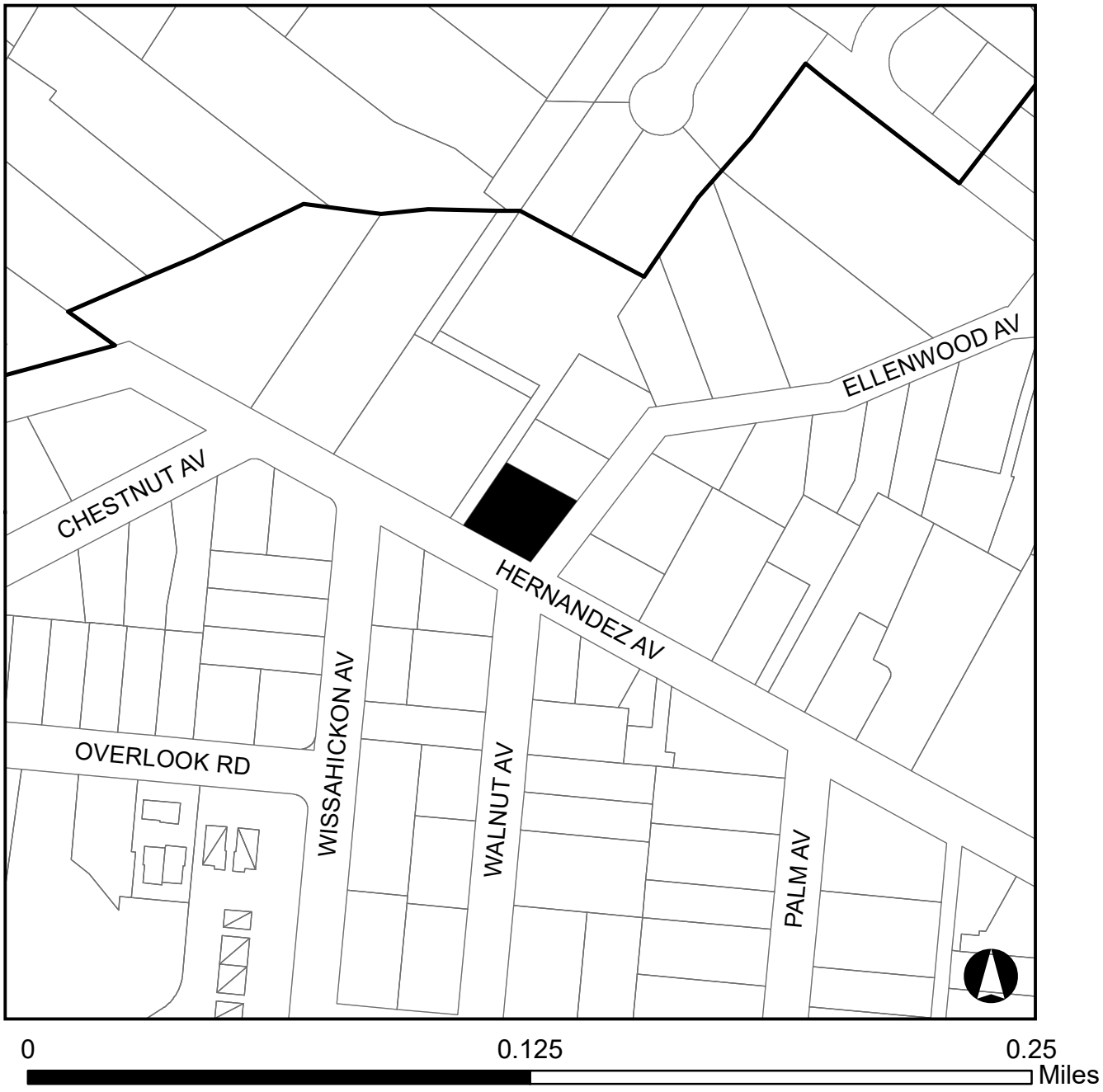


EXHIBIT 1

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PLANNING COMMISSION – *October 28, 2026*
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

94 Hernandez Avenue
Architecture and Site Application S-22-029

Consider a Request for Approval to Construct a New Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. APN 510-20-024. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Property Owner: Willie and Helen Cadiente
Applicant: Jaime Arafiles
Project Planner: Jocelyn Shoopman

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

Required compliance with the Zoning Regulations:

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

Required Compliance with the Residential Design Guideline:

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect for compliance with the Town's Residential Design Guidelines, including Section 4.10. The Consultant provided thirteen recommendations to address architectural consistency, neighborhood compatibility, and compliance with Section 4.10. The applicant incorporated all thirteen recommendations into the revised design.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

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EXHIBIT 2

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PLANNING COMMISSION – *October 28, 2026*
CONDITIONS OF APPROVAL

94 Hernandez Avenue
Architecture and Site Application S-22-029

Consider a Request for Approval to Construct a New Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. APN 510-20-024. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Property Owner: Willie and Helen Cadiente
Applicant: Jaime Arafiles
Project Planner: Jocelyn Shoopman

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report dated December 12, 2024, for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
6. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
7. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
8. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
9. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule

adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.

10. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture and Site application.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

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

Building Division

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

12. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.
13. PERMITS REQUIRED:
    a. A Demolition Permit is required for the demolition of the existing detached structure.
    b. A Building Permit is required for the construction of the new single-family residence and attached garage.
    c. <u>A separate Building Permit will be required for the PV System and must be finalized prior to the issuance of the Certificate of Occupancy.</u>
14. APPLICABLE CODES: The current code, as amended and adopted by the Town of Los Gatos as of January 1, 2026, are the 2025 California Building Standards Code, California Code of

Regulations Title 24, Parts 1-12.

15. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
16. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
17. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
18. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
19. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
20. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
21. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
    d. Retaining wall(s) locations and elevations
22. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
23. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans and provide its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof

assemblies.

25. WILDLAND URBAN INTERFACE: This project is in a Wildland-Urban Interface High Fire Area and must comply with the relevant Wildland-Urban fire protection regulations in effect at the time of permit submittal.
26. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
27. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
28. APPROVALS REQUIRED: The project requires the following departments and agencies' approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

Engineering Division

29. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
30. PAYMENTS: All payments regarding fees and peer reviews should be mailed to:
    Town of Los Gatos – Engineering Building
    41 Miles Avenue
    Los Gatos, CA 95030
    Or hand deliver/drop off payment in engineering lock box
31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and

approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.

32. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
33. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
34. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
35. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Owner to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
36. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any building permits. Please note that this process may take approximately six to eight (6-8) weeks.
37. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
38. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
39. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed

and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

40. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
41. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
42. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
43. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits.
44. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
45. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
46. GRADING PERMIT: A grading permit is required for this project. After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

47. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
48. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
49. DRIVEWAY: The driveway conform to existing pavement on Hernandez and Ellenwood Avenue shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
50. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
51. PRECONSTRUCTION MEETING: Prior to issuance of building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
52. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
53. DEMOLITION: Within 60-days of the Development Review Committee approval action being final (i.e. after the 10-day appeal period and no requested appeals being submitted to the Town), the Property Owner shall record a Deed Restriction on the parcel in question which prohibits the recording of a Certificate of Compliance until one of the two (2) prerequisite actions occurs prior to the proposed recordation: 1) removal of any structures which cross lot/property lines or 2) the Property Owner successfully obtaining an Architecture & Site approval from the Town of Los Gatos for the demolition of the existing house and construction of a replacement house.
54. SOILS REPORT: One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
55. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner's soils engineer prior to placement of concrete

and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.

56. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.
57. WATER METER: The existing water meter, currently located within the public right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
58. SANITARY SEWER CLEANOUT: The existing sanitary sewer cleanout, currently located within the public right-of-way, shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
59. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
60. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
61. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
62. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
    a. The Town standard "T" trench detail shall be used.
    b. A Town-approved colored controlled density backfill shall be used.
    c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.

d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.
e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.

63. SIDEWALK/CURB IN-LIEU FEE: A curb and sidewalk in-lieu fee of **$38,000** shall be paid prior to issuance of a grading or building permit. This fee is based on 200 linear feet of curb at $100.00 per linear foot and 900 square feet of 4.5-foot wide sidewalk at $20.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule. The final curb and sidewalk in-lieu fee for this project shall be calculated using the current fee schedule and rate schedule in effect at the time the fee is paid.
64. CURB AND GUTTER REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
65. DRIVEWAY APPROACH: The Owner, Applicant and/or Developer shall install 2 Town standard residential driveway approaches. The new driveway approaches shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
66. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
67. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
68. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will

need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

69. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
70. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
71. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
72. CONSTRUCTION HOURS: All site improvement construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
73. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
74. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
75. SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next

upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.

76. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
77. STATE CONSTRUCTION GENERAL PERMIT: In the event that, during the production of construction drawings for the plans approved with this application by the [Deciding Body], it is determined that the project will disturb one (1) acre or more of site area, the filing of a Notice of Intent (NOI) and submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the San Francisco Bay Regional Water Quality Control Board as part of a State Construction General Permit will be required. These items shall all be completed and accepted by the Engineering Division before issuance of a grading/building permit.
78. NPDES STORMWATER COMPLIANCE: In the event that, during the production of construction drawings for the plans approved with this application by the Town of Los Gatos, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
79. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
80. BIORETENTION SYSTEM: The bioretention system shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention system(s) shall be designed to sustain healthy, vigorous

plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.

81. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
82. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
83. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
84. PUBLIC IMPROVEMENTS: Applicant shall install sidewalk, curb and gutter along the frontage of the property. Improvements shall be installed by the Developer, with separate plans showing the proposed work in the public ROW. Plans must be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permit
85. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1)

late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.

86. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
    f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
    g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
    i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
    j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
87. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public

Works Department, and approved for implementation.

88. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
89. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
90. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
91. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
92. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
93. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

94. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
95. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone

(VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. All comments below that result from PRC 4290 are identified by **. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08.

96. FIRE SPRINKLERS REQUIRED: An automatic residential fire sprinkler system shall be installed in all new one and two-family dwellings. Sprinklers noted on Sheet 1.
97. REQUIRED FIRE FLOW: The minimum required fire flow for this project is 1,000 Gallons Per Minute (GPM) at 20 psi residual pressure. This fire flow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]. Letter received.
98. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. [CFC Sec. 505.1].
99. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project [CFC Ch. 33].
100. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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JAIME P. ARAFILES, PE

3861 Smith Street #293, Union City, CA 94587
Tel (510) 386-5899 jparafiles@aol.com

LETTER OF JUSTIFICATION

October 23, 2026

Project Address:	94 Hernandez Avenue, Los Gatos, CA 95030
Assessor's Parcel Number:	510-20-024
Zoning District:	R-1:8
Applicant:	Wilfred Cadiente

This Letter of Justification is being submitted in relation to the application for a two-story single family residence with a basement. An existing one-story accessory building #3 will be retained for this project. The purpose of this letter is to demonstrate that the proposed project complies with the Town of Los Gatos General Plan, Residential Design Guidelines, and Zoning Standards, and that this project will enhance the architectural quality and neighborhood character of the community.

Description of Proposed Request

a. The proposal includes the demolition of an existing 4,467 sq. ft. two story residence and existing one-story accessory buildings #1 (245 sq. ft.) and #2 (582 sq. ft.) and construction of a new 2,702 sq. ft. two story residence and a 607 sq. ft. 3-car garage.
b. Project Summary
   Main Residence: 1,674 sf (first floor)+ 1,012 sf (second floor) = 2,686 sf total living area
   Attached Garage: 607 sf
   Porch Area: 176 sf
   Total Proposed Building Area: 3,469 sf
   Zoning Compliance: The project meets all required setbacks, height limits, and lot coverage standards for R-1:8 district

   The home will serve as a private family residence with standard residential occupancy. No commercial activity is proposed.

Existing Structure and Justification for Demolition

a. The existing residence was constructed in 1928 and reflects the design limitations of that era. The structure is awkwardly sited on the lot making expansion or functional remodeling architecturally impractical.
b. There was no Garage for the existing residence.
c. The proposed project will correct these functional issues, will improve circulation and safety, and will provide a code compliant and energy-efficient residence.

Benefit to the Community

a. The proposed Mediterranean design replaces the original 1928 building with a new thoughtfully detailed residence. The new structure shall be built in the same style and design of contributing Mediterranean styles which are the contributors to Los Gatos' historic districts. This is in conformance with section 4.10 of the Loas Gatos Residential Design Guidelines.
b. New landscaping will provide additional screening along Hernandez and Ellenwood sides of the property.
c. The property's flat topography will allow pad construction with very minimal site grading. All new landscaping will comply with the Town's Water Efficient Landscape Ordinance.

Facts Justifying the Application

a. Neighborhood Compatibility: The home's scale, articulation, and Mediterranean style are consistent with the surrounding neighborhood (Alexander Avenue and Ellenwood Avenue).
b. Architectrural Quality and Detail:
-Cast stone base around the house adds warmth and texture.
-Deep eaves, decorative corbels, and varied roof planes provide shadows.
-Vertically proportioned windows and balcony add balance.

We respectfully request approval of this application based on the project's consistency with the Town's Residential Design Guidelines and Zoning Standards.

Sincerely,

Jaime Arafiles, PE



Cc: Jocelyn Shoopman, Planner
Helen and Wilfred Cadiente, Property Owners

AGREEMENT TO DEMOLISH

THIS AGREEMENT (hereinafter referred to as "the Agreement") is made and entered into on this 8th day of September 2020, by and between Willie and Helen Cadiente, (hereinafter referred to as "Property Owner"), and the Town of Los Gatos, a municipal corporation, (hereinafter referred to as "the Town")

RECITALS

WHEREAS, Willie and Helen Cadiente, are the owners of property commonly known as 94 Hernandez Avenue in the Town of Los Gatos ("Subject Property"); and

WHEREAS, the Subject Property is comprised of a residential lot with a Main Residential Structure and Two Small Structures as depicted in Exhibit "A"; and

WHEREAS, the Town of Los Gatos has asserted that the Main Residential Structure on the Subject Property contains various Municipal and State Code violations and is uninhabitable and has deteriorated to a point that it constitutes a threat to public health and safety warranting demolition; and

WHEREAS, Property Owner desire to voluntarily demolish the Main Structure, and the Town of Los Gatos and the Property Owner wish to resolve this matter in a mutually agreeable fashion, without the necessity of legal proceedings.

NOW, THEREFORE, in consideration for the mutual promises and covenants contained herein, the parties hereto agree as follows:

AGREEMENT

SECTION 1:

The Town of Los Gatos agrees to withhold further Enforcement Action against the Property and Property Owner in exchange for Property Owner's agreement, as set forth herein, to bring the property into full compliance with the Town Municipal Code and International Property Maintenance Code for Abatement of Public Nuisances within the time frames set forth in this agreement.

SECTION 2:

The Town of Los Gatos and the Property Owners agree that that the Subject property currently constitutes a nuisance and is in violation of the following code sections with the applicable sections attached hereto as Exhibit "B":

1. Town of Los Gatos Municipal Code § 29.10.185, §29.80.315 and § 30.10.030
2. Civil Code § 3479 and § 3480.
3. Health & Safety Code § 17920.3 and §17980

#1

EXHIBIT 5

4. International Property Maintenance Code § 108.1.1, § 110.1, §302.5, § 304.1, §3 04.2, § 304.6, § 304.7 and § 308.1

SECTION 3:

Upon execution of this Agreement, the Property Owners shall undertake and abate the violations listed in Section 2 not later than October 31, 2020 by demolishing the Main Residential Structure. Property owner recognizes and agrees that the objective of this Agreement and the October 31, 2020 deadline is to abate and correct the nuisances identified in SECTION 2 of the Agreement without causing the Town to seek enforcement and abatement proceedings to demolish the Main Residential Structure.

SECTION 4:

The demolition of the Main Residential Structure shall be performed and conducted with a proper demolition permit issued through the Community Development Department of the Town of Los Gatos. The Town agrees to reimburse the Claimant any demolition permit fees paid by the Property Owner to the Town so long as the Main Structure is demolished by October 31, 2020. In addition, the Town agrees to reimburse the Property owner for future Town permit and building fees for the renovation of the two accessory structures. Property Owner must expend the funds for permit and building fees for the two accessory units prior to June 30, 2021 and the Town will reimburse the Property Owner prior to June 30, 2021.

SECTION 5:

It is expressly understood by the Parties that time is of the essence in this Agreement. Failure to meet time deadlines, as set forth in the Agreement, shall be considered to be a material breach of this Agreement. Should Property Owner fail to comply with this Agreement in the time set forth, the Town of Los Gatos shall have the right to enter the property and demolish the Main Residential Structure to abate the nuisances set forth in Section 2. If the Town is required to demolish the Main Residential Structure, the Property Owner agrees that they shall be responsible for all costs incurred by the Town that are associated with the abatement. All costs shall be paid to the Town within 30 days from the date of invoice. If the costs are not paid, they shall become a tax lien against the property. Property Owner waives any right to contest the issue of Code violations set forth herein and their nature as nuisances, either before the Planning Commission of the Town of Los Gatos, the Town Council of the Town of Los Gatos, or the courts of the State of California.

SECTION 6:

It is expressly understood, and the Parties agree that once demolition of the Residential Main Structure is complete, the property owner agrees that any subsequent development on the property will require the submittal of a Development Review Application Package, and when the Application is complete, it shall be forwarded to the Planning Commission for review and approval in accordance with the Town Code, the General Plan and the Town's Residential Design Guidelines and said development shall be required to comply with Section 4.10 the

#2

UFC JMC RVS

Town's Residential Design Guidelines even though the Subject Property is not within a Historical District.

SECTION 7:

The parties agree that the covenants set forth in this Agreement shall affect the real property described above and, in fact, shall constitute covenants which run with the land. This Agreement shall bind the Town and the Property Owner until the violations set forth in Section 2 have been abated and the Main Residential Structure demolished, and shall also bind any successors-in-interest which may come into title with respect to the land or anyone receiving any interest in the land whatsoever.

WHEREFORE, the parties have agreed, as set forth above, and they do witness their Agreement by setting forth their signatures below on this 7th day of Sept 2020.

Signed under duress

"PROPERTY OWNER"

By: Wcadiente

Willie Cadiente
Property Owner

"TOWN OF LOS GATOS"

By: Robert Schultz

Robert Schultz, City Attorney
Town of Los Gatos

Signed under duress

"PROPERTY OWNER"

By: Helen Cadiente

Helen Cadiente
Property Owner

#3

WF
RWS Amc

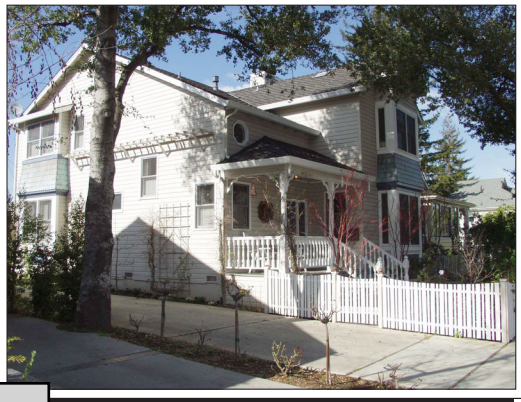
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EXAMPLES OF SYMPATHETIC NEW CONSTRUCTION









4.9 ADDITIONS/ACCESSORY BUILDINGS/SECONDARY UNITS

Follow the provisions set forth in Guideline 3.9 on page 33.

4.10 NEW CONSTRUCTION

This section applies only to new houses constructed within one of the Town's designated historic districts

- Replacement of an existing character-defining or historic structure with a new structure is strongly discouraged.
- New structures should be built in the same style and design of contributing structures in the district. In general, Victorian, Craftsman/Bungalow, and Mission Revival/ Mediterranean styles are the contributors to Los Gatos' historic districts.
- Exact duplication is neither required or encouraged. However, a recognized architectural style and design in the district is required.
- New Victorian and Craftsman style structures must accurately replicate the traditional style, design and integrity of those contributing structures in the district.
- Replacement of a noncontributing structure is acceptable.
- The established contextual patterns and rhythms should be respected. It is perfectly acceptable that a new "style" be introduced, if it is in keeping with the neighborhood. Historically that has occurred throughout the development of the Town of Los Gatos.
- New structures should not create a false sense of the historical development of the district.
- Conform new structures to the existing and/or required setbacks, and replace the "footprint" of the original structures if any.
- Respect the established site patterns and harmonize with neighboring buildings and existing topography. Exceptions might occur at corners, or where unusual existing condition or neighboring structures create a special condition.
- Respect the street pattern created by open space.
- New construction should be in keeping with the existing neighborhood. It should be especially sensitive to the height and scale of the homes on immediately adjacent parcels. Front facades should appear similar in height to those seen historically in the block. Taller portions should be set back further on the lot.

- When a new project has more square footage than the surrounding structures, reduce the scale of the structure with sensitive design treatments. Setbacks, overhangs, bay windows, changes in roof slopes, and facade ornament are all methods for reducing the scale of a structure.
- Floor to floor heights should match the floor to floor of adjacent contributing structures.
- The proportion of window and door openings in new construction should be similar to that of the existing surrounding architecture.
- Porches on new structures should have proportions, materials and roof slopes similar to original porches in the district. They should also have depths similar to contributing structures in the district which normally allows for the placement of furniture on the porch.

4.11 NONCONTRIBUTING STRUCTURES

This section applies only to existing houses located within one of the Town's designated historic districts

4.11.1 Remodel to a Contributing Status

- Owners of noncontributing structures within the Town's historic districts are encouraged to remodel them into the style and design of a contributing structure in the district.
- Structures most suitable for this type of remodel are those that would likely have been classified as contributing structures absent previous remodel work or additions that were not sympathetic to the original architecture of the structure.
- In some cases, it may also be possible to make changes that would convert an otherwise non-descript structure into a contributing structure for the district. In general, Victorian, Craftsman/Bungalow, and Mission Revival/Mediterranean styles are the contributors to Los Gatos' historic districts.
- An applicant must produce photographs, counts, and documentation of the location of existing structures of that style in the district or reference materials indicating consistency with contributing styles in the district.
- All exterior elements subject to review should be consistent with the proposed style.
- Remove previous additions and alternations that are not consistent with the architectural style of the structure and the district.
- Carry out exterior changes to the building facades and additions using the guidelines in Section 4.8, 4.9 and 4.10.

CDG
CANNON
DESIGN
GROUP

ARCHITECTURE PLANNING URBAN DESIGN

July 25, 2022

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 94 Hernandez Avenue

Dear Jocelyn:

I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

Neighborhood Context

The site is located in an older neighborhood with a mix of one and two-story homes designed in traditional styles recalling the homes in nearby Los Gatos Historic Districts. Photographs of the neighborhood are shown on the following page.



EXHIBIT 7

700 LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

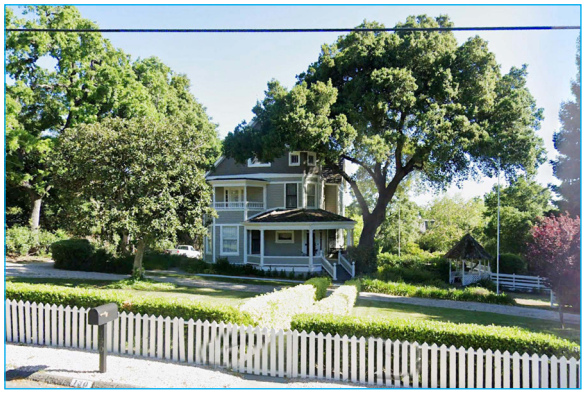
TEL: 415.331.3795
CDGPLAN@PACBELL.NET



The Site and former structure facing Hernandez Avenue



Site and house to the immediate right on Ellinwood Avenue



House to the immediate left on Hernandez Avenue



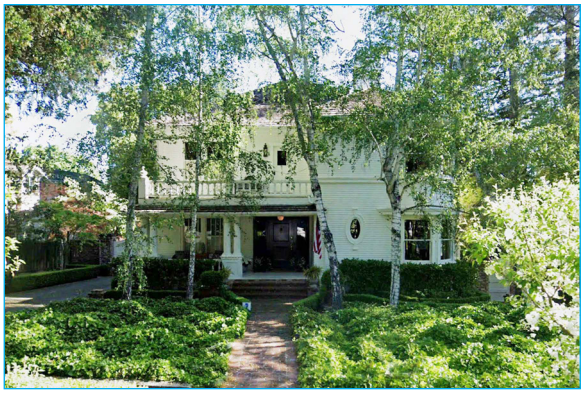
House immediately across Hernandez Avenue



Nearby house



Nearby house



Nearby house



Nearby house

OVERVIEW

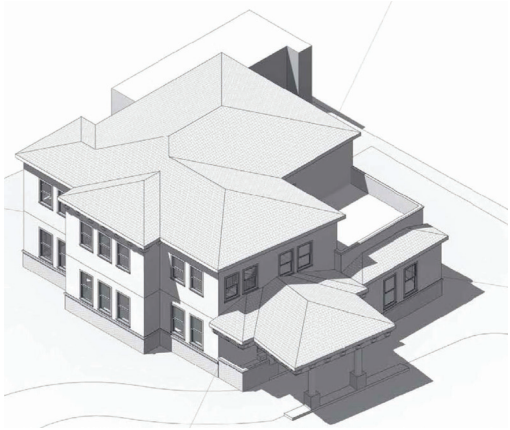
The proposed two-story house is designed in a Traditional Formal Mediterranean Style - see sketch and proposed elevation illustrations below.

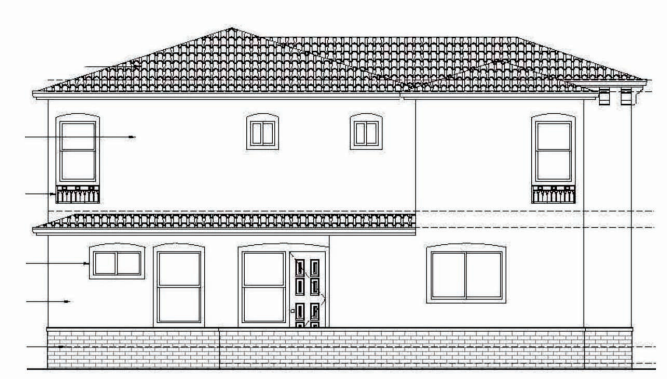


PROPOSED FRONT ELEVATION

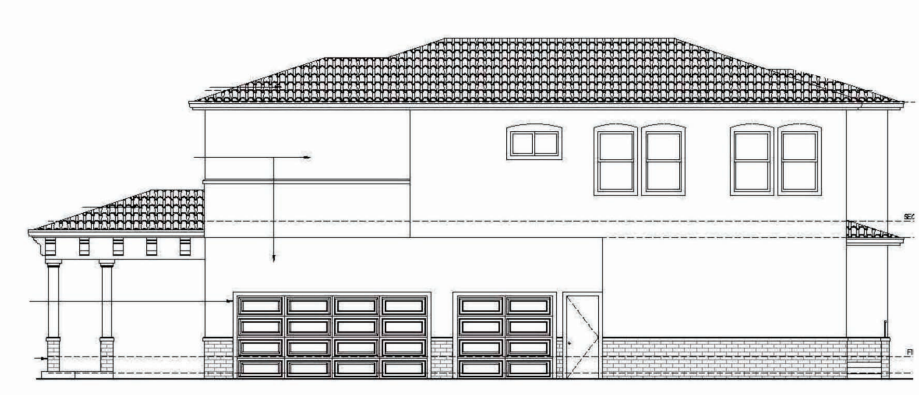


PROPOSED RIGHT SIDE ELEVATION





PROPOSED LEFT SIDE ELEVATION



PROPOSED REAR ELEVATION

ISSUES AND CONCERNS

The proposed design appears to lean toward a Mediterranean Style home, but lacks the authenticity expected to be consistent with the Town's Residential Design Guidelines and sympathetic to the Immediate neighborhood.

1.4 Community Expectations

- *Homes will respect the scale and character of their immediate neighborhoods.*
- *Homes will maintain a friendly presence to the street.*
- *Structures will be designed with architectural integrity with design and material consistency on all facades.*
- *Structures will be constructed with high quality materials and craftsmanship.*
- *Attention will be given to architectural details consistent with the individual architectural style.*
- *All aspects of the project will respect the natural setting and features of a site.*

Some specific issues include the following:

1. The two-story mass and bulk at the front of the house is out of character with the immediate neighborhood, and is not consistent with Residential Design Guidelines 3.1.1 and 3.3.2.

3.2.1 Select an architectural style with sensitivity to the surrounding neighborhood

- *Styles with front facade eaves at the first floor level will be easier to adapt to predominantly one story neighborhoods than styles with two story, unbroken front facades.*

3.3.2 Height and bulk at front and side setbacks

- *Give special attention to adapting to the height and massing of adjacent homes. Avoid tall, unbroken front facades when other nearby homes have more articulated front facades with horizontal wall plane changes*
- *The design of two story homes constructed adjacent to one story houses should include techniques to minimize their visual impact and provide transitions in scale.*



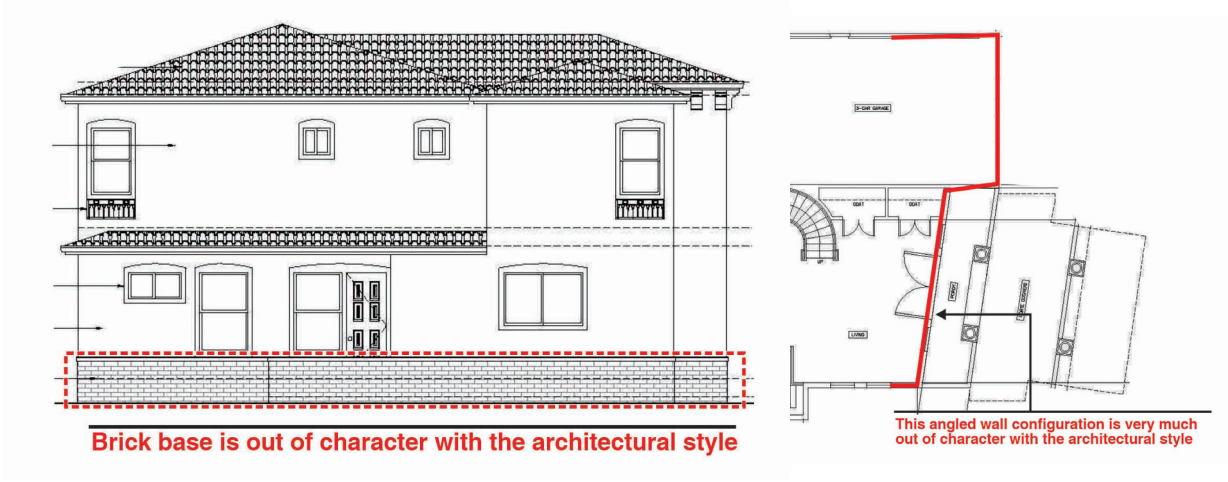
Bulky building form for this neighborhood

2. The design articulation and details of the house are not carried consistently around all four facades which is not consistent with Residential Design Guideline 3.3.2. Specific issue include the limited use of the corbels at the roof overhang and the use of a formal Mediterranean Style on the Hernandez Road facade and an informal version of the style on the other three facades. Also, the angled wall at and above the entry is an abrupt departure from the regular geometry of the proposed architectural style.

   3.2.2 Design for architectural integrity

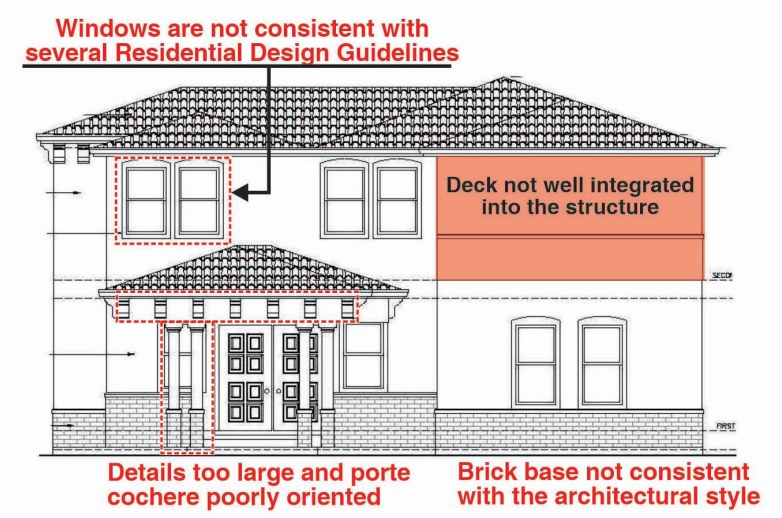
   - *In general, it is best to select a clear and distinctive architectural style rather than utilizing generic design elements or mixing elements from different architectural styles.*
   - *Building massing, roof pitches, materials, window types and proportions, design features (e.g., roof dormers), and other architectural features should be consistent with the traditions of the selected style.*
   - *Carry wall materials, window types and architectural details around all sides of the house. Avoid side and rear elevations that are markedly different from the front elevation.*

3. The brick base is out of character with the proposed architectural style.



4. There are several issues with the proposed windows which appear to be inconsistent with the Residential Design Guidelines.

   - The windows appear to be double hung which would not be consistent with the architectural style.
   - The proposed foam window trim would not be consistent with the Residential Design Guidelines.
   - Window sashes appear quite narrow which would not be consistent with the architectural style and would be inconsistent with the Residential Design Guidelines.



3.7.1 Arrange windows in patterns and groupings consistent with the architectural style and surrounding neighborhood

- *Many architectural styles have individual windows that are grouped into patterns of two, three or more windows. Be conscious of this fact, and organize the windows to complement the style.*

3.7.2 Match window types and proportions to the architectural style and to the surrounding neighborhood

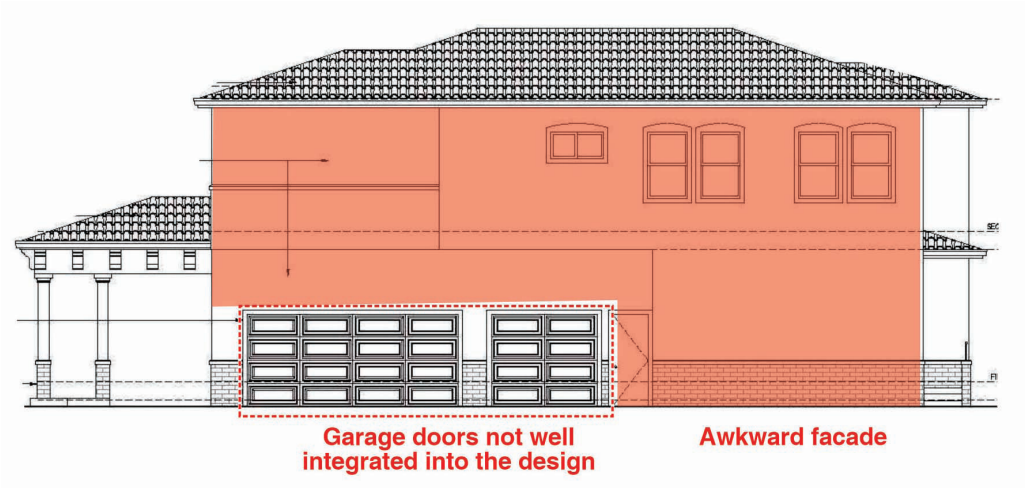
- *Select window types to complement the style of the house. Each architectural style generally has one or two window types that are traditional to the style. Double hung windows, for example, are common features of Victorian and Craftsman Styles while casement windows are seen frequently in Mission and Spanish Eclectic styles.*

3.7.3 Match window materials to the architectural style and to the surrounding neighborhood

- *Wood windows are common in Los Gatos. Wood is still the desired choice for styles that traditionally used wood. However, today there are some window materials, such as vinyl clad wood windows that are not noticeably different from wood at a short distance. They may be used if their visual appearance matches wood.*

3.7.4 Design the windows with attention to matching the traditional details of the architectural style

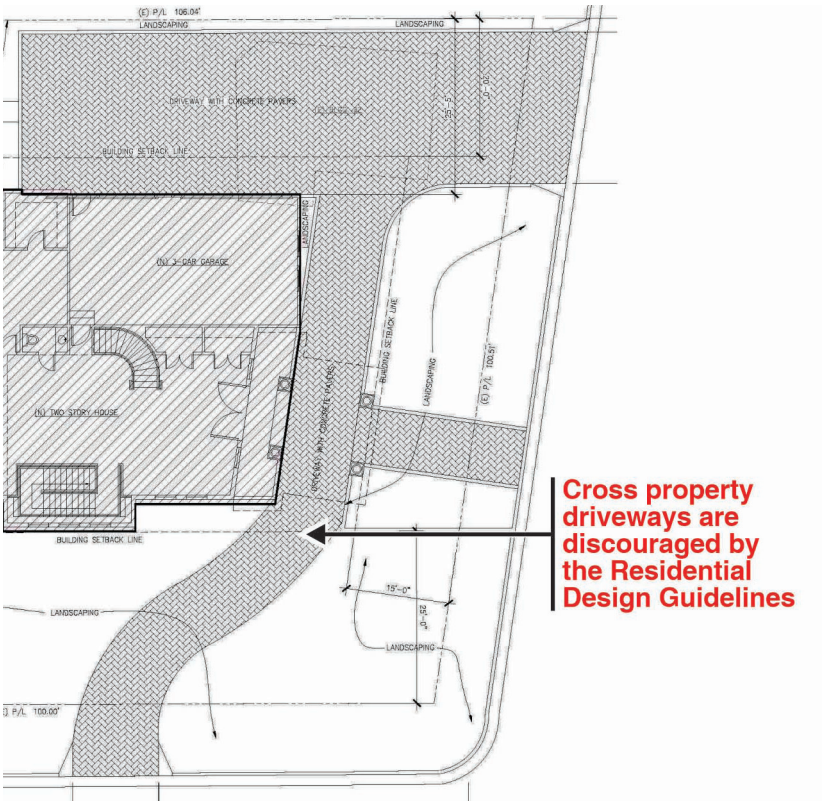
- *Most architectural styles - except Mission, Spanish Eclectic or Modern - should have wood trim around the windows. The trim width should be matched to the style, but in general, should not be less than 3 1/2 inches wide. Head trim depth should be equal to or wider than the jamb casing, but not less than one-sixth of the opening width.*
- *Projecting window sills and heads are strongly encouraged unless the architectural style would not normally have those features.*
- *Wood trim is also encouraged on stucco houses unless the window frames are recessed at least 6 inches from the outside face of the wall.* ***The use of stucco covered foam trim is strongly discouraged.***



5. While there are a couple of circular driveway nearby, they are discouraged be the Residential Design Guidelines. While this is not a circular driveway, it poses the same issue of more paving and less landscaping.

2.4.4 Limit the use of circular driveways

- *Circular driveways are discouraged because they increase the amount of paving in front setbacks.*
- *Circular driveways may be considered for larger estate lots with wide street frontages where the width of the total driveway footprint is less than 50 percent of the parcel width.*
- *Where circular driveways are allowed, substantial landscaping should be provided along the street front, and special driveway paving materials and/or patterns should be provided.*

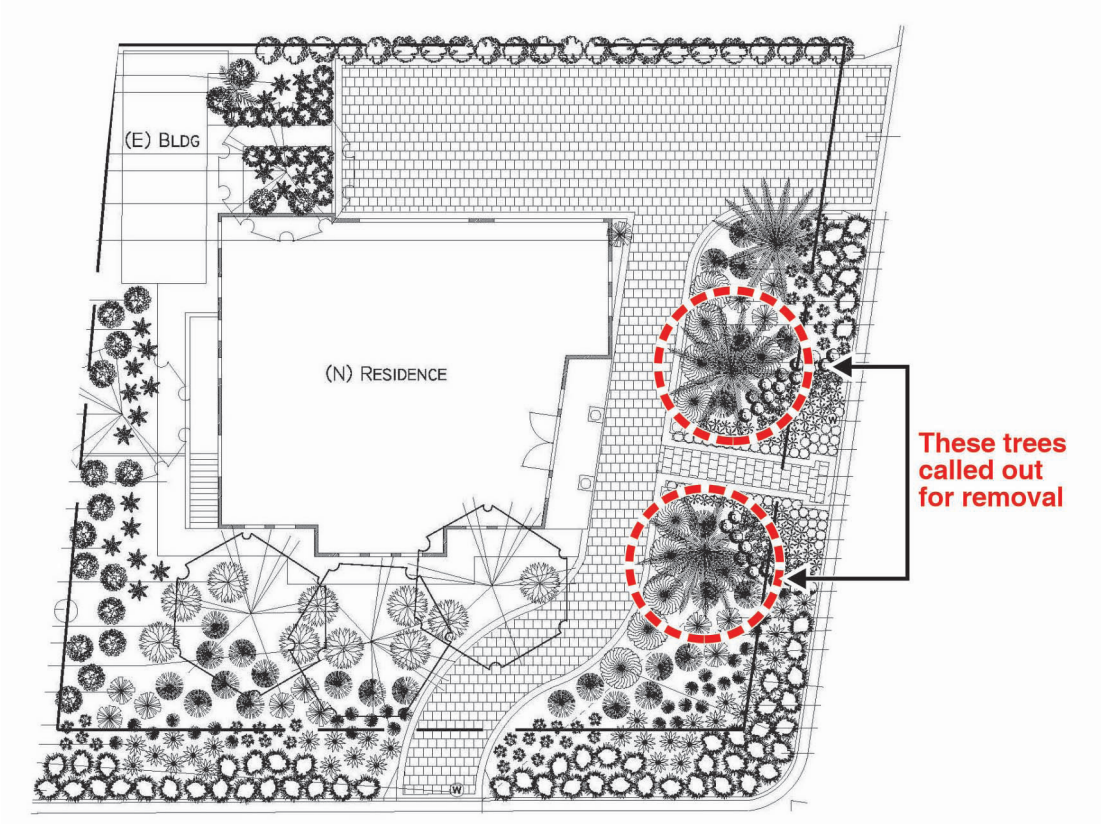


6. The second floor deck facing Ellinwood Avenue seems like a missed opportunity. It is quite isolated from the interior of the home and not well related to the overall home design or architectural style.
7. The beams and corbels on the port cochere are too large.
8. The three car garage is not well integrated into the overall design.

9. It appears that tall mature trees with large trunk diameters will be removed from the Ellinwood Avenue street frontage which would not be consistent with Residential Design Guideline 2.5.1.

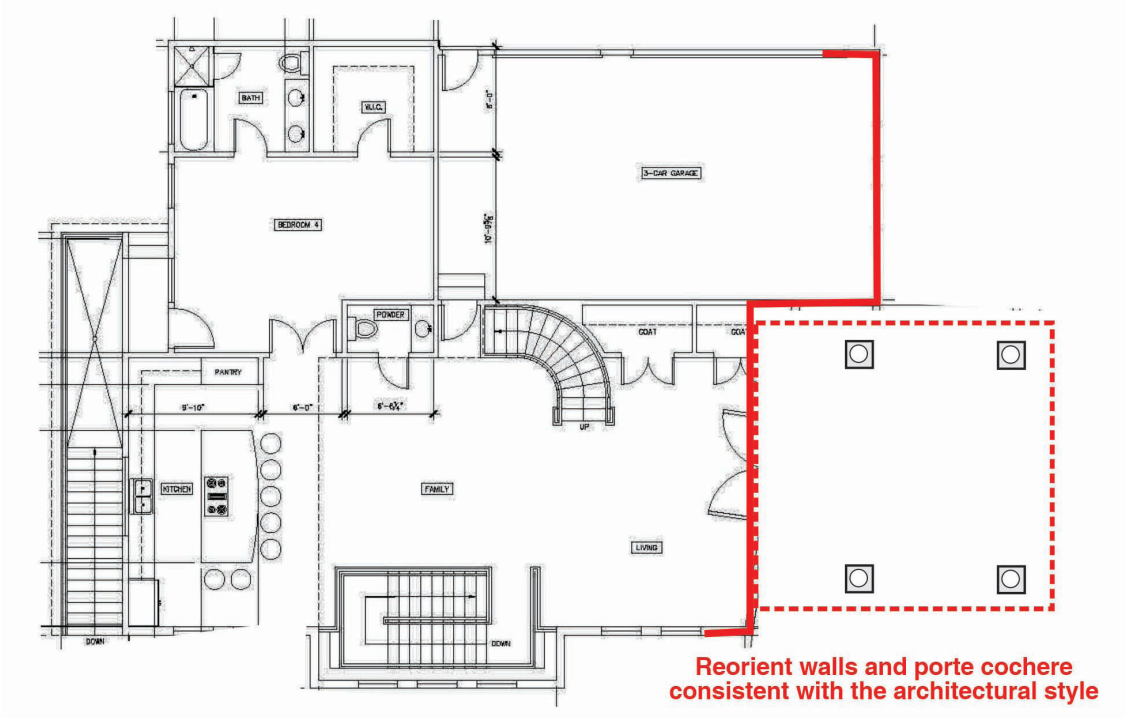
2.5.1 Save mature trees and landscaping whenever possible

- *Many trees are protected by the Town's Tree Ordinance (Section 29.10.0950 - 29.10.1045 of the Town Code) which sets forth criteria for protected tree size and species and the procedures for their removal and replacement. A summary is provided in the sidebar, but applicants should refer to the full ordinance which is available from Town staff or on-line at www.losgatosca.gov*

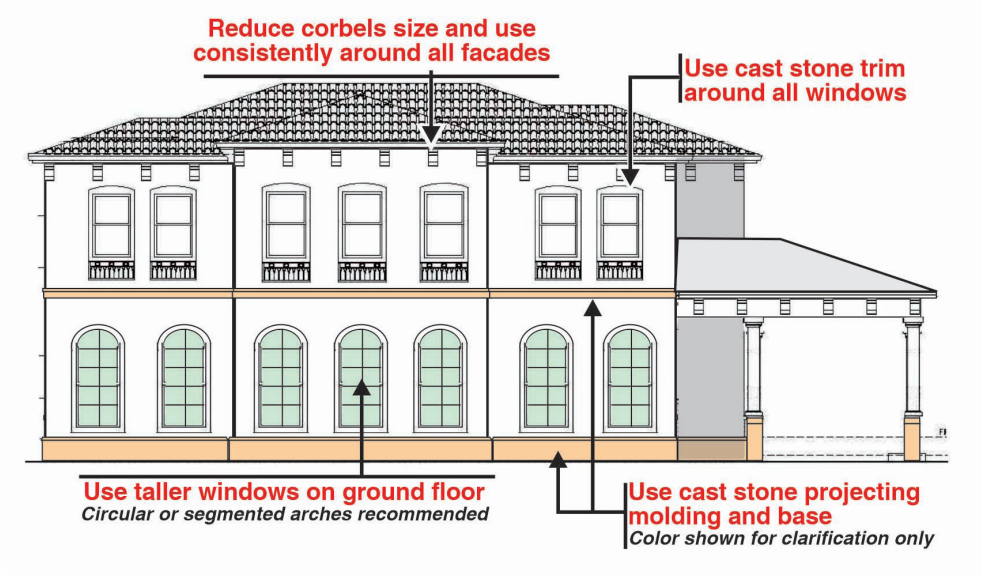


RECOMMENDATIONS

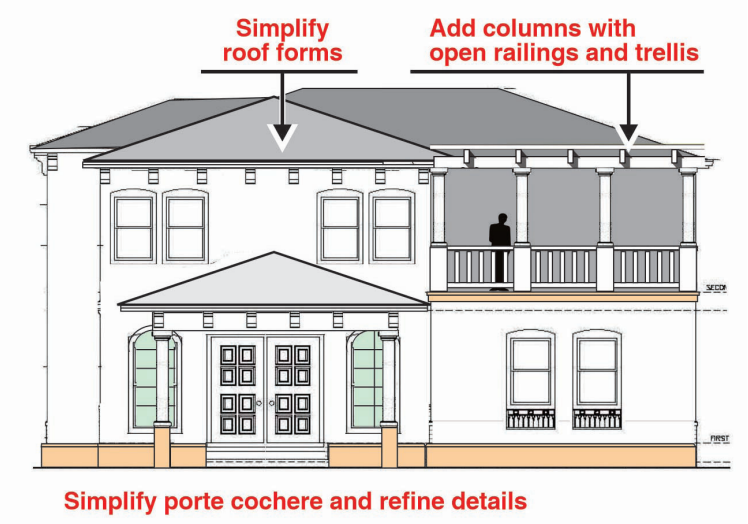
1. Reorient the Ellinwood Avenue facade walls and porte cochere consistent with the architectural style.



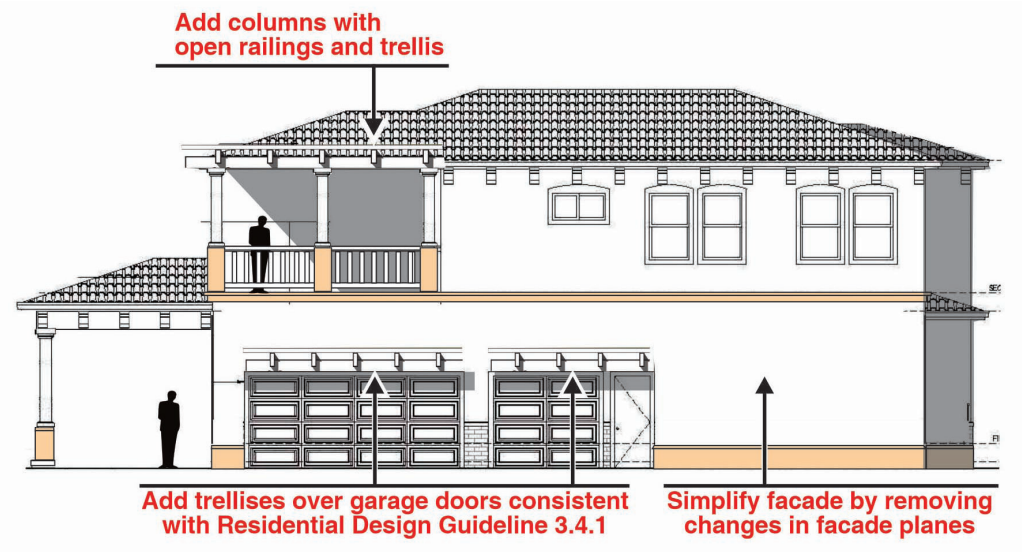
2. Reduce corbels size and use consistently around all facades.
3. Use taller ground floor windows - circular or segmented arches recommended.
4. Use cast stone around all windows in lieu of foam trim.
5. Use cast stone projecting belt molding and building base.



6. Simplify the porte cochere and refine details.
7. Simplify roof forms where possible.
8. Add round columns and open railings and trellis at second floor deck. Revise interior floor plan, if possible to take better advantage of the deck.



9. Add trellised over garages consistent with Residential Design Guideline 3.4.1.
10. Simplify rear facade by removing changes in the facade planes.



11. Use casement windows rather than double hung winows.
12. Use aluminum or vinyl covered wood windows to provide sash sizes more appropriate to the style and scale of the house.
13. Discuss the proposed removal of the mature trees on the site.

The above recommendations have been based on retaining as many of the main elements of the applicant's design as possible, but would not, in my judgment, be fully compliant with Residential Design Guideline ***4.10 New Construction***, which the Town Attorney has indicated should be applied to this application. A better approach would be to use a more informal approach the Mediterranean Style which has less formal and bulky forms with a greater emphasis on some first floor roof overhangs to better relate to the other homes in the immediate neighborhood. Some examples are shown on the following page.













Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

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JAIME P. ARAFILES, PE

32108 Alvarado Blvd., Suite 293, Union City, CA 94587
Tel (510) 386-5899 jparafiles@aol.com

June 18, 2023

Planning Department
Town of Los Gatos
110 E Main Street
Los Gatos, CA 95030

Reference: 94 Hernandez Avenue, Los Gatos, CA 95030

Subject: Project Description and Letter of Justification

This project involves the replacement of a two story residential building with a new two story, Mediterranean style residential building with a Basement and a 3-car Garage. The project has been revised on drawings 6 and 7 in accordance with the Town's Residential Design Guidelines and the recommendations of the Town's consulting architect specifically as follows:

1. Reoriented the Ellinwood Avenue façade walls and porte cochere consistent with the Mediterranean style of the building.
2. Reduced the corbel size and use consistently around all facades.
3. Used taller ground floor windows with segmented arched heads.
4. Used cast stone around all windows.
5. Used cast stone projecting belt molding and building base.
6. Simplified the porte cochere and refined its details.
7. Simplified roof forms where possible.
8. Added round columns and open railings and trellis at second floor deck.
9. Added trellis over the Garage doors.
10. Simplified rear façade by removing changes in façade planes.
11. Used casement windows rather than double hung windows.
12. Used aluminum or vinyl covered wood windows to provide sash sizes more appropriate to the style and scale of the house.
13. Proposed the removal of the mature trees on the site.

Respectfully submitted,

Jaime P. Arafiles, PE 40483



Cc: Jocelyn Shoopman, Planner
Helen and Wilfred Cadiente, Property Owners

EXHIBIT 8

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Assessment of Eight (8) Protected-Size Trees
At and Adjacent to
94 Hernandez
Los Gatos, California

Prepared for:
Ms. Jocelyn Shoopman, Senior Planner
Town of Los Gatos Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Field Visit:
Walter Levison, Contract Town Arborist (CTA)
12/16/2024

Report by CTA
Iteration 12/22/2024 R1

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1.0 Summary in Table and Paragraph Formats

a. Below is a matrix style overview of protected-size trees (non-exempt species, 4-inches diameter at 4.5 feet above grade) on and adjacent to the site. In the table, the CTA (Contract Town Arborist) has outlined expected impacts to each tree, along with suggestions for adjustments to the plan set (if applicable) that will optimize tree survival over the long term. Note that in the case of 94 Hernandez, the property owner of native oaks #41, 42, 43, 44, and #45 is 124 Hernandez.

Mitigation replacement rate and size is noted for each tree in the case that removal or damage to trees occurs.

Note: Only trees within relatively close proximity of proposed work are included in this tree study (e.g. tree trunks located between approximately zero and 30 linear feet of current proposed new grading, utility trenching, excavation, haul routes, landscaping, etc. as shown on proposed plans, and regulated species/size trees with canopy driplines that encroach over the applicant's property lot line.

New Staff Protocols 2021 Onward / High Risk Trees & Extreme Risk Trees & Dead Trees

Per my communications with Town Planning Division Staff in 2021, all trees with a TRAQ risk rating of "high" or "extreme", and all trees in "dead" (i.e. 0 to 5% overall condition ratings) are allowed to be removed as no-fee removals, without any canopy replacement fees or plantings required, when a site is undergoing entitlement review. The reference for this no-fee/no-replacement removal standard is Town tree ordinance code section 29.10.0985.

Table 1.0(a) (REFER TO THE CTA'S TREE MAP MARKUP WHEN REVIEWING THIS MATRIX)

Note that there are zero (0) protected-size trees expected to be removed as part of the applicant's site plan project work. However, it is still possible that some negative impacts to trees being protected in place may occur as a result of the proposed addition work and proposed garage renovation work. Use of trunk buffer wraps, horizontal stem wraps, and chain link root protection zone fencing per the CTA's tree map markup in section 12.0 of this report, will reduce impacts to trees to a less than significant level (assuming that these protection measures are set up correctly per spec prior to commencement of site work, and maintained in good condition throughout the entire site plan work period until final occupancy inspection by Town Staff).

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
1	41	California valley oak	--	$230.	Avoid irrigation pipe trenching deeper than 4 inches below grade, during landscape installation along the west property line area. Fence off root zone per the red dashed line on the CTA's tree map markup in this report, throughout the entire demolition, grading, and construction process.	3	24" box

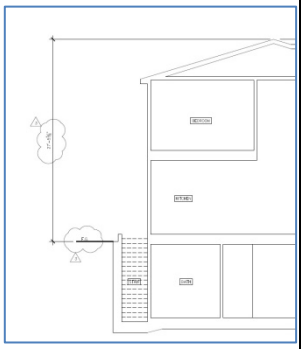
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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to “less than significant”	Replacement Rate Per Canopy Lost	Replacement Size Tree
2	42	California valley oak	--	$1,830.	Avoid irrigation pipe trenching deeper than 4 inches below grade, during landscape installation along the west property line area. Fence off root zone per the red dashed line on the CTA’s tree map markup in this report, throughout the entire demolition, grading, and construction process. CRITICAL ROOT ZONE: 12 FEET RADIUS.	3	24” box
3	43	Coast live oak LPT	YES	$24,900.	Avoid irrigation pipe trenching deeper than 4 inches below grade, during landscape installation along the west property line area. Fence off root zone per the red dashed line on the CTA’s tree map markup in this report, throughout the entire demolition, grading, and construction process. Storm Drain Inlet and Piping Proposed: Note that the proposed SD box and pipe encroach into the area noted on the CTA’s tree map as “Critical Root Zone” (CRZ) which is shown as a red highlighted area. New drain inlet box and storm drain pipe build are shown on applicant plans at roughly 13 to 14 feet radius offset from the mainstem edge of this Large Protected Tree (LPT) designate native oak specimen, which is within the CRITICAL ROOT ZONE of 19 FEET RADIUS. Staff may want to have the applicant redesign this storm drain facility in order to move it farther eastward to outside of the author’s suggested RPZ fence alignment shown on the CTA tree map as a red dashed line.	10	24” box

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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to “less than significant”	Replacement Rate Per Canopy Lost	Replacement Size Tree
4	44	Coast live oak	--	$1,260.	Avoid irrigation pipe trenching deeper than 4 inches below grade, during landscape installation along the west property line area. Fence off root zone per the red dashed line on the CTA’s tree map markup in this report, throughout the entire demolition, grading, and construction process. The CRITICAL ROOT ZONE of this tree is 8 feet radius, which means the applicant’s proposed graded drainage swale will be outside of the CRZ, but will encroach within the CRZ of tree #45 (refer to line 5 of this table below).	3	24” box

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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
5	45	Coast live oak LPT	YES	$12,600.	Avoid irrigation pipe trenching deeper than 4 inches below grade, during landscape installation along the west property line area. Fence off root zone per the red dashed line on the CTA's tree map markup in this report, throughout the entire demolition, grading, and construction process. **Proposed new graded swale, stairs, and basement structural wall excavation are all shown on applicant plans at distances within the CRITICAL ROOT ZONE of 18 feet radius from the mainstem edge of this Large Protected Tree (LPT) designate native oak specimen.** Staff may or may not choose to have the applicant redesign the proposed residence build footprint in order to move it farther eastward to outside of the CRZ. The author's suggested Root Protection Zone fence (RPZ) is shown on the attached tree map markup as a red dashed line at approximately 14 feet radius offset from the mainstem edge of tree #45: a distance which is "almost" the Critical Root Zone offset radius of 18 feet, and may be acceptable from a "compromise standpoint" in terms of maintaining relatively long root zone radius protected behind hard fencing.  Before deciding on this fencing/buildout issue, there is the **additional issue of negative impact of required clearance pruning of tree #45** to reduce length of canopy which encroaches over the proposed 27 foot height residence massing with roughly 35 feet radius east extension, with limb elevations ranging from 12 feet to 18 feet elevation above grade, and smaller diameter branches, twigs, and foliage hanging down to 10 feet.	6	24" box

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Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
6	46	Italian cypress	--	$660.	Fence off root zone per the red dashed line on the CTA's tree map markup in this report, throughout the entire demolition, grading, and construction process. Minimal impacts to tree root zone expected, if protection fencing can be maintained at a few feet south of the property line fence.	2	24" box
7	47	Italian cypress	--	$660.	Fence off root zone per the red dashed line on the CTA's tree map markup in this report, throughout the entire demolition, grading, and construction process. Minimal impacts to tree root zone expected, if protection fencing can be maintained at a few feet south of the property line fence.	2	24" box
8	48	Italian cypress	--	$660.	Fence off root zone per the red dashed line on the CTA's tree map markup in this report, throughout the entire demolition, grading, and construction process. Minimal impacts to tree root zone expected, if protection fencing can be maintained at a few feet south of the property line fence.	2	24" box

2017 Town of Los Gatos In-lieu fee equivalent = $250 per each required 24" box mitigation tree planting not installed on the site.
(This project is on a lot that is greater than 10,000 square feet, and is therefore <u>not</u> allowed to use 15 gallon size trees for on-site replacement plantings).

1.0 (b) Summary of tree disposition and tree issues, based on the set of plans submitted to planning division:

1.0b (i) OVERVIEW

8 total trees #41 through #48 were assessed by the CTA in close proximity to proposed work. **Trees #43 and #45** are considered **Large Protected Trees (LPT)** per Town tree ordinance definitions.

Total value of all 8 study trees expected to be protected in place (PIP): $42,800.

The Critical Root Zone (CRZ) of trees #43 and #45 are 19 feet radius and 18 feet radius offset from mainstem edges, respectively, which means that chain link tree root zone protection fencing (RPZ fencing) needs to be set up per the tree map markup by the CTA attached to this arborist report.

Note however that the CRZ of tree #45 shown as red highlighting on the tree map markup actually extends eastward beyond the applicant's proposed structural wall, where excavation for the basement cavity will occur, which means that the root system of tree #45 will be severed (destroyed) at an offset radius distance from mainstem somewhat shorter than the suggested CRTZ offset radius distance of 18 feet from mainstem.

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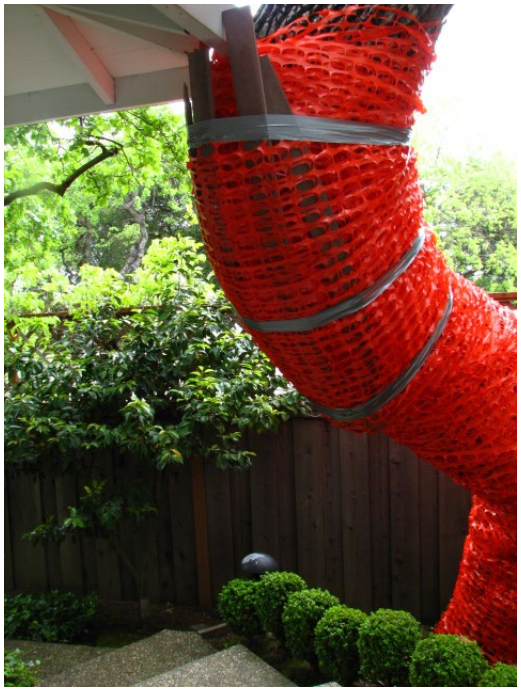
Also note that the applicant's proposed roofline is slightly above 27 feet elevation above grade at the finish roof peak, with a height of roughly 22 feet above grade at the westmost end of the residence facing the tree #45 canopy. This means that the tree #45 canopy of height ranging from 12 feet to 18 feet minimum elevation above grade will actually conflict directly with the applicant's proposed building massing (see CTA tree map black clouding which represents current canopy extent as of December, 2024, versus the applicant's proposed residence exterior walls and roofline). The extent of required canopy pruning to clear the residence and any airspace above the residence to allow for roof construction, will mean that the canopy will be negatively impacted to a severe degree throughout the eastmost 25 feet of extent of the tree #45 canopy due to removal of live limbs, branches, twigs, and foliage within that area.

CUMULATIVE IMPACTS TO TREE #45 EXPECTED:
The combination of root loss during proposed basement structural basement wall excavation at approximately 16 to 17 feet east of mainstem, plus proposed swale grading west of the structural wall closer to the tree, plus a severe degree of horizontal and vertical airspace clearance pruning required to clear the proposed residence exterior walls and roofline, are an overall "severe impact" to the tree, in terms of potential long term loss of vigor (health). Impacts to above ground (canopy) and below ground (root system) portions of the tree are considered "cumulative impacts", and are considered in combination to determine actual severity of total expected construction related impact to the tree's health and structure.

Note that this is a neighbor-owned tree on the 124 Hernandez property that may be damaged to a severe degree due to planned site work at 94 Hernandez.

PROTECTION

Protection will involve use of lower mainstem wraps of multiple rolls of orange plastic per each single tree, multiple rolls of orange plastic snow fencing wrap for horizontal overhanging stems, and chain link fence panels for root zone protection along the red dashed lines indicated on the CTA's tree map markup in section 12.0 of this report.



REMOVALS

(None).

MITIGATION FEES

Mitigation in-lieu fees required for **removal of zero on-site trees = ($0).**

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1.0b (ii) IMPACTS TO TREES BEING PROTECTED IN PLACE / MITIGATION OF IMPACTS

- Tree #43 (Off-site Large Protected Tree): Consider adjusting the location of the proposed new storm drain inlet box and storm drain pipe trench to farther eastward than currently proposed on the applicant plan sheets, in order to allow for protective fencing to be erected along the red dashed line indicated on the CTA tree map markup.

- Tree #45 (Off-site Large Protected Tree):

  - STRUCTURAL BASEMENT WALL: Consider adjusting the proposed building footprint farther eastward to push the proposed structural basement wall farther eastward than currently proposed on applicant plan sheets (optional).

  - STORM DRAIN SYSTEM: Consider adjusting the proposed new graded swale to farther offset from mainstem to allow fencing to be erected as far as possible offset from mainstem (optional).

  - CANOPY VS. BUILDING EXTERIOR ELEVATIONS: Consider adjusting the proposed new residence exterior wall location facing this tree which is currently proposed as a 22 foot height massing, with a finish roof peak of 22+ feet elevation above grade (optional). It is not clear whether any adjustment of the proposed massing could reduce the “severe” degree of clearance pruning of the eastmost 25 feet of canopy mass down to a “minimal” degree of pruning, since the canopy overhangs some 25 feet length of new residence massing.

  - LANDSCAPE PLANTINGS AND IRRIGATION PIPE TRENCHING: Verify that all landscape plant and tree installation irrigation systems to be installed within the tree #45 “Critical Root Zone” of 18 feet radius from mainstem will be on-grade “floating” drip emitter systems and/or bubbler systems set on top of grade to avoid irrigation pipe deep trenching impacts to the tree root zone. This type of minimal impact floating irrigation system needs to be used for the entire length of the oak tree #41, 42, 43, 44, 45 critical root zone (CRZ) area, which is the entire west side of the property shown as red highlight on the CTA’s tree map markup.

- (ALL OAKS) / HISTORICAL CONCRETE MATERIAL DEMOLITION: There is a concrete linear foundation or patio edging (?) of unknown extent, depth of embedment, and origin, along the east side of the existing wooden property line fence adjacent to oaks #43, 44, 45 that is expected to be demolished during site work at this project address. The CTA suggests having an arborist monitor this work in the case that the materials are somehow comingled with roots extended from the oak trees on the other side of the fence (oak tree mainstems are located on west side of the wooden property line fence). If the material is demolished, it may cause damage to oak roots, and may also damage the existing wooden property line fence pier footings, in which case it is possible the entire property line fence would be required to be removed and replaced, causing further damage to the oak trees’ root systems in the process, and opening up the entire open soil root zones of the oaks to potential construction-related foot traffic and other activity such as machinery movement (if the wooden fence were to be temporarily removed).

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1.0b (iii)

SECURITY BONDING:

The new 2015 iteration of the Town tree ordinance section 29.10.1000 (c)3 includes wordage that requires that all trees being retained on a development site need to be appraised for dollar value at the applicant's expense prior to building or grading permits being issued by the Town. Part 'f' of this same tree ordinance section states that the Town may condition a security bond prior to issuance of a permit, in the sum of $5,000 per each tree being preserved, or $25,000, whichever is less. In the case of this site, with 8 protected-size trees being retained on site and adjacent to site (8 x $5,000 = $40,000.), the **minimum $25,000 bond amount** therefore kicks in as the bond dollar amount appropriate for this project.

2.0 Assignment & Background

Walter Levison, Contract Town Arborist (CTA) was directed to tag and assess all Protected-Size (4 inch diameter and greater) trees in relatively close proximity to the proposed site plan project.

On site and off site trees were tagged with numeric tags "41" through "48" by the CTA, affixed to the mainstem of each tree at roughly eye-level. These tag numbers are noted on the CTA's tree map markup attached to the end of this written report. Neighbor trees #45 through #48 were not tagged due to lack of access.

Oaks #41, 42, 43, 44, and #45 are located on neighbor property 124 Hernandez, in very close proximity to the property line wooden fence.

(Tree #43 appears to actually be a joint-owned tree located on both 94 Hernandez and 124 Hernandez, assuming the existing wooden fence is actually the legal property lot line, with a portion of the mainstem cross section extending eastward across the property line wooden fence at grade).

The CTA summarized the tree situation from a long-term site manager's perspective, both in table form and in written form above, in section 1.0.

Specific recommendations for tree maintenance and protection are outlined below in section 4.0.

Digital images of the trees archived by the CTA are included below in this report for reference of existing pre-project conditions.

The tree data table with detailed tree information based on the CTA's field assessment December, 2024 makes up section 11.0 of this report. The CTA used a forester's D-tape to determine trunk diameter at 4.5 feet above grade, or at a narrow point below a mainstem fork if the fork occurs at 4.5 feet above grade. The D-tape converts actual trunk circumference into diameter in inches and tenths of inches. Tree heights were measured using a digital Nikon forestry pro 550 hypsometer. Tree canopy spread was visually estimated as a total diameter spread for each tree specimen.

The embedded tree map mark-up in report section 12.0 prepared by the CTA was created using the applicant's grading and drainage sheet C-1 iteration February 8, 2023. This tree map was marked up with various highlight coloration as discussed in section 12.0. The most important highlight to note on the CTA's map markup is the red highlighted areas which indicate the extent of "critical root zone" minimum suggested offset radius for all new construction activity, which actually extends into the proposed new basement structural wall excavation zone, proposed swale grading area, proposed stairs, and proposed vertical exterior walls along the west side of the proposed new residence. Combined impacts of proposed excavation work and airspace clearance pruning required to clear the above ground building massing are a cumulative "severe" impact to tree #45 "health", and likely also "structure".

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3.0 Town of Los Gatos – What Trees are Protected?

Per the most recent (2015) iteration of the Town of Los Gatos tree ordinance (Town Code Chapter 29 – Zoning Regulations, Article 1), the following regulations apply to all trees within the Town's jurisdiction (wordage adjusted):

1. All trees with at least a single mainstem measuring four (4) inches diameter or greater at 4.5 feet above grade are considered "**Protected Trees**" when removal relates to any development review.

2. 12 inch diameter (18 inch multistem total) trees on developed residential property not currently subject to development review.

3. 8 inch diameter (8 inch multistem total) blue oak (*Quercus douglasii*), black oak (*Quercus kellogii*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) on developed residential lots not currently subject to development review.

4. 8 inch diameter (8 inch multistem total) trees on developed residential property not currently subject to development review, on lots in the designated **Hillside Area** per the official Town map.

5. All trees with a single mainstem or sum of multiple mainstems totaling 48 inches diameter or greater at 4.5 feet above grade are considered "**Large Protected Trees" (LPT).**

6. All oak species (*Quercus spp*.), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) with one or more mainstems totaling 24 inches diameter or more at 4.5 feet above grade are considered **"Large Protected Trees" (LPT).**

7. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting 25% or more of any **Protected Tree** (including below ground root system).

8. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, or cut any branch or root greater than four (4) inches in diameter of a **Large Protected Tree**.

9. Section 29.10.0965. Prohibitions: A permit is required to conduct severe pruning on any protected tree. Severe pruning is defined in section 29.10.0955 as "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)."

10. Exceptions:

    Severe Pruning Exception in Town Code section 29.10.1010(3) "…..except for pollarding of fruitless mulberry (*Morus alba*) or other species approved by the Town Arborist….".

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Protected Tree Exceptions:

a. Edible fruit or nut bearing trees less than 18 inches diameter (multistem total or single stem)
b. *Acacia melanoxylon* (blackwood acacia) less than 24 inches (multistem total or single stem)
c. *Liriodendron tulipifera* (tulip tree) less than 24 inches (multistem total or single stem)
d. *Ailanthus altissima* (tree of heaven) less than 24 inches (multistem total or single stem)
e. *Eucalyptus globulus* (Tasmanian blue gum) less than 24 inches (multistem total or single stem)
f. *Eucalyptus camaldulensis* (River red gum) less than 24 inches (multistem total or single stem)
g. *Other eucalyptus species* (E. spp.) not noted above, less than 24 inches (multistem total or single stem) **(REMOVAL O.K. ONLY AT HILLSIDE AREA LOCATIONS PER OFFICIAL TOWN MAP):** www.losgatosca.gov/documentcenter/view/176
h. All palm species *(*except *Phoenix canariensis)* less than 24 inches (multistem total or single stem)
i. *Ligustrum lucidum* (glossy privet) less than 24 inches (multistem total or single stem)

Note that per the exception in part 'a' above, fruiting olive trees with stems totaling less than 18 inches are considered non-protected trees exempt from regulation by the Town.

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4.0 Recommendations

1. Project Arborist ("PA"):

   Initial Signoff

   It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jocelyn Shoopman, Senior Planner, at:

   jshoopman@losgatosca.gov

   Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

   "The required protective fencing and trunk buffer wraps indicated in the CTA's arborist report recommendations section shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town."

   "A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (jshoopman@losgatosca.gov) beginning with the initial tree protection verification approval letter".

   The project arborist (PA) (not Walter Levison, Contract Town Arborist) is suggested to work with the project team to directly monitor a portion of the following items such as:

   - **Clearance pruning of tree #45 eastmost 25 feet of canopy massing to clear exterior finish walls and finish roof which appear to extend to between 22 feet elevation and 27 feet elevation per applicant's 2023 side view drawings. A "severe" degree of pruning will be performed on a neighbor-owned tree at 124 Hernandez, possibly reducing its overall condition to "poor" or "fair" from current "good" overall condition. The pruning is expected to occur throughout the eastmost 25 feet of horizontal length of canopy (i.e. severe pruning of the canopy mass between roughly 10 feet east and 35 feet east of the wooden property line fence where the tree mainstem base is located).**

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2. Project Team Pre-Project Clarifications or Changes Requested:

It is suggested that Town Staff request clarification from the applicant, or request special work methods, materials, specifications, and/or buildout location adjustments, for the following items that may reasonably be expected to occur as part of the applicant's planned site work:

2a. Basement structural wall east of **tree #45**. Staff may want to discuss optional adjustment of basement structural wall location to push proposed excavation farther eastward to outside critical root zone of tree #45 which is indicated on the CTA's map as a red highlighted area. It is not known whether adjustment of the proposed basement structural wall to further east of its position shown on the 2023 plan sheets is feasible.

2b. Swale east of **tree #45**. Staff may want to have applicant move or remove this drainage swale and inlet drain box, to avoid root zone damage to tree #45 root system within critical root zone which for this tree is 18 feet offset radius from mainstem edge as shown by the red highlighted area on the CTA's tree map markup.

2c. Storm drain and pipe east of **tree #43.** Staff may want to have applicant push the proposed drain inlet box and piping to outside of (east of) the critical root zone of tree #45, which is 19 feet offset radius from the mainstem edge of this tree. Note that the CTA's suggested chain link protection fencing is indicated at much farther eastward offset than the location of the applicant's current proposed location of the storm drain facility.

2d. Finish exterior roof and exterior walls vs. **tree #45** canopy clearance pruning. It is not clear whether the severe degree of direct conflict between proposed building walls and finish roof can be adjusted to clear the eastmost 25 horizontal feet of the tree #45 canopy massing, to avoid pruning of a severe degree that would otherwise reduce the tree's overall condition rating from current "good" overall condition to an expected "fair" or "poor" condition if the building footprint were not adjusted from its position as shown on proposed plan sheets. Current proposed residence buildout will require clearance pruning between 10 feet east of the wooden property line fence and 35 feet east of the wooden property line fence, removing large diameter limbs as well as live branches, twigs, and foliage, to a "severe" degree. The residence is currently shown with exterior walls that extend vertically to 22 feet elevation, and a proposed finish roof peak of 27+ feet above grade, which will conflict with the current canopy that exhibits large diameter limbs of 12 to 18 feet elevation above grade, and live branches, twigs, and foliage that hang down to 10 feet above grade.

It is not clear if a shift of the proposed residence footprint eastward from the current applicant-proposed location would render the site plan project possibly unbuildable (a subject outside the CTA's purview).

2e. Historical concrete materials and Wooden Fence Pier Footings: Verify whether existing linear concrete material located just east of the wooden fence property line is to remain or be demolished along the west site property line wooden fence near to **trees #43, 44, 45.** The removal of this material could potentially cause severe damage to comingled oak tree roots growing around the historical materials. Also, the concrete materials appear to be connected in some manner to the existing wooden property line fence pier footings, which means that removal of the linear concrete material may destabilize the wooden fence pier footings to some degree, which would then require that the fence itself including the concrete pier footings be demolished and rebuilt, potentially causing further damage to or destruction of woody root mass connected to study oak specimens noted above.

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2f. Landscape Irrigation Pipe Trenching Layout: The applicant's proposed landscape plan sheet included with the submittal set of plans does not indicate locations of or specifications for irrigation pipe trenching.

The CTA suggests that Staff have the applicant submit an irrigation plan sheet that indicates maximum of 4 inches of cut depth for all irrigation pipe trenching within 30 linear feet of oaks #41, 42, 43, 44, 45, to avoid unnecessary damage to or loss of woody roots attached to these native oak tree specimens.

Toward this end, the use of drip emitter lines and/or irrigation bubblers will be required to be indicated on the irrigation plan, to avoid deep trenching beyond the suggested maximum 4 inches cut depth for irrigation pipe trenching suggested by the CTA.

At right is an image of commercial grade ultra heavy duty thick-walled UV-resistant flexible ½" diameter black PVC piping that is used by many of the CTA's project teams for installation of "floating" over-grade irrigation systems for new trees on projects that the author is involved with. The bubblers attached to this type of piping are ½" diameter flood bubblers that emit either 0.50, 1.0, or 2.0 gallons per minute each, as noted embossed on the top of each black plastic bubbler. For example, embossing will state "0.50 GPM" on the top of the bubbler.



The advantages of using this type of commercial super duty type thick-walled tubing are:

- Can be placed in sun over-grade without trenching which avoids damaging tree root zones.
- Material is fully UV resistant when stated so on the exterior pipe wall (see image).
- Material is flexible and can be bent in many directions.
- Material is highly resistant to physical damage by rodents and string trimmers.
- Material is actually flexible PVC, which means it can be solvent welded (cold blue-glued) to all standard schedule 40 white PVC components such as the threaded end conversion piece shown in the image. Once this piece is blue-glued to the flex tubing, the flood bubbler simply screws on over the schedule 40 piece, and can be easily removed for cleaning out to remove silt and other debris on a yearly basis, and re-screwed on in seconds. If the flood bubbler itself breaks or malfunctions, it can be easily removed and replaced in seconds over the threaded schedule 40 end piece shown in this image.

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3. Security Bond:

It is suggested that Town Staff condition this project on receiving security bond monetary funds from the applicant in the amount of **$25,000**, as a hedge against potential decline or death of one or more of the survey trees to remaining on-site or off-site in close proximity to the proposed site plan project. Staff may choose to reduce this fee to a lesser amount. See table 1.0(a) for individual tree appraised values.

This security bond is suggested to allow the Town to hedge against damage to or decline/death of **trees #43 and #45**, which are Large Protected Tree (LPT) designates of large mainstem diameter size class and canopy extent.

4. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to commencing site demolition, erect chain link fencing panels set on moveable concrete block footings. Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do not wire the fence panels to the trunks of the trees.

Pre-construction fence:

Per the heavy red dashed lines indicated on the tree map mark-up in the CTA's arborist report section 12.0.

Protective fencing shall be at the farthest possible offset distances from trees being retained.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

No storage, staging, work, or other activities will be allowed inside the RPZ except with PA (project arborist) monitoring.

Maintain fencing in place until final occupancy signoff by the Town's inspector.

(Note that this particular project indicates planting of a landscape plan and assumed irrigation piping, which will assumedly require removal of the RPZ fencing at the end phase of project to allow for landscape and irrigation installation).





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5. Trunk Buffer Wraps:

Trunk Buffer Wraps: For each of trees #41, 42, 43, 44, 45.

Wrap the lowermost 6 feet of mainstem with three (3) entire rolls of orange plastic snow fencing (per each single tree).

Secure the plastic with duct tape around the outside only.

Place wooden 2X4 boards vertically, along the side of mainstem that faces expected construction and related activity. Continue wrapping duct tape over the wooden boards to secure them in place.

Refer to the digital image at right of a CTA project that correctly installed trunk buffer wraps per this specification, showing the wooden board install method with boards on the outside of the plastic wraps.

Given that the trees are located west of an existing wooden property line fence, the wooden boards around the orange plastic are designed to provide a redundant level of protection in the case that the wooden property line fence is required to be demolished and rebuilt. The CTA suspects that the fence will in fact be rebuilt, given that the fence footings are comingled with existing historical concrete foundation materials expected to be demolished during the site project work.



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6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 15 linear feet of fencing, minimum 8”X11” size each, plastic laminated, with wordage that includes the Town Code section that refers to tree fence protection requirements (wordage can be adjusted):

TREE PROTECTION ZONE FENCE
ZONA DE PROTECCION PARA ARBOLES

-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-

REMOVAL OF THIS FENCE IS SUBJECT TO PENALTY ACCORDING TO LOS GATOS TOWN CODE 29.10.1025

PROJECT ARBORIST:
TELEFONO CELL: **EMAIL:**

NOTE: THE CTA IS NOT THE “PROJECT ARBORIST”. The project arborist is a private arborist contracted by the applicant or applicant’s team of professionals who then monitors the project and reports to Town of Los Gatos planning division on a monthly basis with tree condition and tree protection inspection reports.

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7. Water Spray:

   Spray off foliage of all trees **within 20 feet of construction** activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

   Spray should be applied approximately **once-monthly,** or when ambient airborne dust concentration is unusually high.



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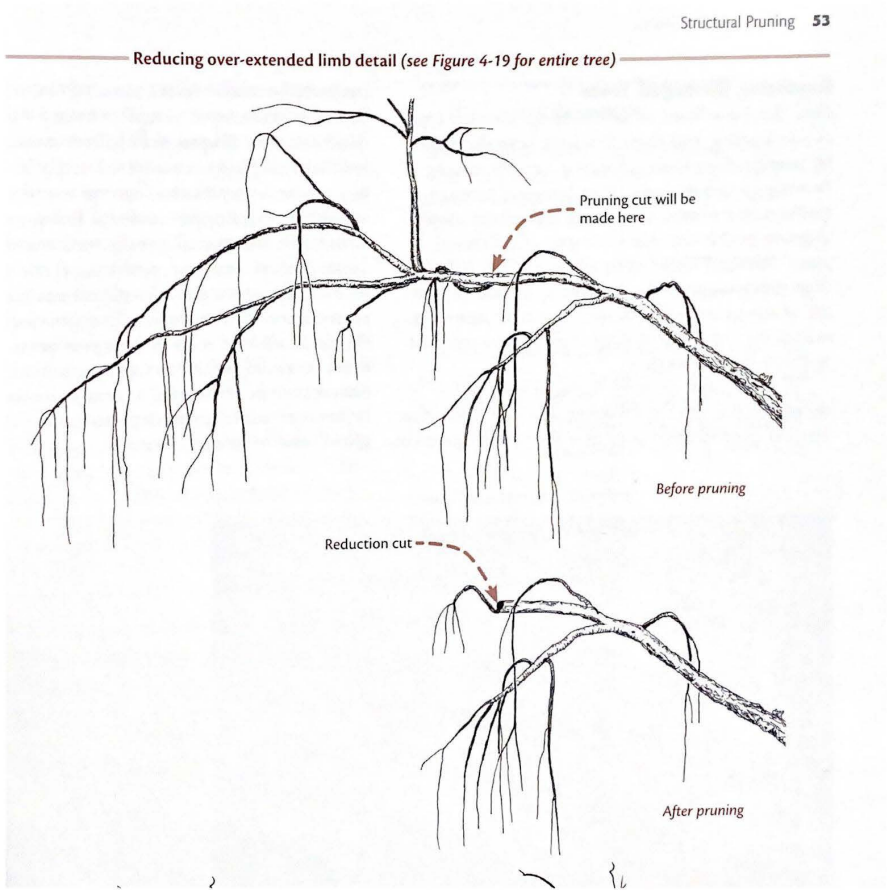
8. Pruning / Stem Length Reduction Pruning:

Retain an ISA certified arborist to perform or directly supervise pruning (on-site) per the following specifications:

STEM LENGTH REDUCTION PRUNING: Horizontal and vertical airspace clearance pruning of neighbor-owned trees #43 and #45 on 124 Hernandez should focus almost exclusively on stem length reduction pruning: a process which involves removal of selected ends of stems or limb systems to shorten the canopy from the outermost ends of the stems/limbs (refer to the spec image at right). Stems are removed at a viable fork using a "reduction cut", leaving in place a side branch that is of large enough in diameter to remain viable and take on the role of terminal growth (i.e. typically the side branch will be at least 1/3 the diameter of the original stem being cut).

All pruning will be required to follow the standards outlined in the most currently published iteration of **ANSI-A300 Part 1: tree, shrub, and other woody plant maintenance / standard practices / pruning.**

Refer also to the comparison graphic on the following page where the CTA visually contrasts incorrect "liontail pruning" and correct stem "length reduction pruning".



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AUTHOR'S GRAPHIC / LION TAIL PRUNING VS. PROPER ENDWEIGHT REDUCTION PRUNING:

The graphic on this page was prepared by the CTA in order to provide a visual for clients as to what the beneficial mechanism is behind correct stem length reduction pruning performed at the outermost end portion of a limb or limb system (removal of the uppermost, outermost material), versus incorrect "liontail" pruning which involves removal of innermost, lower elevation stem materials.

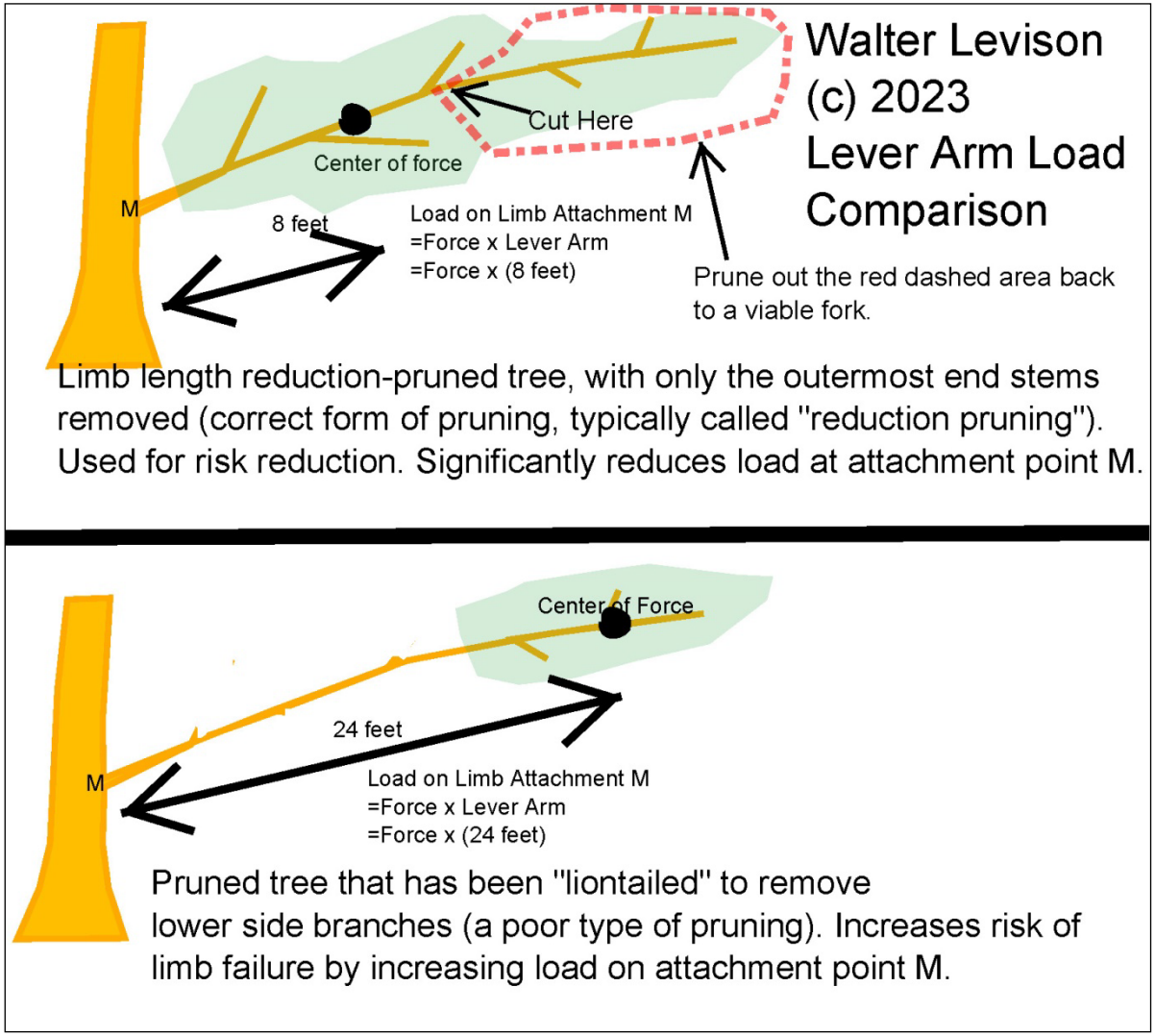
- Correct length reduction pruning reduces risk of stem failure at the attachment point by reducing actual "load on limb attachment M".

- Incorrect pruning such as liontailing pruning causes an increase in actual load on limb attachment M, resulting in a relative increase in risk of stem failure in the future.

It is suggested that the property owners share the graphic image on this page, and the previous page image, with tree care company personnel performing pruning work at this property, in order to provide them with visual representations of stem length reduction pruning.

9. Tree Removal In-Lieu Fees / 94 Hernandez:

   As indicated above in this report, there are zero (0) on-site trees proposed by the applicant to be removed. In lieu fee for removal of regulated size on-site trees is therefore zero dollars ($0.).



Registered Member, American Society of Consulting Arborists and Life Member of the International Society of Arboriculture
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5.0 Tree Protection and Maintenance Directions per Town Code

The following is excerpted directly from the 2015 iteration of the Town of Los Gatos tree ordinance sections which provide specific tree protection directions and limitations on root pruning and above-ground pruning:

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 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. 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:

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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 will then be responsible for the loss of any tree 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.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1005. Protection of trees during construction.

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(a) Protective tree fencing shall specify the following:

(1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving 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 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.

(3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.

(4) Warning sign. Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning—Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".

(b) All persons, shall comply with the following precautions:

(1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

(2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.

(3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.

(4) Prohibit the attachment of wires, signs or ropes to any protected tree.

(5) Design utility services and irrigation lines to be located outside of the dripline when feasible.

(6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.

(7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1010. Pruning and maintenance.

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) and any special conditions as determined by

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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 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 (12.5” in circumference) without first obtaining a permit pursuant to this division.

(Ord. No. 2114, §§ I, II, 8-4-03)

6.0 Tree Replacement Standards – Los Gatos Town Code

(Excerpted from Town Code 29.10.0985 and 29.10.0987)

(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 The 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. (Ord. No. 2114, §§ I, II, 8-4-03)

Table 3-1 - Tree Canopy - Replacement Standard

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Canopy Size of Removed Tree [1]	(Staff is using 24" box size as the Replacement Standard for single family residential Projects as of 2016) [2,4]	Single Family Residential Replacement [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 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" 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. Replacement requirements in the Hillsides shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions--Hillsides.

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Sec. 29.10.0987. Special Provisions—Hillsides

The Town of Los Gatos recognizes its hillsides 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 hillsides:

(1) All protected trees located 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 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 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.

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7.0 Author's Qualifications (Partial)

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
  Community Development Department / Planning Division
  2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
  2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000
- Associate Consulting Arborist
  Barrie D. Coate and Associates
  4/99-8/99
- Contract City Arborist, City of Belmont, California
  Planning and Community Development Department
  5/1999-5/2020 (21 continuous years)
- ISA Certified Arborist #WE-3172A
- U.S. Peace Corps Soil and Water Conservation Extension Agent
  Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources
  UC Santa Cruz (UCSC), Santa Cruz, California 1990

  UCSC Chancellor's Award,1990. Walter Levison B.A. thesis held in UCSC library special collections as award-winning document that chronicles the Yunnan Province field ecology study performed in 1989.
- Rainforest Ecology Fieldwork, 12-Weeks. Wildlands Studies.
  (Yunnan Province, China). 1989.
  First joint U.S.-China ecology study ever performed in history, documented in Walter Levison's B.A. thesis, University of California, Santa Cruz.

(My full curriculum vitae is available upon request)

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8.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:
a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Tree are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

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9.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.



Signature of Consultant

DIGITAL BADGES:

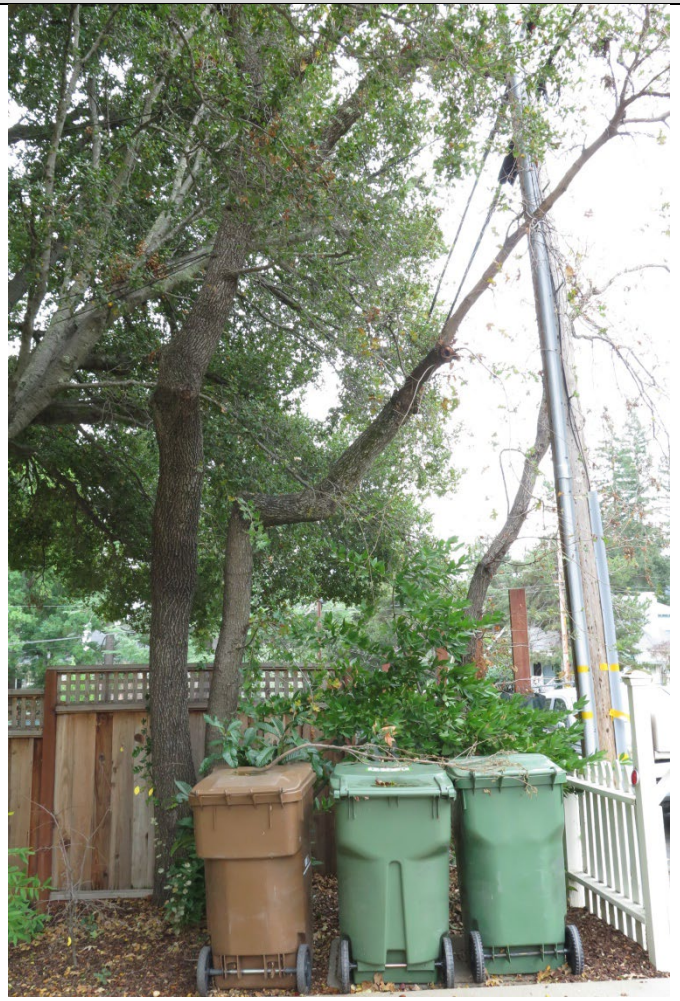
ISA CERTIFIED ARBORIST CREDENTIAL:
https://certificates.isa-arbor.com/f1918723-df46-48cc-ace2-c12625530fec?record_view=true

ISA TREE RISK ASSESSMENT QUALIFIED (TRAQ):
https://certificates.isa-arbor.com/d180515f-ab75-440b-9c66-106005e3cf10?record_view=true#gs.hpb30w

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10.0 Digital Images

WLCA archived new digital images of the trees in December, 2024

Tree Tag	Image	Tree Tag	Image
41		42	

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Tree Tag	Image	Tree Tag	Image
43		43	 Eastward extension of canopy through 94 Hernandez airspace.

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Tree Tag	Image	Tree Tag	Image
44	 Tree 44 (foreground) exhibits a significant lean off vertical, away from the subject lot, and a relatively very narrow canopy spread. There is a PG&E power pole located in very close proximity to the mainstem base.	45	

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Tree Tag	Image	Tree Tag	Image
45	 The canopy extends some 35 feet eastward from the base mainstem location, with limbs at roughly 12 to 18 feet elevation above grade. Smaller stems and live foliage do hang down to roughly 10 feet above grade. The location of this tree canopy massing will directly conflict with the applicant's proposed residence footprint in terms of exterior siding and roof peaks that are between 22 and 27 feet elevation above grade. The degree of pruning required to clear the massing above ground is expected to be a "severe" level of pruning of the east side of tree #45 canopy, resulting in permanent loss of health (vigor) and possibly also severe permanent loss of structural branch architecture. There is no clear solution as to how the proposed residence massing might be redesigned or repositioned in some manner by the applicant's project team to significantly reduce the required airspace clearance pruning to a lesser degree below "severe" pruning. This neighbor-owned "Large Protected Tree"(LPT) designate native oak specimen will be reduced in overall condition rating from current "good" condition to an expected "fair" or "poor" as a result of the applicant's site work activity proposed, which requires performance of relatively very extensive clearance pruning.	45	 The existing concrete linear material shown here appears to potentially be embedded to a significant depth below grade (not verified). As noted above in this report, removal of this material may cause damage to or destruction of roots of oaks located on 124 Hernandez, and damage to the existing wooden fence pier footings, potentially requiring a complete rebuild of the existing wooden fence and pier footings.

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Tree Tag	Image	Tree Tag	Image
46 47 48	 Left to Right 46, 47, 48. These neighbor trees have root systems that extend an unknown radial length into the subject property at 94 Hernandez.	--	(Intentionally Blank)

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11.0 Tree Data Table

NOTE 1: Fruit and nut trees measuring less than 18" diameter (total of all mainstems) both on the site and on adjacent neighbor properties were excluded from this study as "exemption trees" per the Town tree ordinance.

NOTE 2: Tree Conservation suitability ratings (TCS) were determined using the **applicant's currently-proposed site plan layout.** If the site plan layout can be adjusted to provide greater offset distances between trees and proposed construction work, the TCS ratings may improve compared to the TCS ratings stated in the below table.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Rating (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
41	*Quercus lobata* NEIGHBOR TREE	California valley oak	6.7	--	--	6.7	22/15	30/20	25% Poor		X		Poor	South east	South east			Tree has been directionalized by PG&E pruners to grow under and around the overhead high voltage electrical wires.	18 feet offset radius from mainstem.	Trunk buffer (TB) Root Protection Zone (RPZ) chain link fence, per CTA's tree map markup red dashed line.
42	*Quercus lobata* NEIGHBOR TREE	California valley oak	12.9	10.0	--	22.9	25/20	40/25	30% Poor		X		Mod		South			Multiple dogleg bends noted due to PG&E high voltage electrical wire pruning to directionalize growth around the wires.	18 feet offset radius from mainstem.	Trunk buffer (TB) Root Protection Zone (RPZ) chain link fence, per CTA's tree map markup red dashed line.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
43	*Quercus agrifolia* Large Protected Tree (LPT) Appears to be "Joint-Owned" Tree	Coast live oak	39.2	--	--	39.2	45/60	75/60	65% Good		X		Good	East	Various			Some PG&E line clearance pruning was performed at south side. Canopy extends 40 feet radius over 94 Hernandez, and was limbed up in past to 15 to 25 feet elevation. Tree canopy does not appear to conflict with proposed new residence massing. Note multiple codominant mainstems fork between 6 and 15 feet, with one bark inclusion narrow angle fork at 6 feet.	30 feet offset radius from mainstem.	Trunk buffer (TB) Root Protection Zone (RPZ) chain link fence, per CTA's tree map markup red dashed line. Suggest push storm drain inlet box and piping further eastward to allow RPZ fencing to be erected as shown on CTA's map. Restrict all landscape irrigation pipe trenching to 4 inches cut depth max. for all locations under the canopy dripline. Verify if linear concrete materials will be removed from the east side of wooden property line fence base.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
44	*Quercus agrifolia* NEIGHBOR TREE	Coast live oak	9.2	--	--	9.2	35/16	50/50	50% Fair		X		Mod	North west	North west			PG&E power pole is located 6 inches offset radius from the mainstem edge of this tree.	22 to 25 feet radius offset (in order to protect the tree #45 root system).	TB Trunk buffer wraps. RPZ Chain link root protection zone fencing per CTA's tree map markup.

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45	*Quercus agrifolia* Large Protected Tree (LPT) NEIGHBOR TREE	Coast live oak	25.3	12.9	--	38.2	45/50	80/60	70% Good		X		Poor to Mod based off of current plan sheet conflicts	East	East			Canopy extends roughly 35 feet eastward radius over the property, with the eastmost 25 feet of the canopy conflicting in a severe manner with the proposed residence exterior siding and roof peaks that extend upward 22 to 27 feet elevation above grade within that eastmost 25 feet of canopy (see CTA's tree map markup in this report). Proposed basement structural wall excavation shown on plans within the tree's critical root zone of 18 feet radius, which means root system could also be compromised to some degree during the site work. Cumulative impacts to tree are considered "severe" (i.e. clearance pruning plus root pruning).	(To be determined). Ideally the fence should be at least 18 feet radius offset eastward from the mainstem edge. The "non-ideal" fence alignment as shown on the CTA's tree map markup is at only 10 feet eastward offset, to allow for proposed drainage swale grading and other work as currently proposed on the applicant plan sheets. The CTA suggests discussion regarding residence vs. canopy clearance pruning.	Trunk buffer (TB) Root Protection Zone (RPZ) chain link fence, ideally at 14 to 16 feet eastward offset radius. Suggest eliminate or move the proposed storm drain swale grading area and inlet box so that RPZ fencing can be tightlined against the basement structural wall excavation line. Restrict all landscape irrigation pipe trenching to 4 inches cut depth max. for all locations under the canopy dripline. Verify if linear concrete materials will be removed from the east side of wooden property line fence base.
46	*Cupressus sempervirens* NEIGHBOR TREE	Italian cypress	Est. 6	--	--	Est. 6	40/3	60/60	60% Fair		X		Mod				Yes.	Drought issues due to tree's location in hot valley location without heavy regular irrigation water applications.	5 to 6 feet radius offset.	RPZ Root protection zone chain link fencing per CTA's tree map markup.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
47	*Cupressus sempervirens* NEIGHBOR TREE	Italian cypress	Est. 6	--	--	Est. 6	40/3	60/60	60% Fair		X		Mod				Yes.	Same as above.	5 to 6 feet radius offset.	RPZ Root protection zone chain link fencing per CTA's tree map markup.
48	*Cupressus sempervirens* NEIGHBOR TREE	Italian cypress	Est. 6	--	--	Est. 6	40/3	60/60	60% Fair		X		Mod				Yes.	Same as above.	5 to 6 feet radius offset.	RPZ Root protection zone chain link fencing per CTA's tree map markup.

Overall Tree Condition Ratings / Breakdown of Numeric Ranges (New, Per *Guide for Plant Appraisal, 10th Edition*):

00 - 05% = Dead
06 - 20% = Very Poor
21 – 40% = Poor
41 – 60% = Fair
61 – 80% = Good
81 – 100% = Exceptional

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Tree Conservation Suitability (TCS) Ratings[1]

A tree's suitability for conservation is determined based on its health, structure, age, species and disturbance tolerances, proximity to proposed cutting and filling, proximity to proposed construction or demolition as shown on the most current plan sheet iterations, and potential longevity, using a scale of good, fair, or poor (Fite, K, and Smiley, E. T., 2016). The following list defines the rating scale. Note that if proposed site work can be offset to farther linear distances from a tree's trunk edge, a tree's TCS rating may be elevated by one rating tier, given that there would be a corresponding reduction in expected future root zone impacts.

TCS Ratings	Range of values	
Good	**80-100**	Trees with good health, good structural stability and good expected longevity after construction.
Moderate	**60-79**	Trees with fair health and/or structural defects that may be mitigated through treatment. These trees require more intense management and monitoring, before, during, and after construction, and may have shorter life expectancy after development.
Poor	**<59**	Trees are expected to decline during or after construction regardless of management. The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

TCS Ratings Worksheet Factors (Total Possible: 100 Points)

Health (1-15)
Root Cut/Fill Distance from Trunk (1-15)
Structure Defects (1-15)
Construction Tolerance of the tree species (1-15)
Age relative to typical species lifespan (1-10)
Location of construction activity (1-10)
Soil quality/characteristics (1-10)
Species desirability (1-10)

[1] Derived from Fite and Smiley, 2016. *Best Management Practices: Managing Trees During Construction, 2nd Edition*. International Society of Arboriculture.

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Tree Maintenance and Protection Codes Used in Data Table:

RPZ / TPZ: Root protection zone or “Tree Protection Zone” fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing. Alternative material: chain link fence panels set over concrete block-type footings, with the fence panels wired to steel pins pounded 24 inches into the ground at both ends of each panel.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per ‘root pruning’.

RCX: Root crown excavation. Retain an experienced ISA-Certified arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree’s buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.

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12.0 Embedded: Tree Location & Protection Fence Map Mark-up

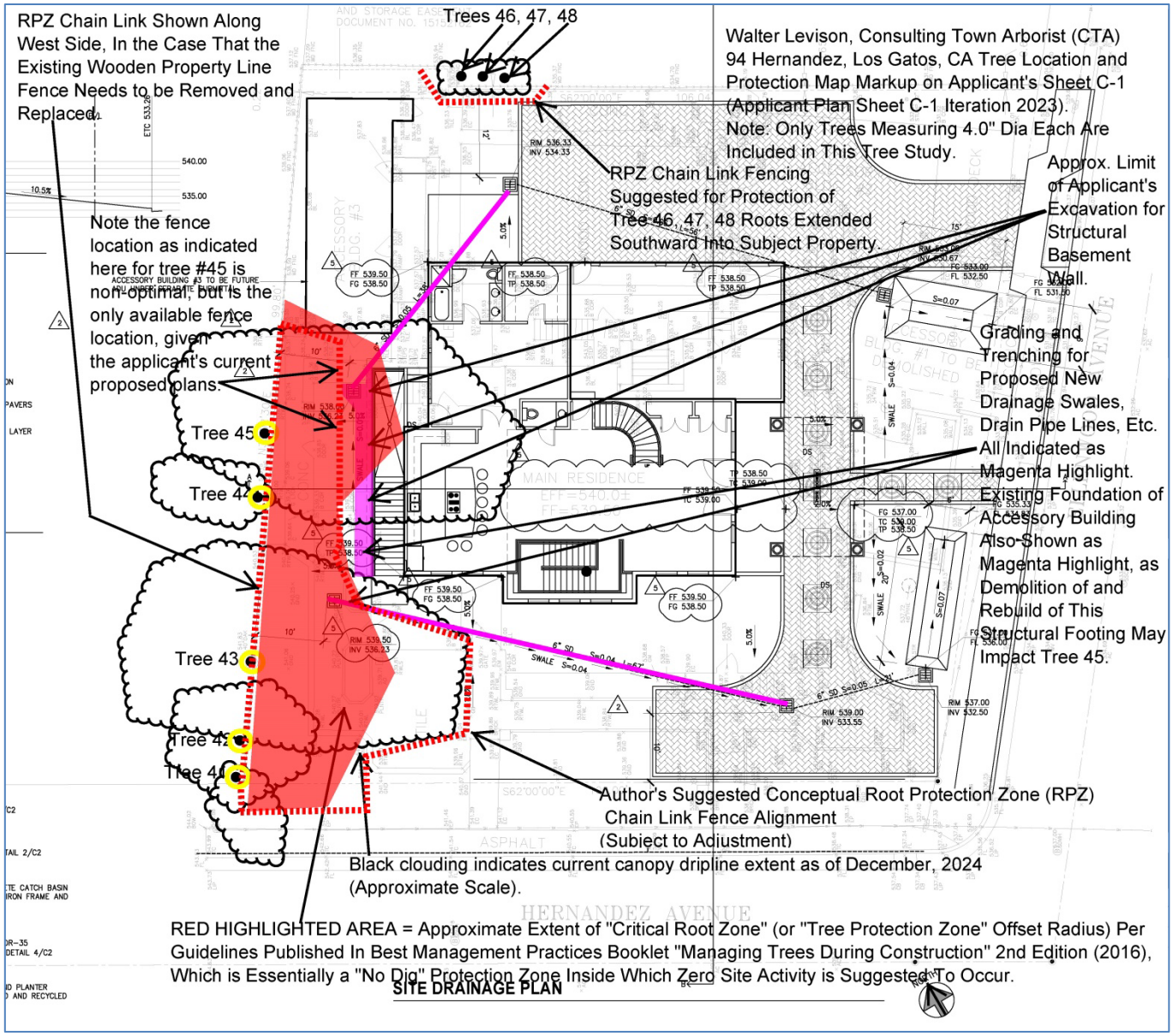
The CTA marked up the applicant's grading plan sheet and converted the markup to a jpeg which is embedded in this section 12.0 below.

The markups added to the applicant's document include:

- Numeric tree tag numbers 41 through 48 noted in large font size.
- Approximate canopy driplines shown in true scale, in relation to proposed new work, using "**black clouding**" (placed directly over the applicant architect's line dashed line rendering of canopy driplines, which were found to be roughly accurate when ground-truthed by the CTA.
- Red dashed heavy lines = the CTA's suggested root protection zone (RPZ) chain link fence routing for protection of horizontally-extended woody roots.
- Yellow circles showing tree mainstems suggested to be wrapped with orange plastic snow fencing as "trunk buffer wraps" (2 to 3 rolls of plastic per each single tree).
- Red highlight indicates "critical root zone" (CRZ) offset radius open soil root zone area east of the trees' mainstems where the CTA suggests that zero site work occur. This is considered a "no dig" or "no work" off-limits zone, which is designed to prevent reductions in long term tree health or structure related to loss of or damage to woody root and absorbing root mass extended radially out from the mainstems of the trees. CRZ minimum offset radius is typically at least 6 x diameter of the mainstem, extrapolated as a radial vector out from a tree's mainstem edge in all directions.

  Note that the red highlighted CRZ area for tree #45 extends beyond the locations of the tree protection zone fence and the applicant's proposed structural basement wall and stairs, which means that project buildout as currently proposed by the applicant, will significantly encroach beyond the CRZ of tree #45, potentially causing significant to severe loss of tree health or structure. Note also that this encroachment does not include the building massing above ground which itself will encroach in a severe manner into the canopy massing of tree #45, requiring severe degree of canopy airspace clearance pruning to clear proposed building exterior walls and roof peaks. The combined cumulative impacts from below ground and above ground buildout will be considered "severe" degree of negative impact to tree #45 if the project were to be built as currently proposed per the February 2023 plan sheets.
- Magenta highlight indicating the approx. locations of applicant's proposed new drainage inlet box and pipe trenching work in close proximity to oaks #43 and #45.

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13.0 Attached: CTA Tree Appraisal Worksheet using 10th Edition of *Guide for Plant Appraisal* as Basis

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4.0 Recommendations (RESPONSE MEMORANDUM)

1. Project Arborist ("PA"):

   Initial Signoff

   It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jocelyn Shoopman, Senior Planner, at:

   jshoopman@losgatosca.gov

   Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

   ✓ "The required protective fencing and trunk buffer wraps indicated in the CTA's arborist report recommendations section shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town." TO BE INCLUDED IN TREE PROTECTION PLANS TO BE SUBMITTED IN BUILDING PERMIT PHASE
   "A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (jshoopman@losgatosca.gov) beginning with the initial tree protection verification approval letter".

   The project arborist (PA) (not Walter Levison, Contract Town Arborist) is suggested to work with the project team to directly monitor a portion of the following items such as:

   ✓
   - **Clearance pruning of tree #45 eastmost 25 feet of canopy massing to clear exterior finish walls and finish roof which appear to extend to between 22 feet elevation and 27 feet elevation per applicant's 2023 side view drawings. A "severe" degree of pruning will be performed on a neighbor-owned tree at 124 Hernandez, possibly reducing its overall condition to "poor" or "fair" from current "good" overall condition. The pruning is expected to occur throughout the eastmost 25 feet of horizontal length of canopy (i.e. severe pruning of the canopy mass between roughly 10 feet east and 35 feet east of the wooden property line fence where the tree mainstem base is located).**

     REVISED DWGS. 1, 2, 4 SHOW THE EXTERIOR STAIR TO BASEMENT DELETED TO CLEAR TREE #45 ROOTS

EXHIBIT 10

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2. Project Team Pre-Project Clarifications or Changes Requested:

It is suggested that Town Staff request clarification from the applicant, or request special work methods, materials, specifications, and/or buildout location adjustments, for the following items that may reasonably be expected to occur as part of the applicant's planned site work:

✓ 2a. Basement structural wall east of **tree #45**. Staff may want to discuss optional adjustment of basement structural wall location to push proposed excavation farther eastward to outside critical root zone of tree #45 which is indicated on the CTA's map as a red highlighted area. It is not known whether adjustment of the proposed basement structural wall to further east of its position shown on the 2023 plan sheets is feasible.
BASEMENT WALL (EXTERIOR STAIR) DELETED ON DWGS. 1,2,4

✓ 2b. Swale east of **tree #45**. Staff may want to have applicant move or remove this drainage swale and inlet drain box, to avoid root zone damage to tree #45 root system within critical root zone which for this tree is 18 feet offset radius from mainstem edge as shown by the red highlighted area on the CTA's tree map markup. SWALE & CATCH BASINS MOVED ON REVISED DWG. C1

✓ 2c. Storm drain and pipe east of **tree #43.** Staff may want to have applicant push the proposed drain inlet box and piping to outside of (east of) the critical root zone of tree #45, which is 19 feet offset radius from the mainstem edge of this tree. Note that the CTA's suggested chain link protection fencing is indicated at much farther eastward offset than the location of the applicant's current proposed location of the storm drain facility.
CATCH BASIN MOVED PER REVISED DWG. C1

✓ 2d. Finish exterior roof and exterior walls vs. **tree #45** canopy clearance pruning. It is not clear whether the severe degree of direct conflict between proposed building walls and finish roof can be adjusted to clear the eastmost 25 horizontal feet of the tree #45 canopy massing, to avoid pruning of a severe degree that would otherwise reduce the tree's overall condition rating from current "good" overall condition to an expected "fair" or "poor" condition if the building footprint were not adjusted from its position as shown on proposed plan sheets. Current proposed residence buildout will require clearance pruning between 10 feet east of the wooden property line fence and 35 feet east of the wooden property line fence, removing large diameter limbs as well as live branches, twigs, and foliage, to a "severe" degree. The residence is currently shown with exterior walls that extend vertically to 22 feet elevation, and a proposed finish roof peak of 27+ feet above grade, which will conflict with the current canopy that exhibits large diameter limbs of 12 to 18 feet elevation above grade, and live branches, twigs, and foliage that hang down to 10 feet above grade.
EXTERIOR STAIR TO BASEMENT DELETED PER REVISED DWGS. 1, 2, 4
It is not clear if a shift of the proposed residence footprint eastward from the current applicant-proposed location would render the site plan project possibly unbuildable (a subject outside the CTA's purview).

✓ 2e. Historical concrete materials and Wooden Fence Pier Footings: Verify whether existing linear concrete material located just east of the wooden fence property line is to remain or be demolished along the west site property line wooden fence near to **trees #43, 44, 45.** The removal of this material could potentially cause severe damage to comingled oak tree roots growing around the historical materials. Also, the concrete materials appear to be connected in some manner to the existing wooden property line fence pier footings, which means that removal of the linear concrete material may destabilize the wooden fence pier footings to some degree, which would then require that the fence itself including the concrete pier footings be demolished and rebuilt, potentially causing further damage to or destruction of woody root mass connected to study oak specimens noted above.
TO BE DEMOLISHED PER REVISED DWG. 1

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2f. Landscape Irrigation Pipe Trenching Layout: The applicant's proposed landscape plan sheet included with the submittal set of plans does not indicate locations of or specifications for irrigation pipe trenching.

The CTA suggests that Staff have the applicant submit an irrigation plan sheet that indicates maximum of 4 inches of cut depth for all irrigation pipe trenching within 30 linear feet of oaks #41, 42, 43, 44, 45, to avoid unnecessary damage to or loss of woody roots attached to these native oak tree specimens. TO BE SUBMITTED AT BUILDING PERMIT PHASE

Toward this end, the use of drip emitter lines and/or irrigation bubblers will be required to be indicated on the irrigation plan, to avoid deep trenching beyond the suggested maximum 4 inches cut depth for irrigation pipe trenching suggested by the CTA.



At right is an image of commercial grade ultra heavy duty thick-walled UV-resistant flexible ½" diameter black PVC piping that is used by many of the CTA's project teams for installation of "floating" over-grade irrigation systems for new trees on projects that the author is involved with. The bubblers attached to this type of piping are ½" diameter flood bubblers that emit either 0.50, 1.0, or 2.0 gallons per minute each, as noted embossed on the top of each black plastic bubbler. For example, embossing will state "0.50 GPM" on the top of the bubbler.

The advantages of using this type of commercial super duty type thick-walled tubing are:

- Can be placed in sun over-grade without trenching which avoids damaging tree root zones.
- Material is fully UV resistant when stated so on the exterior pipe wall (see image).
- Material is flexible and can be bent in many directions.
- Material is highly resistant to physical damage by rodents and string trimmers.
- Material is actually flexible PVC, which means it can be solvent welded (cold blue-glued) to all standard schedule 40 white PVC components such as the threaded end conversion piece shown in the image. Once this piece is blue-glued to the flex tubing, the flood bubbler simply screws on over the schedule 40 piece, and can be easily removed for cleaning out to remove silt and other debris on a yearly basis, and re-screwed on in seconds. If the flood bubbler itself breaks or malfunctions, it can be easily removed and replaced in seconds over the threaded schedule 40 end piece shown in this image.

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3. Security Bond:

It is suggested that Town Staff condition this project on receiving security bond monetary funds from the applicant in the amount of **$25,000**, as a hedge against potential decline or death of one or more of the survey trees to remaining on-site or off-site in close proximity to the proposed site plan project. Staff may choose to reduce this fee to a lesser amount. See table 1.0(a) for individual tree appraised values.

This security bond is suggested to allow the Town to hedge against damage to or decline/death of **trees #43 and #45**, which are Large Protected Tree (LPT) designates of large mainstem diameter size class and canopy extent. TO BE CONSIDERED BY HOMEOWNER

4. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to commencing site demolition, erect chain link fencing panels set on moveable concrete block footings. Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do not wire the fence panels to the trunks of the trees. TREE PROTECTION PLANS TO BE SUBMITTED AT BLDG. PERMIT PHASE

Pre-construction fence:

Per the heavy red dashed lines indicated on the tree map mark-up in the CTA's arborist report section 12.0.

Protective fencing shall be at the farthest possible offset distances from trees being retained.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

No storage, staging, work, or other activities will be allowed inside the RPZ except with PA (project arborist) monitoring.

Maintain fencing in place until final occupancy signoff by the Town's inspector.

(Note that this particular project indicates planting of a landscape plan and assumed irrigation piping, which will assumedly require removal of the RPZ fencing at the end phase of project to allow for landscape and irrigation installation).





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5. Trunk Buffer Wraps:

Trunk Buffer Wraps: For each of trees #41, 42, 43, 44, 45. TREE PROTECTION PLANS TO BE SUBMITTED AT BLDG. PERMIT PHASE
Wrap the lowermost 6 feet of mainstem with three (3) entire rolls of orange plastic snow fencing (per each single tree).

Secure the plastic with duct tape around the outside only.

Place wooden 2X4 boards vertically, along the side of mainstem that faces expected construction and related activity. Continue wrapping duct tape over the wooden boards to secure them in place.

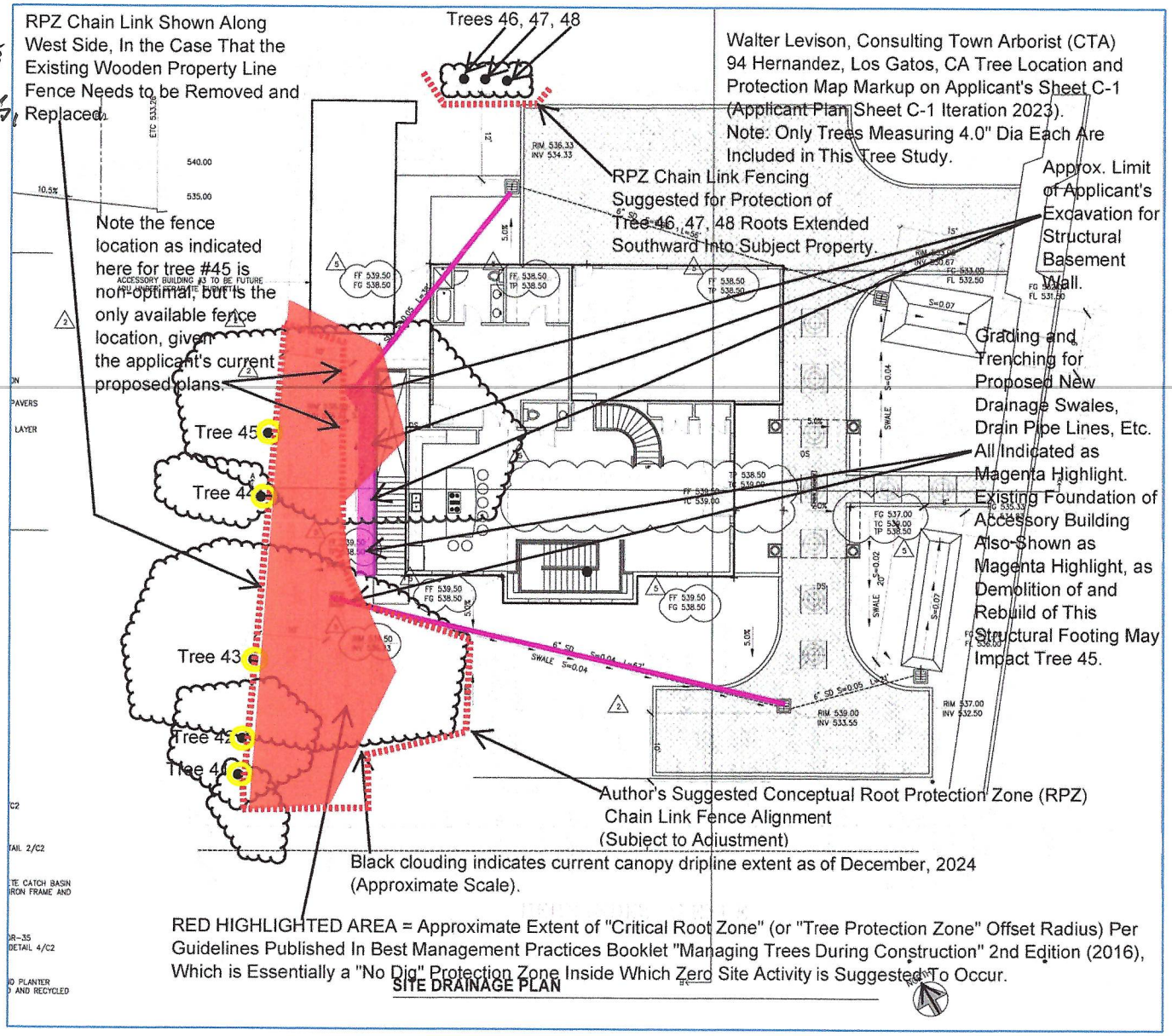
Refer to the digital image at right of a CTA project that correctly installed trunk buffer wraps per this specification, showing the wooden board install method with boards on the outside of the plastic wraps.

Given that the trees are located west of an existing wooden property line fence, the wooden boards around the orange plastic are designed to provide a redundant level of protection in the case that the wooden property line fence is required to be demolished and rebuilt. The CTA suspects that the fence will in fact be rebuilt, given that the fence footings are comingled with existing historical concrete foundation materials expected to be demolished during the site project work.



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* PLEASE SEE REVISED DWGS, 1, 2, 4, C1 ADDRESSING TREE #43 & 45 TREE PROTECTION ZONE



13.0 Attached: CTA Tree Appraisal Worksheet using 10th Edition of *Guide for Plant Appraisal* as Basis

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PROJECT DATA

SCOPE OF WORK:

1. TWO STORY RESIDENTIAL BUILDING.

APPLICABLE CODES:

ALL CONSTRUCTION SHALL CONFORM TO 2022 CBC, 2022 CMC, 2022 CPC, 2022 CFC, 2022 CEC, 2022 CRC, 2022 CGBC, 2022 EES (TITLE 24), AND TOWN OF LOS GATOS ORDINANCES, ALONG WITH ANY OTHER APPLICABLE STATE LAWS AND REGULATIONS, 2022 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PARTS 1–12, INCLUDING LOCALLY ADOPTED ENERGY REACH CODES.

A.P.N.	510–20–024
LOT AREA	10,240 SF
ZONE	R–1:8

(N) FIRST FLOOR	1,674 SF
(N) SECOND FLOOR	1,012 SF
(N) EXCESS BASEMENT	16 SF
TOTAL LIVING AREA	2,702 SF
FLOOR AREA RATIO	26.4 % < 30.8%
(N) GARAGE	607 SF < 874 SF
(N) PORTE CHOCHIERE	404 SF
(N) LEFT SIDE STAIR	140 SF
(N) BASEMENT	1,670 SF
LOT COVERAGE (3,266/10,240)	31.9 % < 40%
CONSTRUCTION TYPE	V – B
OCCUPANCY GROUP	R–3/U

(N) FIRST FLOOR	1,674 SF
(N) SECOND FLOOR	1,012 SF
(N) EXCESS BASEMENT	16 SF
(E) BLDG. #3	425 SF
TOTAL LIVING AREA	3,127 SF < 3,155 SF
FLOOR AREA RATIO	30.5 % < 30.8%

INDEX OF DRAWINGS

1	SITE PLAN
2	FIRST FLOOR PLAN
3	SECOND FLOOR PLAN
4	BASEMENT FLOOR PLAN
5	BUILDING SECTION
6	BUILDING ELEVATIONS
7	BUILDING ELEVATIONS
8–19	SHADOW STUDY
20	STREETSCAPE BUILDING ELEVATIONS
21	STREETSCAPE ELEVATIONS WITH SITE PLAN CHANGES
22	ROOF PLAN
L–1	LANDSCAPE PLAN
C1	SITE GRADING AND DRAINAGE PLAN
C2	SITE DETAILS

IMPERVIOUS AREAS

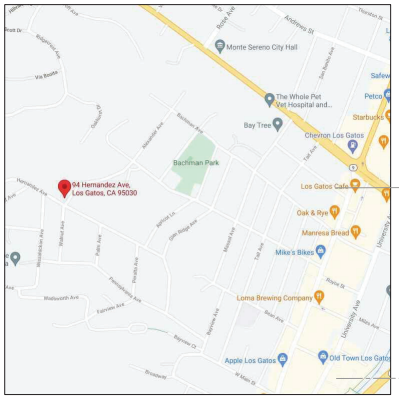
LOCATION	EXISTING	NEW
(E) BLDG. #1	245 SF	0 SF
(E) BLDG. #2	582 SF	0 SF
(E) BLDG. #3	397 SF	397 SF
(E) MAIN RESIDENCE	2,637 SF	1,674 SF
(N) GARAGE	0 SF	586 SF
(N) PORCH	0 SF	176 SF
(N) DRIVEWAY	0 SF	0 SF
TOTAL AREAS	3,681 SF >	2,833 SF

FIRE DEPARTMENT NOTES

1. AN AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED AS A DEFERRED SUBMITTAL.
2. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH. WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE THE PUBLIC WAY, A MONUMENT, POLE, OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. [CFC SEC. 505.].
3. ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION S1–7 [CFC CH. 33].

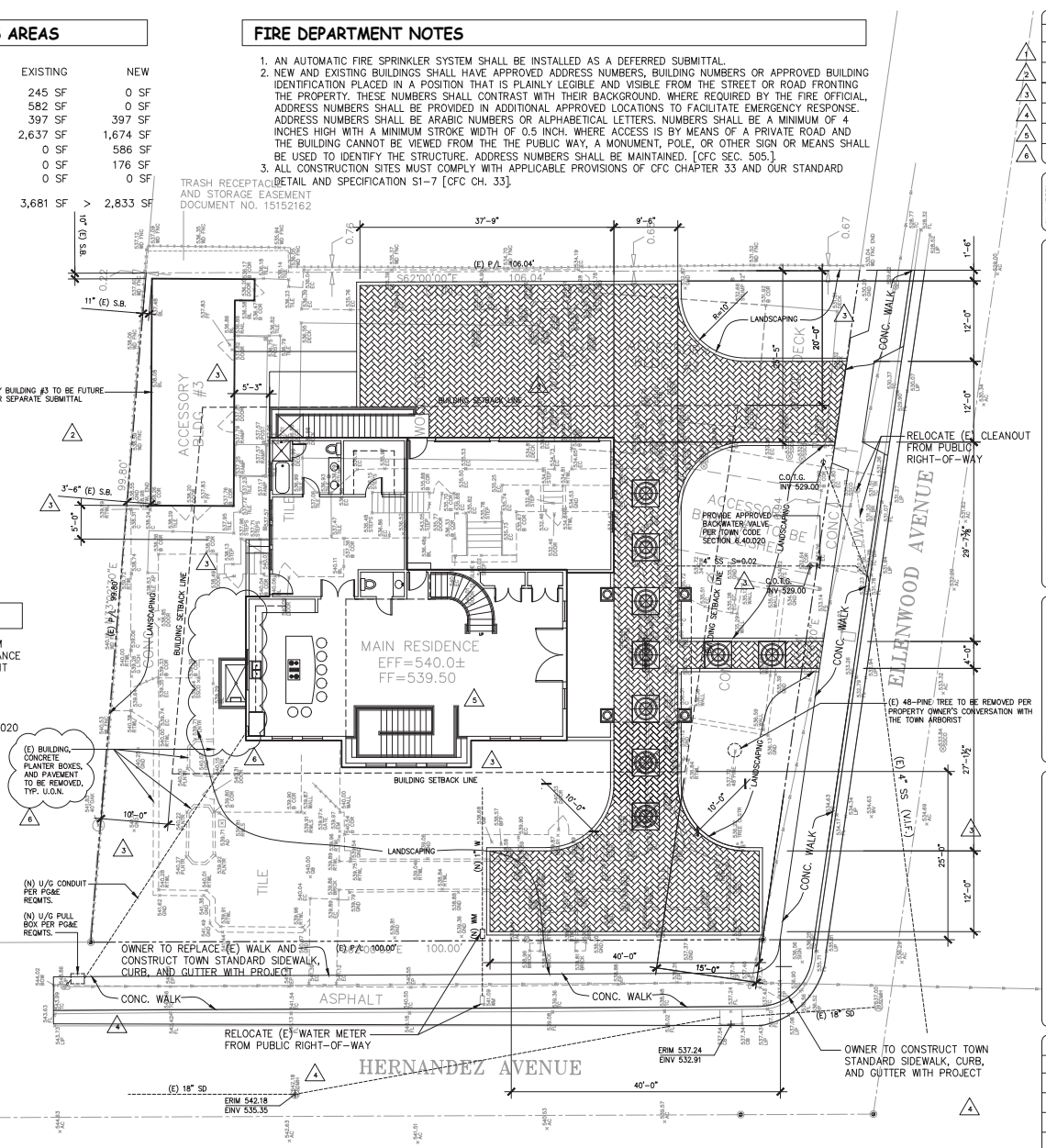
BUILDING DEPARTMENT NOTES

1. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE PV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
2. THIS RESIDENCE SHALL COMPLY WITH THE TOWN'S ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.70.020 AND 6.120.020.



VICINITY MAP

NORTH



SITE PLAN

SCALE: 1/8" = 1'-0"

NORTH

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/23	JPA
5 REVIEW COMMENTS 10/24	JPA
6 ARBORIST COMMENTS 2/25	JPA

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CIVIL
STATE OF CALIFORNIA

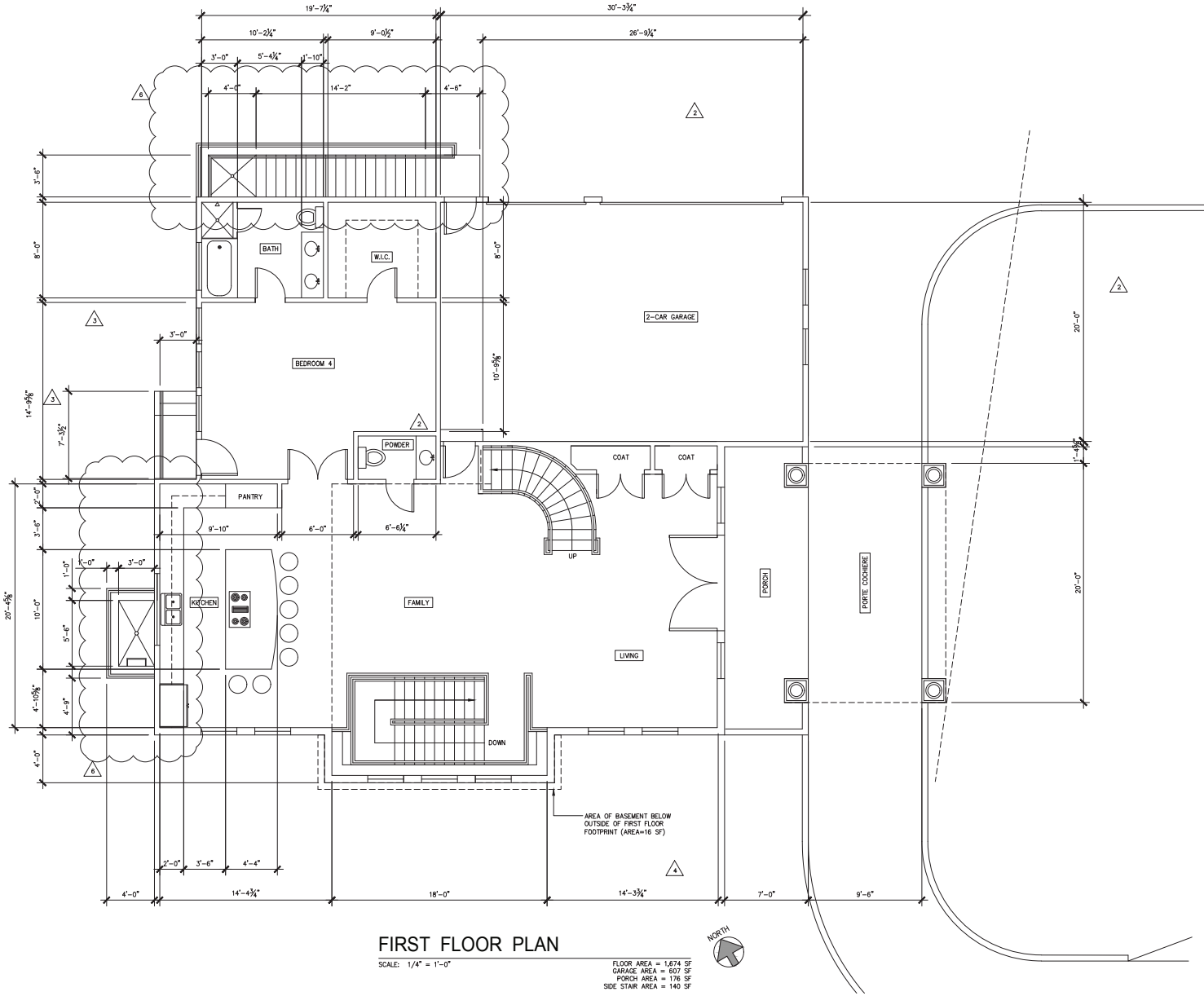
JAIME P. ARAFILES, PE
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Phone (510) 386-5899 E-mail: jparafiles@aol.com

SITE PLAN

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	1

EXHIBIT 11



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

FLOOR AREA = 1,674 SF
GARAGE AREA = 607 SF
PORCH AREA = 176 SF
SIDE STAIR AREA = 140 SF

REVISIONS	BY
1 REVIEW SET 02/23	JPA
1 REVIEW COMMENTS 06/23	JPA
2 REVIEW COMMENTS 08/23	JPA
3 REVIEW COMMENTS 10/23	JPA
4 REVIEW COMMENTS 10/24	JPA
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6 ARBORIST COMMENTS 2/25	JPA

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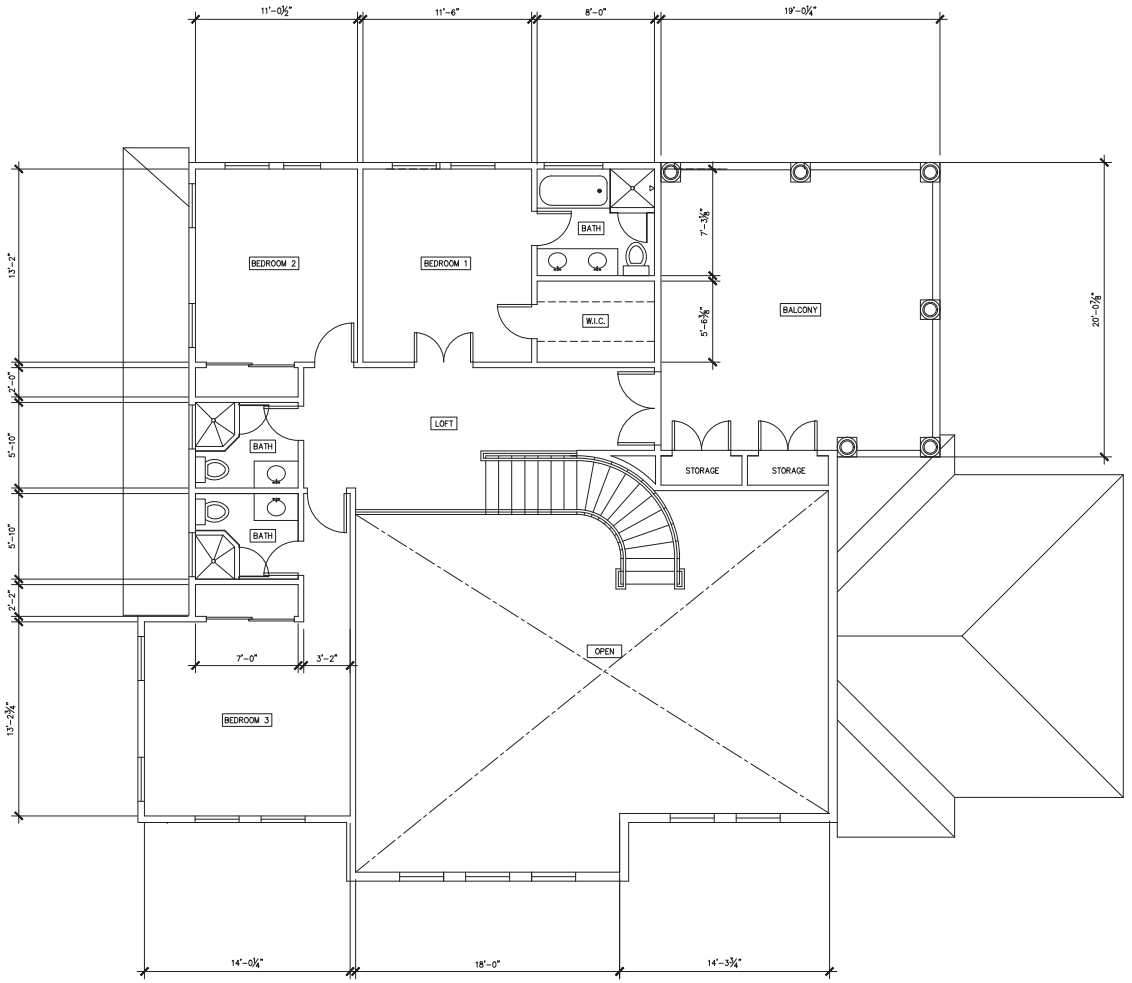
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FIRST
FLOOR PLAN

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	2



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

FLOOR AREA = 1,012 SF
PORTE CHOCHIER AREA = 404 SF

NORTH

REVISIONS	BY
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3 REVIEW COMMENTS 08/23	JPA
REVIEW COMMENTS 10/23	JPA

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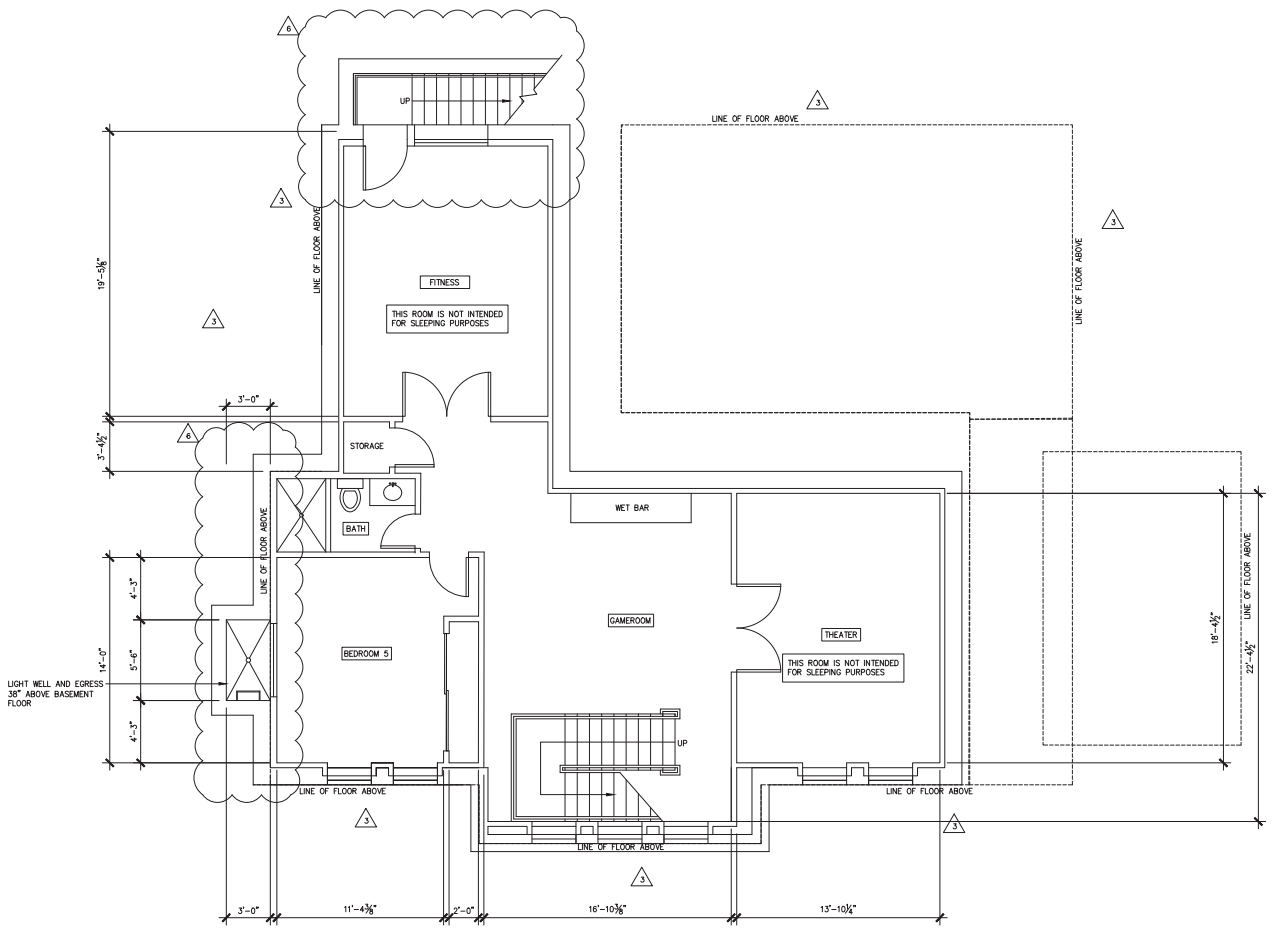
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SECOND FLOOR PLAN

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	3



BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

BASEMENT FLOOR AREA = 1,670 SF
BASEMENT FLOOR AREA EXTENDING BEYOND FIRST FLOOR = 16 SF

NORTH

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/23	JPA
5 REVIEW COMMENTS 10/24	JPA
6 REVIEW COMMENTS 11/24	JPA
ARBORIST COMMENTS 2/25	JPA

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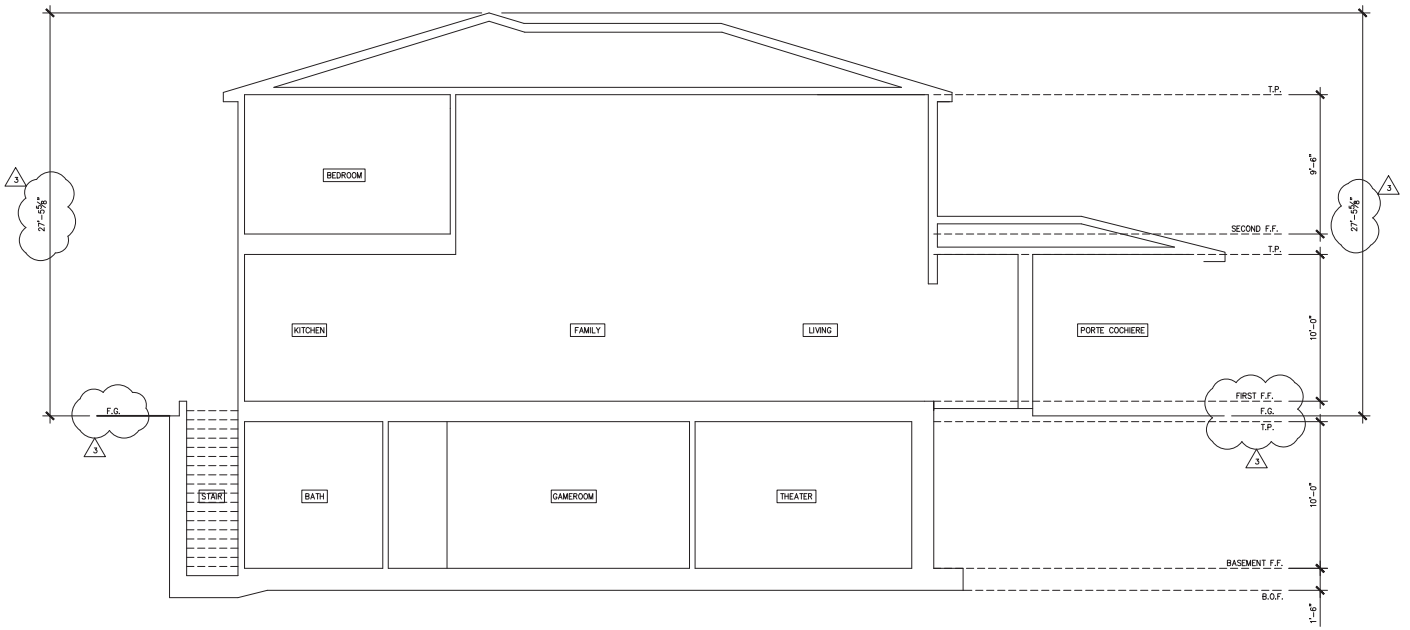
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BASEMENT FLOOR PLAN

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	4



BUILDING SECTION

SCALE: 1/4" = 1'-0"

REVISIONS	BY
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2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
REVIEW COMMENTS 10/23	JPA

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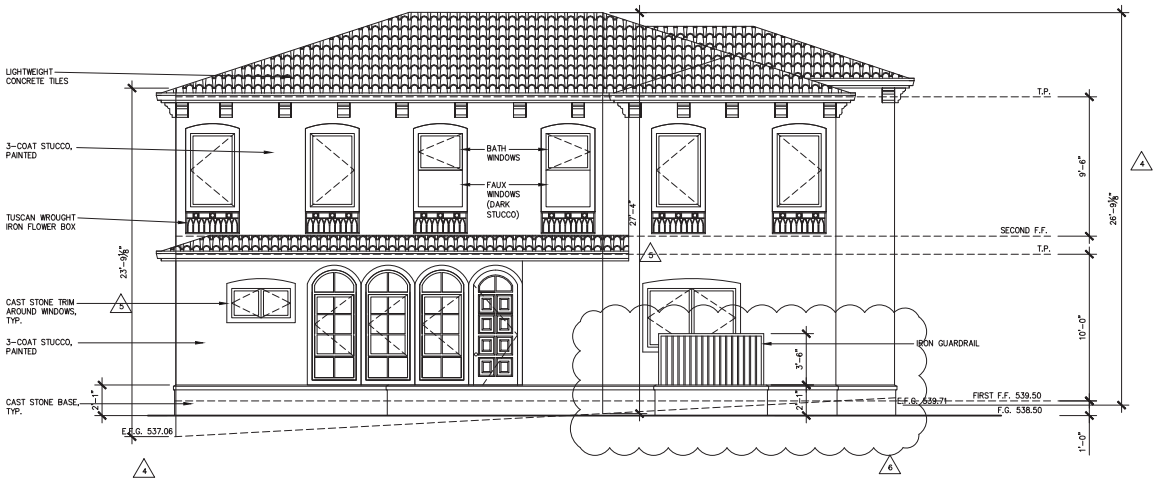
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BUILDING SECTION

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	5

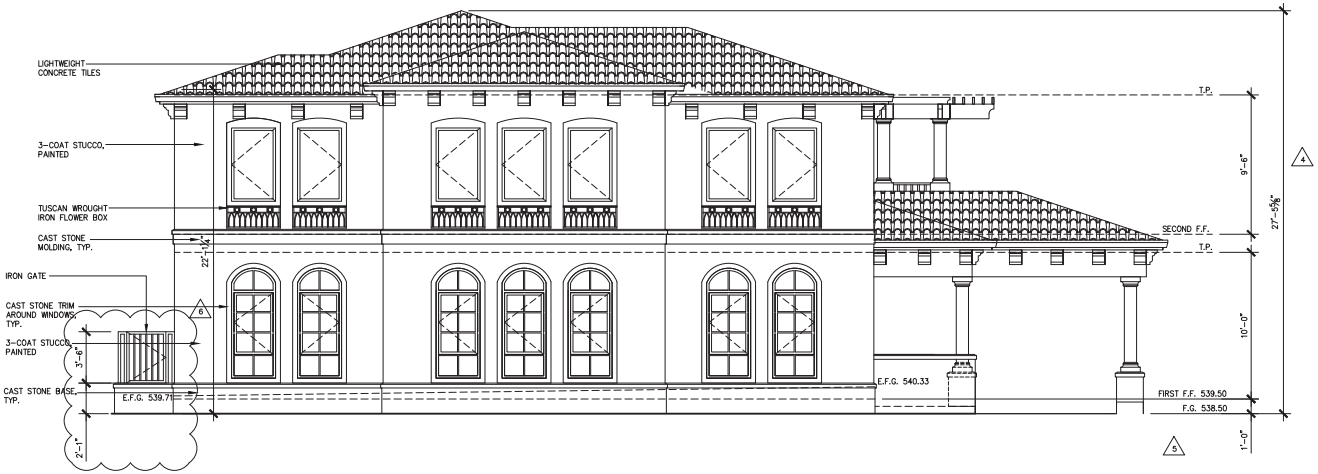


NOTE:

ALL WINDOWS SHALL BE CASEMENT WINDOWS WITH ALUMINUM OR VINYL COVERED WOOD FRAME

LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



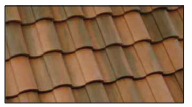
NOTE:

ALL WINDOWS SHALL BE CASEMENT WINDOWS WITH ALUMINUM OR VINYL COVERED WOOD FRAME

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

COLOR BOARD



LIGHTWEIGHT ROOF TILES (EAGLE TILE CAPISTRANO 545 SUBRISE BLEND OR EQUAL)



3-COAT STUCCO (APPTEC MEDIUM SAN FINISH OR EQUAL); SHALL BE SMOOTH FINISH PURSUANT TO THE RESIDENTIAL DESIGN GUIDELINES



CAST STONE TRIM AND BASE (ADVANCED ARCHITECTURAL STONE, SAN DRIFT, OR EQUAL)

REVISIONS	BY
REVIEW SET 02/23	JPA
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2 REVIEW COMMENTS 08/23	JPA
3 REVIEW COMMENTS 10/23	JPA
4 REVIEW COMMENTS 10/24	JPA
5 REVIEW COMMENTS 11/24	JPA
6 ARBORIST COMMENTS 2/25	JPA

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FRONT AND LEFT SIDE BUILDING ELEVATIONS

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	6

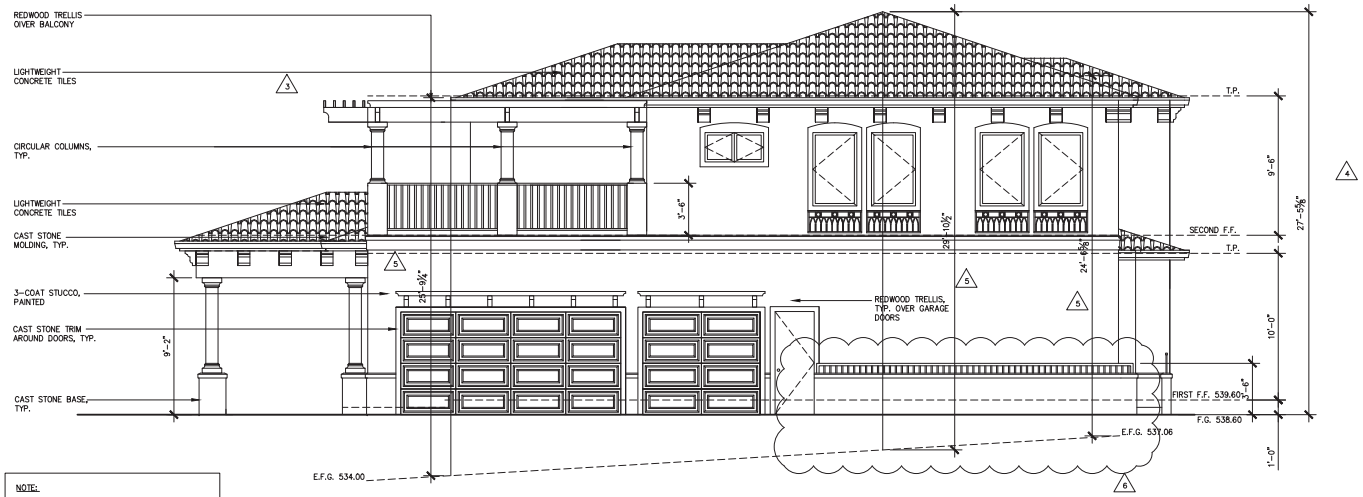


NOTE:

ALL WINDOWS SHALL BE CASEMENT WINDOWS WITH ALUMINUM OR VINYL COVERED WOOD FRAME

RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



NOTE:

ALL WINDOWS SHALL BE CASEMENT WINDOWS WITH ALUMINUM OR VINYL COVERED WOOD FRAME

REAR ELEVATION

SCALE: 1/4" = 1'-0"

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/23	JPA
5 REVIEW COMMENTS 10/24	JPA
6 REVIEW COMMENTS 11/24	JPA
ARBORIST COMMENTS 2/25	JPA

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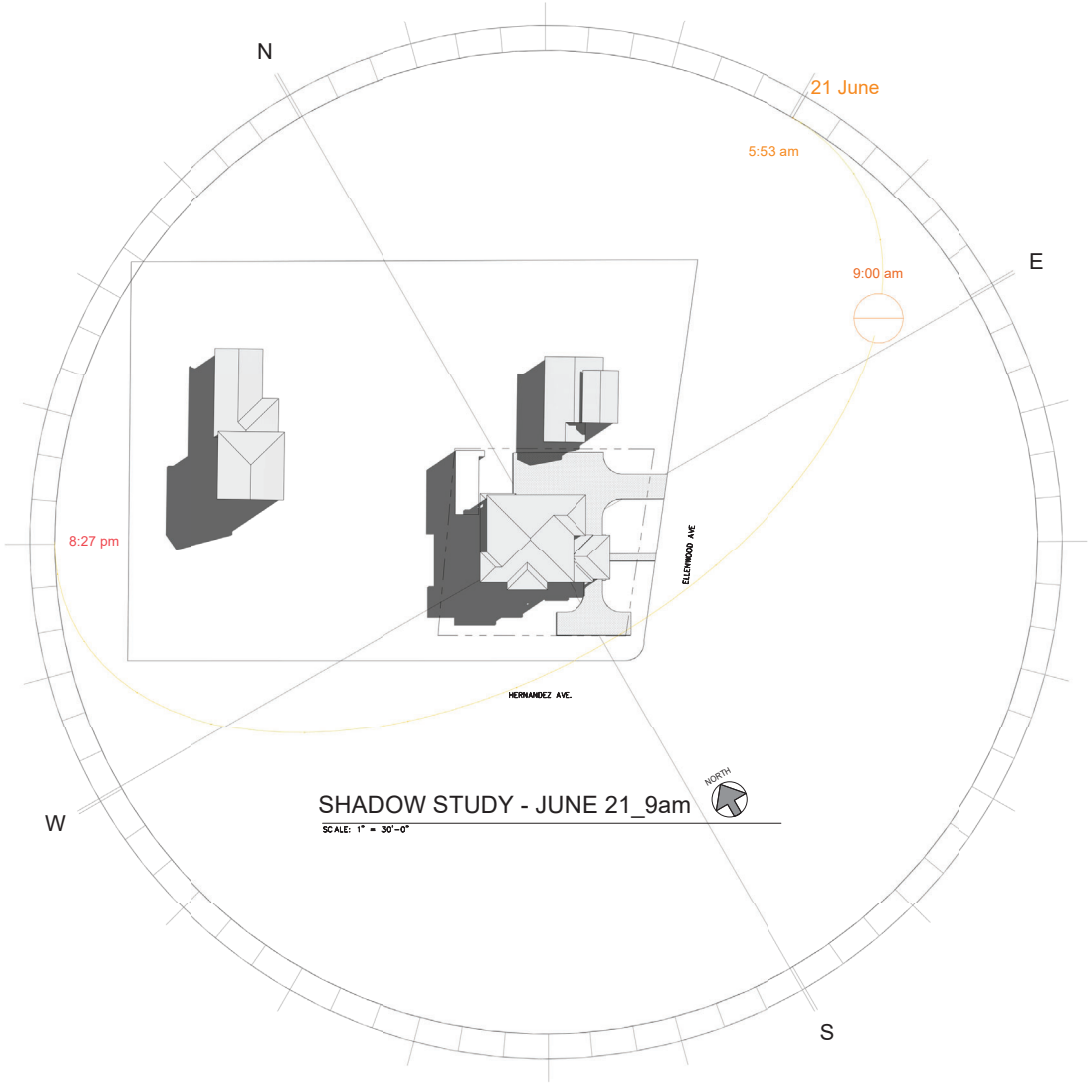
REGISTERED PROFESSIONAL ENGINEER
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STATE OF CALIFORNIA

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REAR AND RIGHT SIDE BUILDING ELEVATIONS

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	7



SHADOW STUDY - JUNE 21_9am

SCALE: 1" = 30'-0"

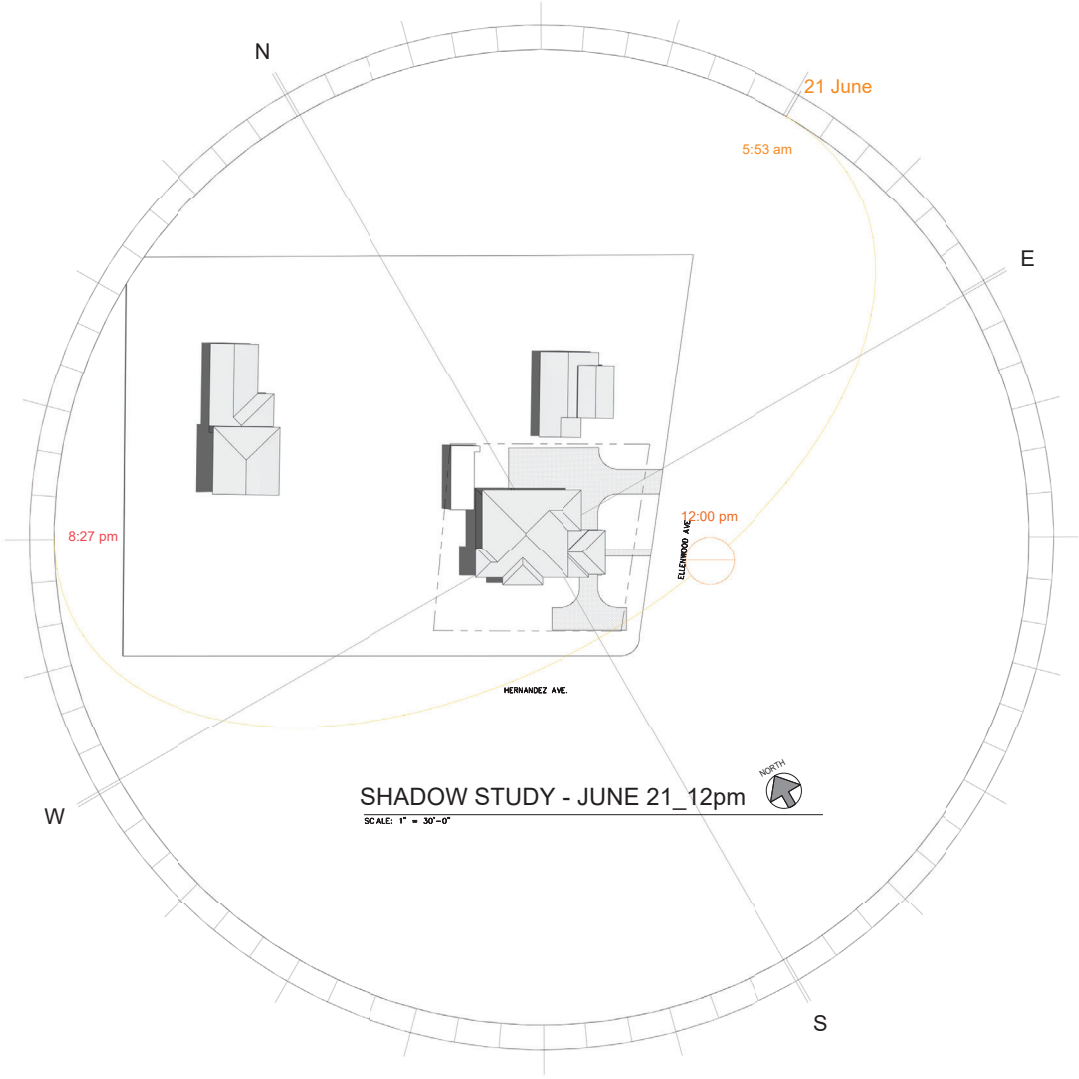
REVISIONS	BY
REVIEW SET 10/24	

JAIME P. ARAFILES, PE
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japarafiles@aol.com

SHADOW STUDY
SHEET 1

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	8



SHADOW STUDY - JUNE 21_12pm

SCALE: 1" = 30'-0"

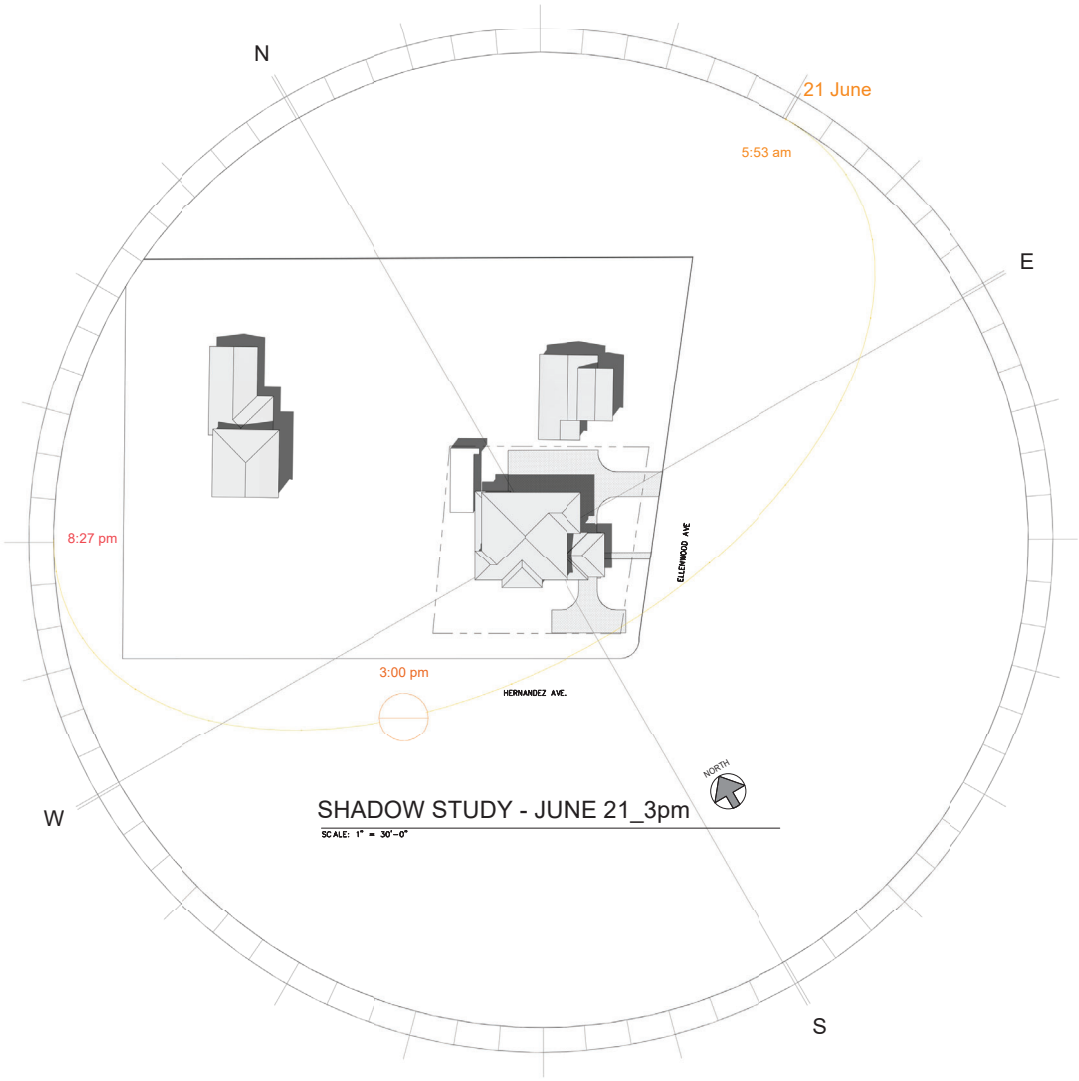
REVISIONS	BY
REVIEW SET 10/24	

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SHADOW STUDY
SHEET 2

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	9



SHADOW STUDY - JUNE 21_3pm

SCALE: 1" = 30'-0"

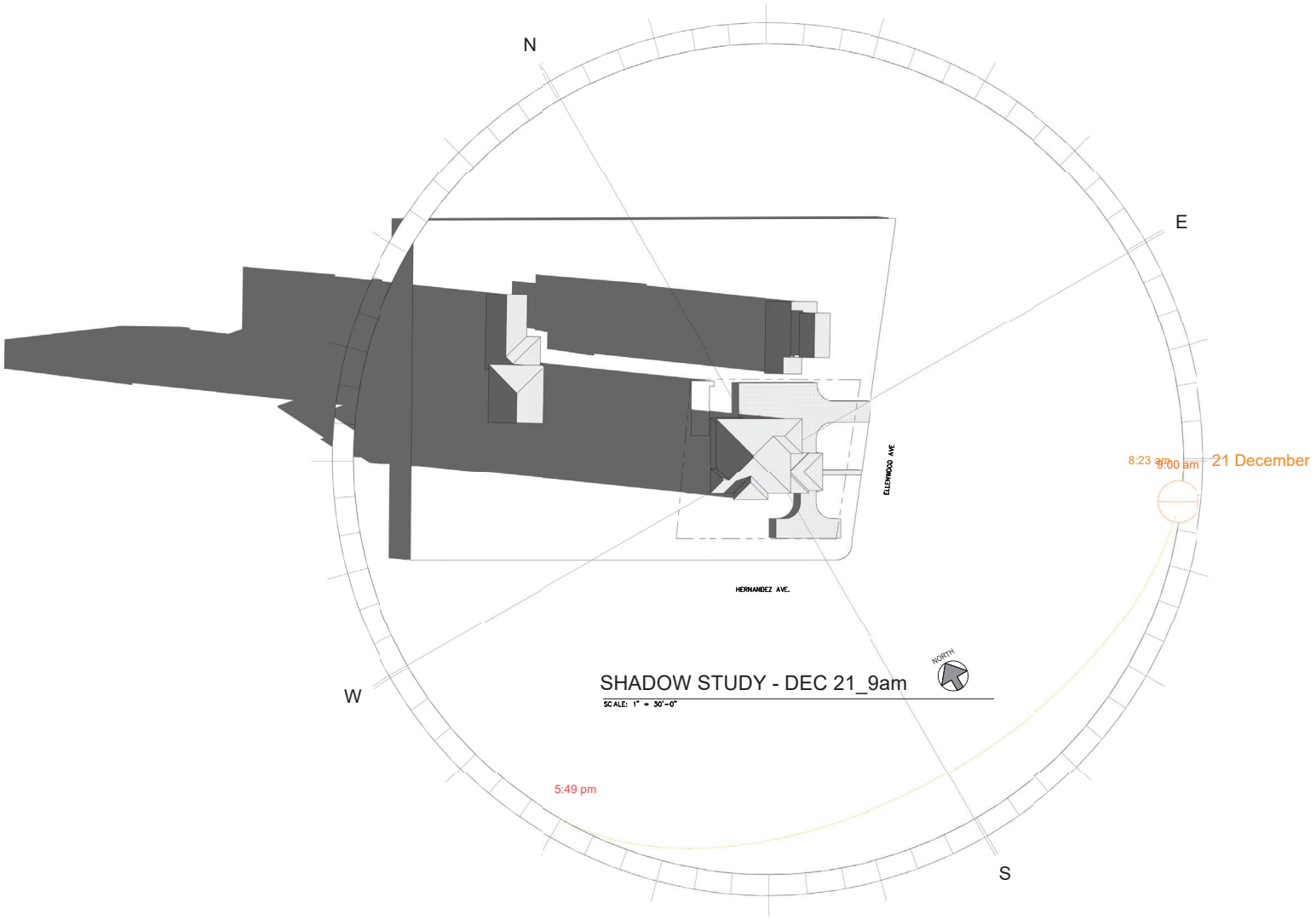
REVISIONS	BY
REVIEW SET 10/24	

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SHADOW STUDY
SHEET 3

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	10



SHADOW STUDY - DEC 21_9am

SCALE: 1" = 30'-0"

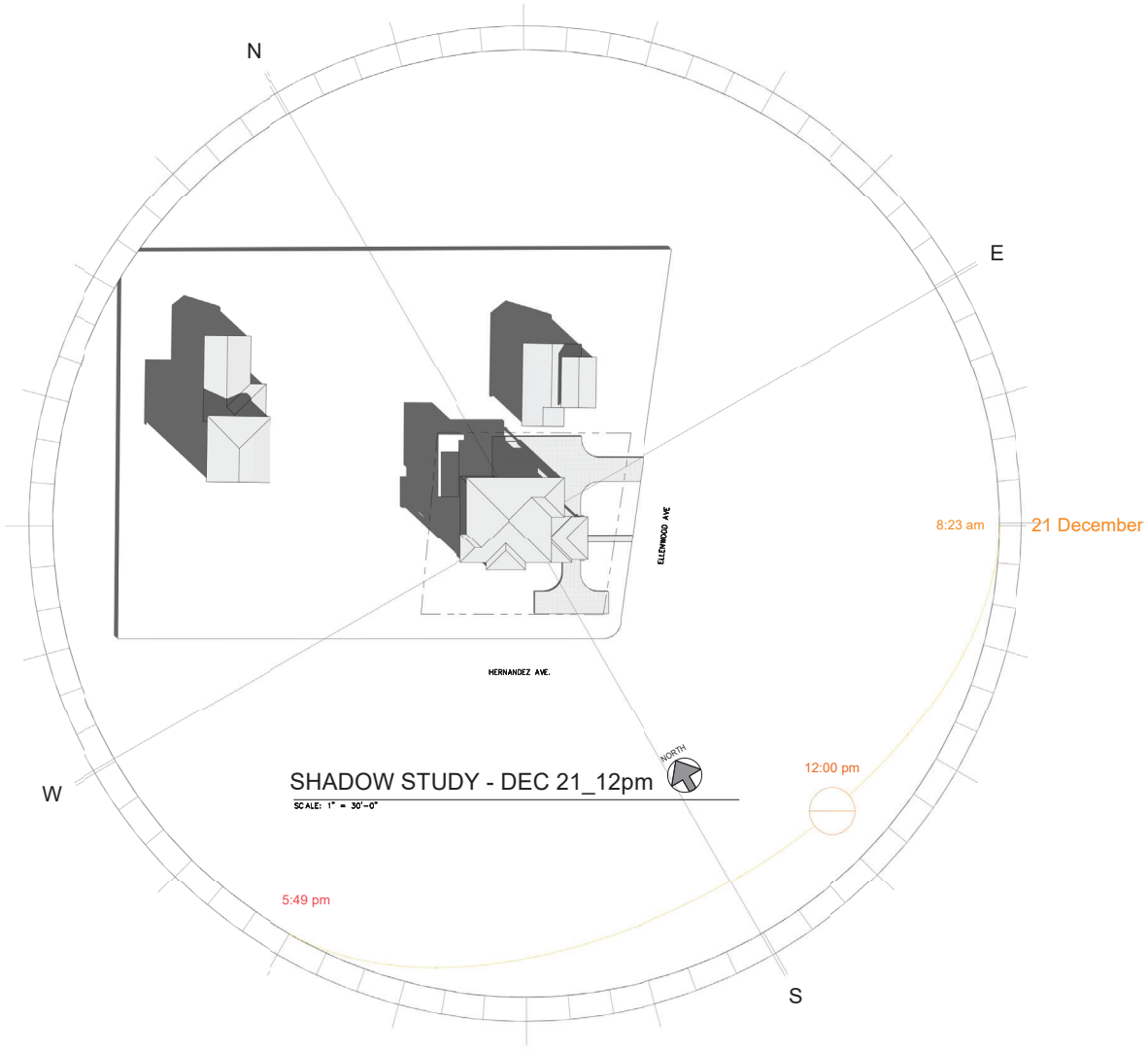
REVISIONS	BY
REVIEW SET 10/24	

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SHADOW STUDY
SHEET 4

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	11



SHADOW STUDY - DEC 21_12pm

SCALE: 1" = 30'-0"

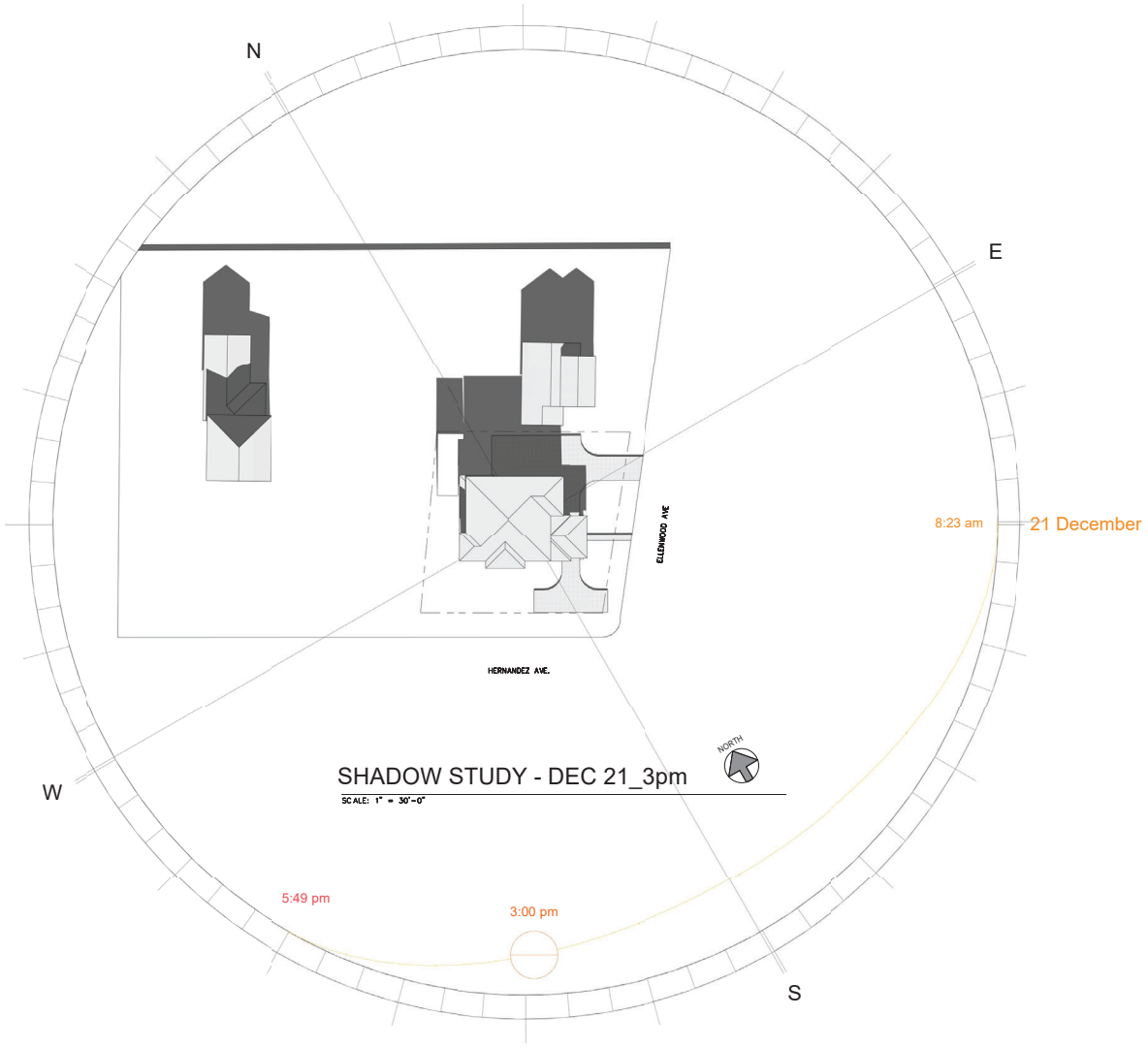
REVISIONS	BY
REVIEW SET 10/24	

JAIME P. ARAFILES, PE
3210 Alvarado Blvd. #293, Union City, CA 94587
Phone (510) 386-8899 E-mail:
japarafiles@aol.com

SHADOW STUDY
SHEET 5

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	12



SHADOW STUDY - DEC 21_3pm

SCALE: 1" = 30'-0"

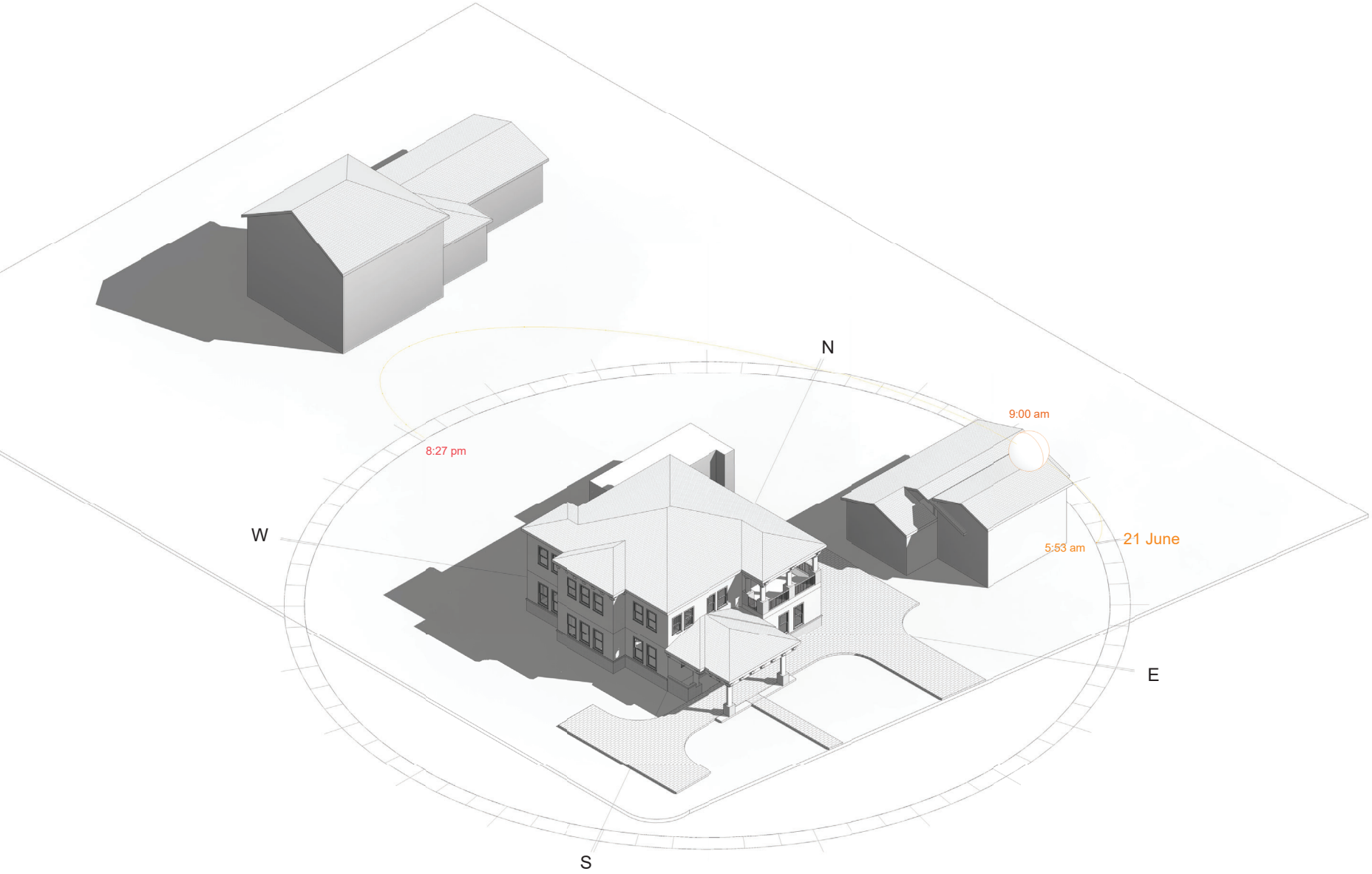
REVISIONS	BY
REVIEW SET 10/24	

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Phone (510) 386-8899 E-mail:
japarafiles@aol.com

SHADOW STUDY
SHEET 6

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	13



3D SHADOW STUDY - JUNE 21_9am

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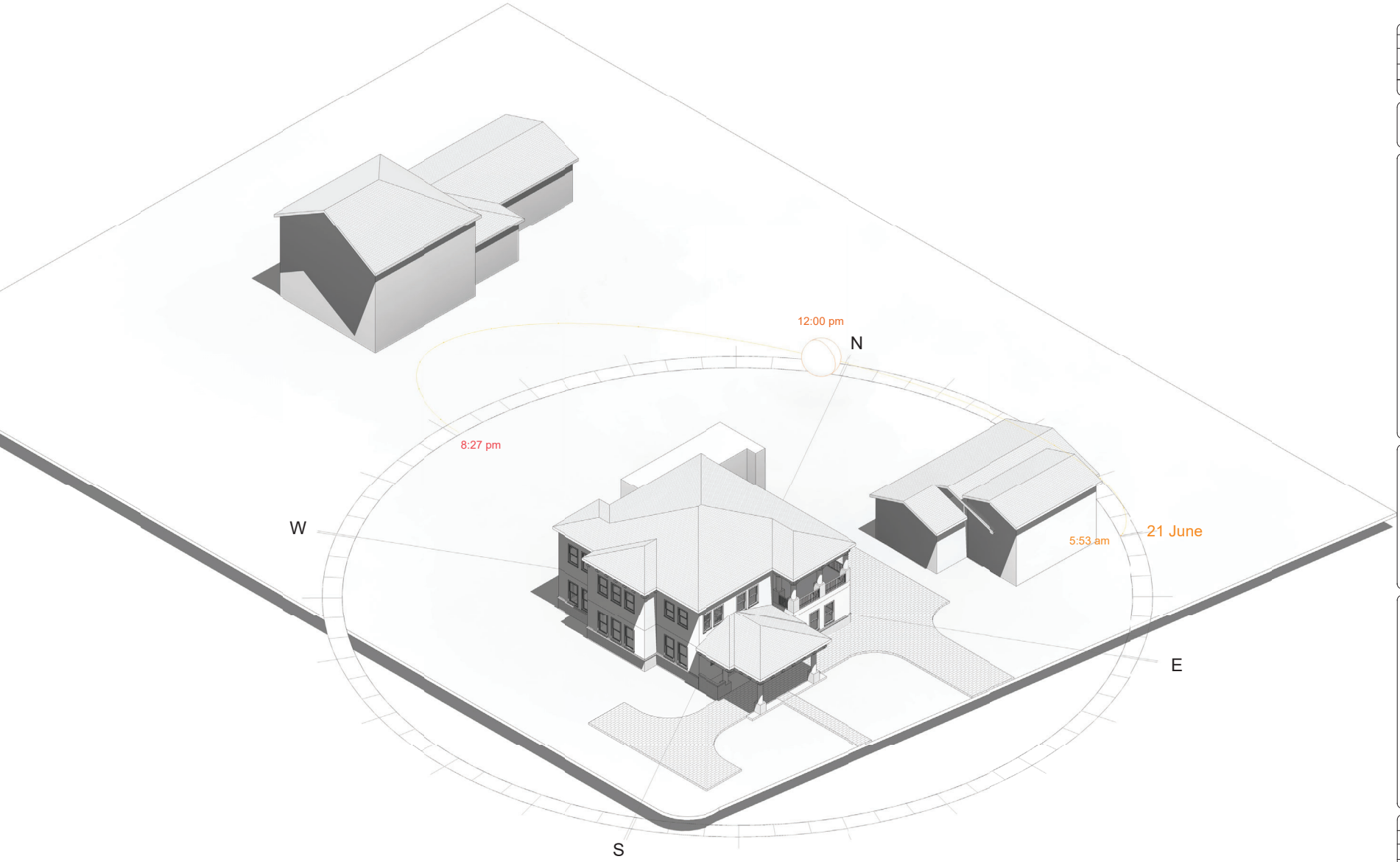
REVISIONS	BY
REVIEW SET 10/24	

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32108 Alvarado Blvd. #230, Union City, CA 94587
Phone (510) 386-5899 E-mail:
jparafiles@aol.com

SHADOW STUDY
3D VIEWS SHEET 1

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB No.	22134058
SHEET	14



3D SHADOW STUDY - JUNE 21_12pm

SCALE:

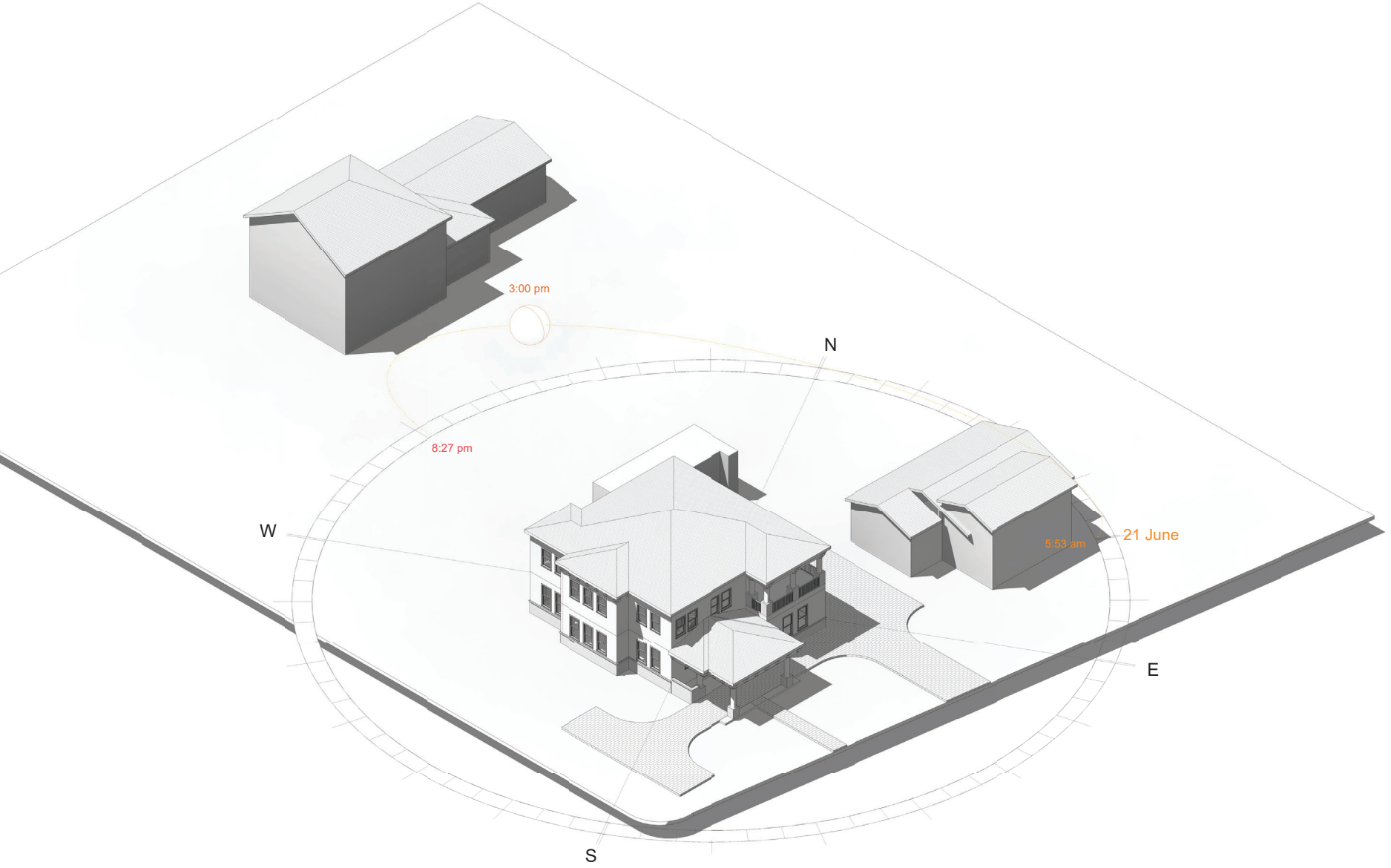
REVISIONS	BY
REVIEW SET 10/24	

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32108 Alvarado Blvd., #292, Union City, CA 94587
Phone (510) 386-5899 E-mail:
jparafiles@aol.com

SHADOW STUDY
3D VIEWS SHEET 2

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	15



3D SHADOW STUDY - JUNE 21_3pm

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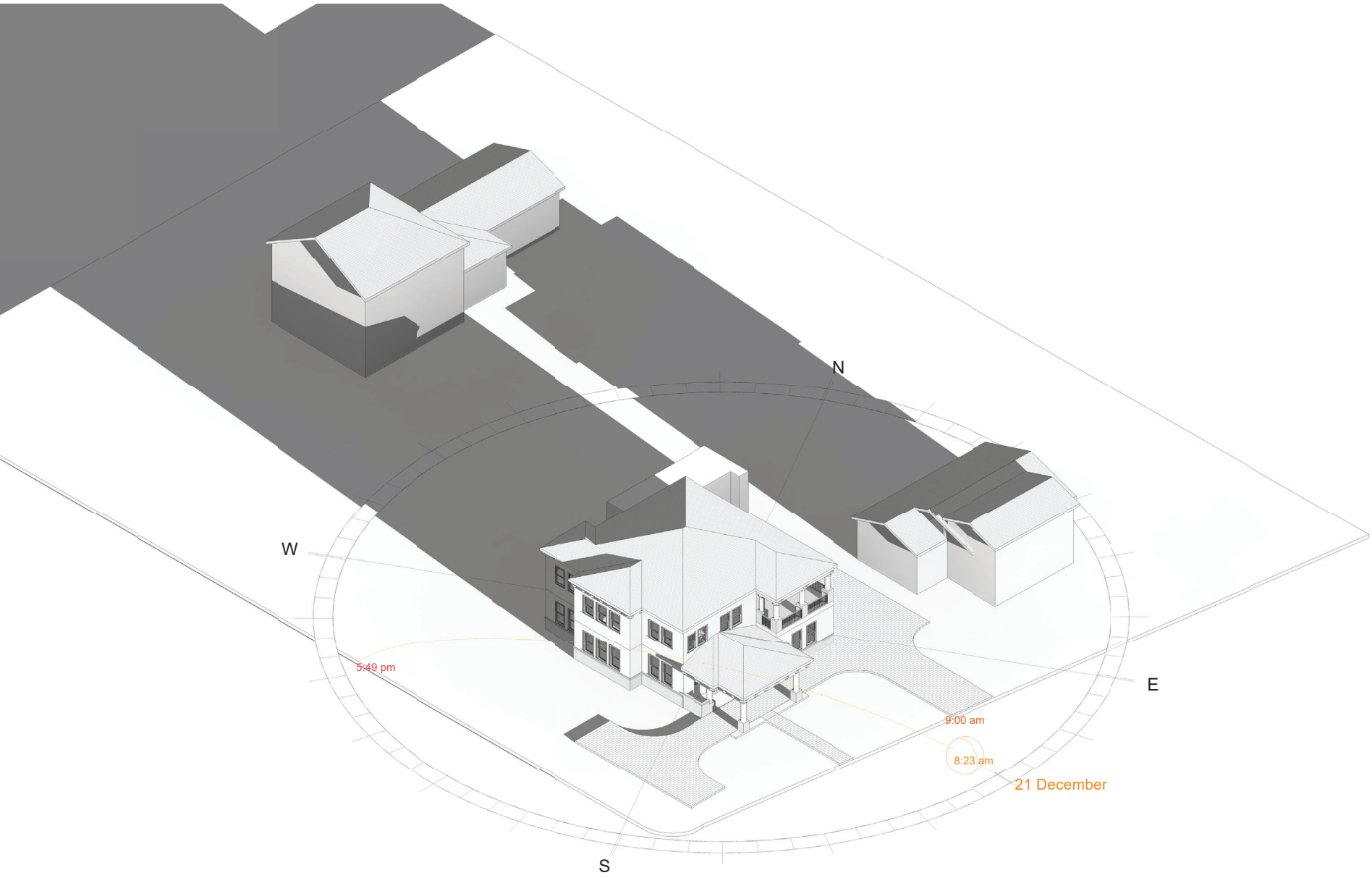
REVISIONS	BY
REVIEW SET 10/24	

JAIME P. ARAFILES, PE
3210B Alvarado Blvd. #230, Union City, CA 94587
Phone (510) 386-5899 E-mail:
jparafiles@aol.com

SHADOW STUDY
3D VIEWS SHEET 3

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	16



3D SHADOW STUDY - DEC 21_9am

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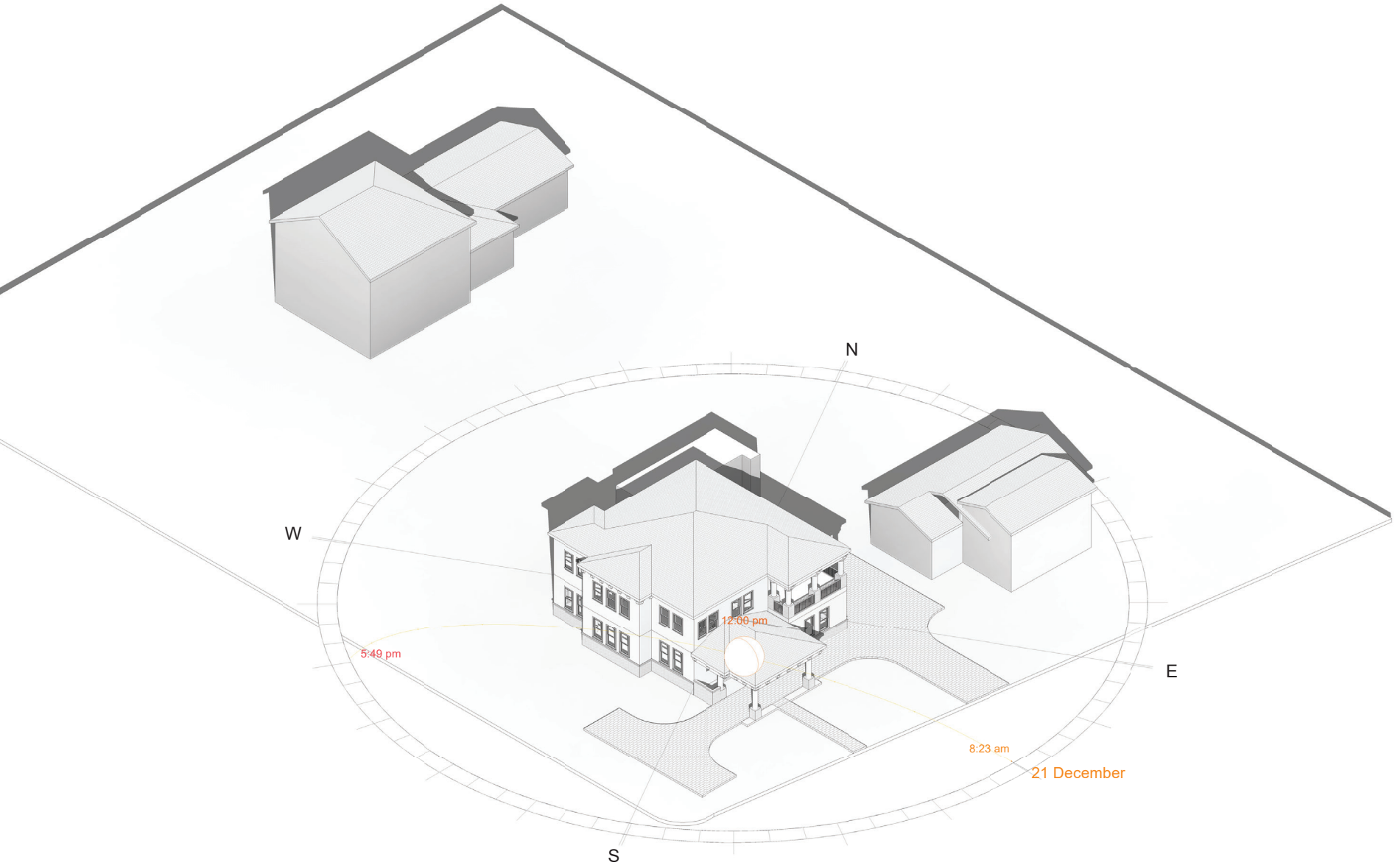
REVISIONS	BY
REVIEW SET 10/24	

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SHADOW STUDY
3D VIEWS SHEET 4

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	17



3D SHADOW STUDY - DEC 21_12pm

SCALE:

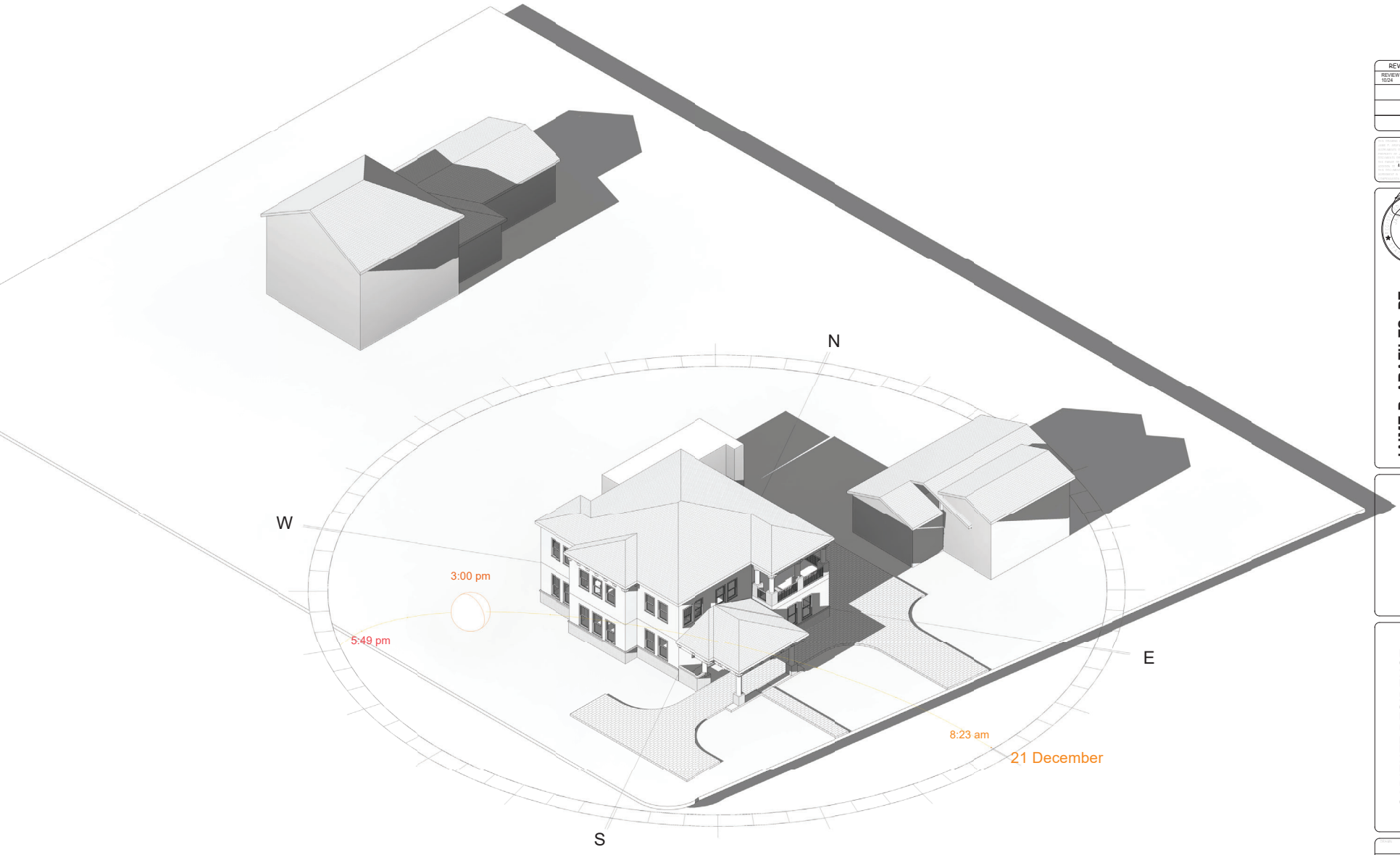
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REVIEW SET 10/24	

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SHADOW STUDY
3D VIEWS SHEET 5

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	18



3D SHADOW STUDY - DEC 21_3pm

SCALE:

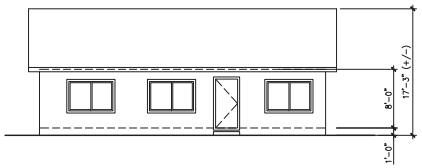
REVISIONS	BY
REVIEW SET 10/24	

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SHADOW STUDY
3D VIEWS SHEET 6

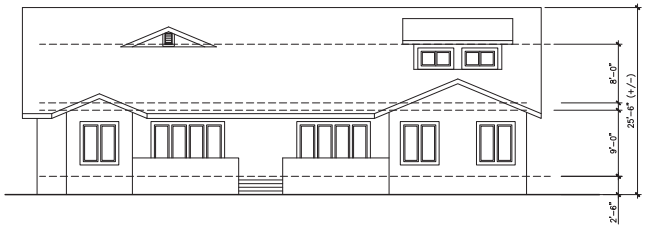
CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	JULY 12, 2021
SCALE	AS NOTED
JOB NO.	22134058
SHEET	19



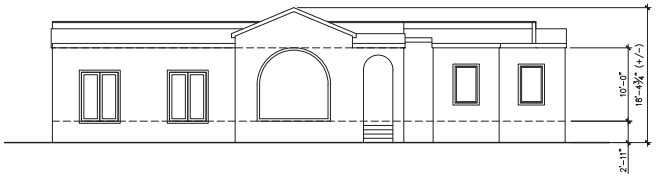
87 ELLENWOOD AVENUE

SCALE: 1/8" = 1'-0"



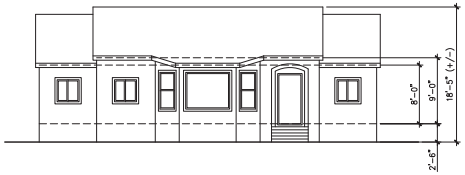
85 ELLENWOOD AVENUE

SCALE: 1/8" = 1'-0"



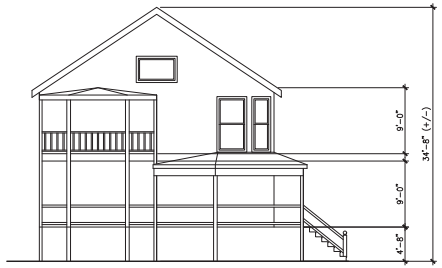
73 ELLENWOOD AVENUE

SCALE: 1/8" = 1'-0"



74 ELLENWOOD AVENUE

SCALE: 1/8" = 1'-0"



130 HERNANDEZ AVENUE

SCALE: 1/8" = 1'-0"

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/23	JPA
REVIEW COMMENTS 10/24	JPA

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JAIME P. ARAFILES, PE
32108 Alvarado Blvd. #293, Union City, CA 94587
Phone (510) 386-5869 E-mail: jparafiles@aol.com

STREETSCAPE ELEVATIONS

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
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DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	20



119 HERNANDEZ AVE

NOT TO SCALE



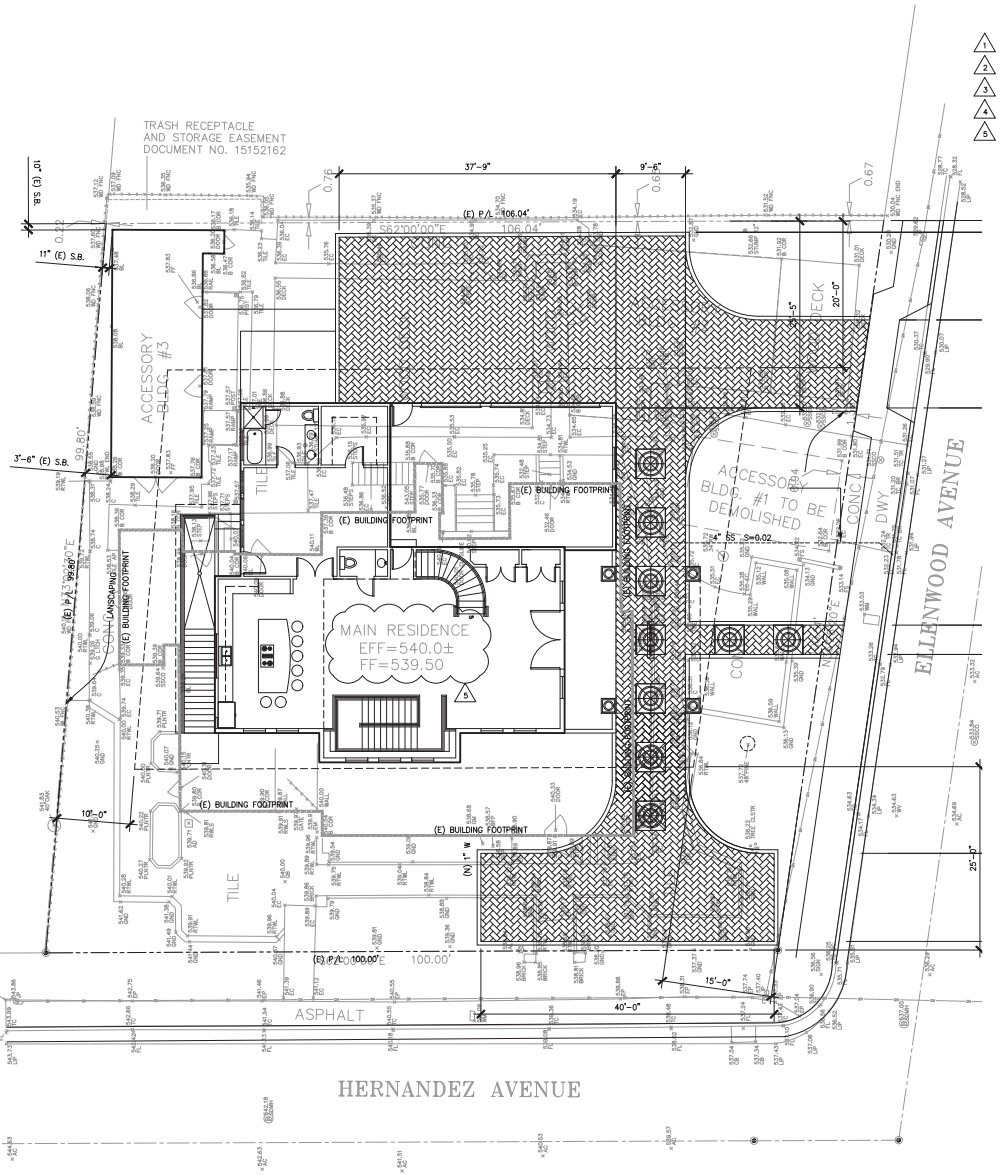
45 WALNUT AVE

SCALE: 1/8" = 1'-0"



94 HERNANDEZ AVE

SCALE: 1/8" = 1'-0"



SITE PLAN CHANGES

SCALE: 1/8" = 1'-0"

NORTH

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/24	JPA
5 REVIEW COMMENTS 11/24	JPA

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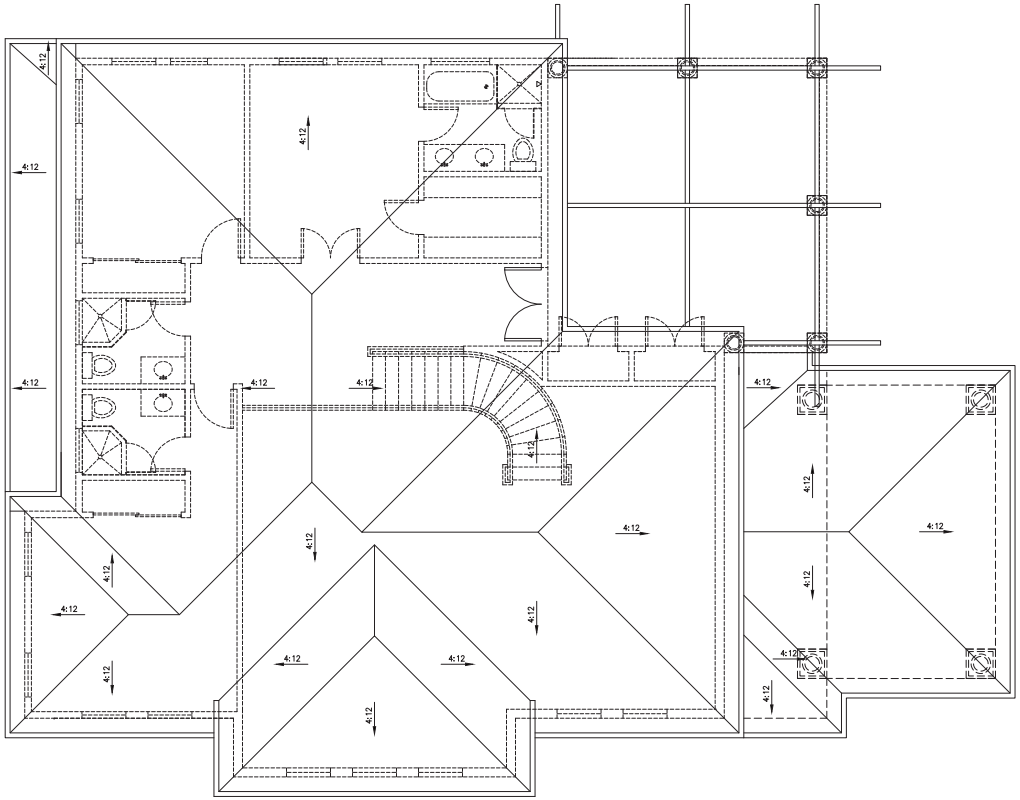
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JAIME P. ARAFILES, PE
32108 Alvarado Blvd. #203, Union City, CA 94587
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STREETSCAPE ELEVATIONS AND SITE PLAN CHANGES

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	21



ROOF PLAN

SCALE: 1/4" = 1'-0"

NORTH

REVISIONS	BY
REVIEW SET 02/23	JPA
1 REVIEW COMMENTS 06/23	JPA
2 REVIEW COMMENTS 08/23	JPA
3 REVIEW COMMENTS 10/23	JPA
4 REVIEW COMMENTS 10/24	JPA

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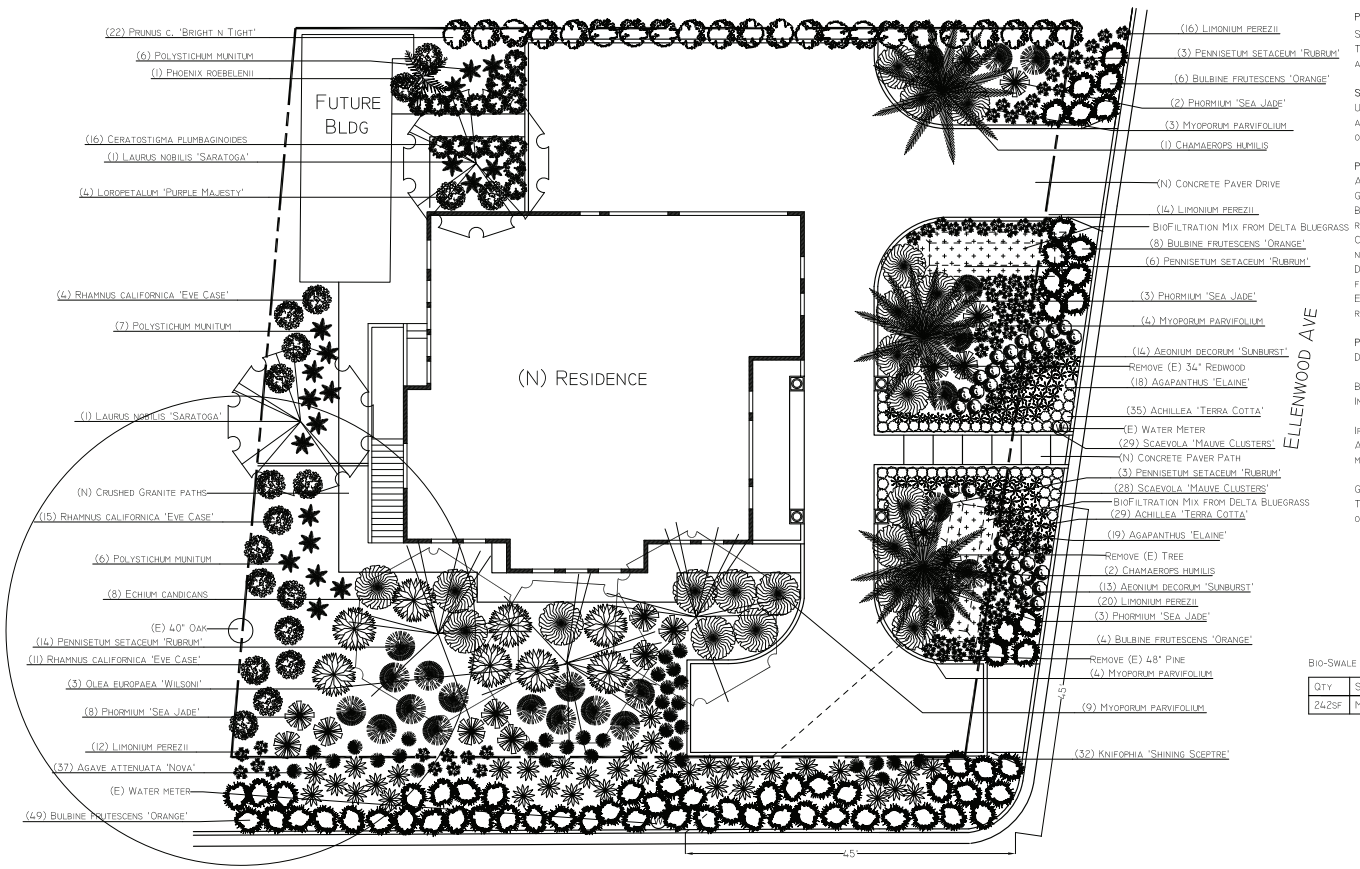
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JAIME P. ARAFILES
No. C 40483
Exp. 03/31/25
CIVIL
STATE OF CALIFORNIA

JAIME P. ARAFILES, PE
32108 Alvarado Blvd. #293, Union City, CA 94587
Phone (510) 386-5899 E-mail: jparafiles@aol.com

ROOF PLAN

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	22



Hernandez Ave

Plant Legend

Qty	Symbol	Scientific Name	Common Name	Planting Size	WUCOLS
64		Achillea 'Terra Cotta'	Yarrow	1 Gal	LOW
31		Aeonium decorum 'Sunburst'	Sunburst Aeonium	1 Gal	LOW
37		Agapanthus 'Elaine'	Lily of the Nile	1 Gal	LOW
37		Agave attenuata 'Nova'	Blue Foxtail Agave	5-Gal	LOW
66		Bulbine frutescens 'Orange'	Orange Stalked Bulbine	1 Gal	LOW
16		Ceratostigma plumbaginoides	Dwarf Plumbago	1 Gal	LOW
3		Chamaerops humilis	Mediterranean fan palm	24" box NLB	LOW
8		Echium candicans	Pride of Madeira	5-Gal	LOW
33		Knifophia 'Shining Sceptre'	Red Hot Poker	1-Gal	LOW
2		Laurus nobilis 'Saratoga'	'Saratoga' Sweet Bay	24"-Box Std.	LOW
79		Limonium perezii	Sea Lavendar	1-Gal	LOW
4		Loropetalum 'Purple Majesty'	Purple Chinese Fringe Flower	5-Gal	LOW
21		Myoporum parvifolium	Myoporum	1-Gal	LOW
3		Olea europaea 'Wilsoni'	Wilson Fruitless Olive	24" box NLB	LOW
26		Pennisetum setaceum 'Rubrum'	Purple Fountain Grass	1-Gal	LOW
1		Phoenix roebelenii	Pigmy date palm	15-Gal	LOW
17		Phormium 'Sea Jade'	New Zealand Flax	5-Gal	LOW
19		Polystichum munitum	Western Sword Fern	5-Gal	LOW
22		Prunus carolinia 'Bright & Tight'	Carolina Cherry Laurel	15-Gal	LOW
15		Rhamnus californica 'Eve Case'	California Coffeeberry	5-Gal	LOW
57		Scaevola 'Mauve Clusters'	Scaevola	1-Gal	LOW

Planting Notes

Soil Analysis
The Landscape Contractor shall acquire a site specific soils analysis and report with recommendations before starting the project.

Soil Prep
Use 4 cu. Yds. Organic Amendment/ 1000 Sq. Ft. in all planting areas, and incorporate into soil by tilling to a depth of 6 inches, unless otherwise directed by soil fertility analysis.

Plant Material
A. Quality and size of plant materials should conform to the California Grading Code of Nursery Stock, No. 1 Grade.
B. All plants should be true to type or name, by species and variety, as required by the California Food and Agriculture Code.
C. All plants should be typical of their species and variety and should have normal habit of growth.
D. All plants should comply with Federal and State Laws requiring inspection for plant diseases and infestations.
E. Plants should be sufficiently established so that a min. of 75 % of each root ball stays intact during planting.

Planting
Dig planting hole to a depth 1-1/2 times the depth of the root ball, and twice as wide. Backfill with 1/3 Organic Amendment and 2/3 native soil.

Bark Mulch
Install a 3 inch layer of mulch in all shrub and groundcover areas.

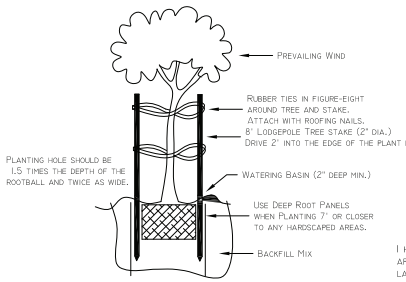
Irrigation
All landscaped areas shall be irrigated by appropriate irrigation measures meeting the MWELO Requirements.

General Maintenance Requirements
The following maintenance requirements shall apply following the completion of the landscape and irrigation installation:

1. Weeding shall be done weekly as necessary.
2. Gro Power fertilizer (5-3-1) shall be applied at 4 month intervals at the rate of 25 lbs/ 1,000 square feet. Shrub and groundcover areas shall be top-dressed and watered-in well after application.
3. Trash and/or litter removal shall be performed on a weekly basis.
4. Dead or dying plant material shall be removed and replaced within 2-3 weeks.

Bio-Swale Sod Blend (See Civil Eng Detail Sheet C-2)

Qty	Symbol	Scientific Name	Common Name	Size	WUCOLS
2425F	Mix	Biofiltration Mix	From Delta Bluegrass	Sod	LOW



Tree Staking & Planting

Prior to Final Occupancy the front yard must be landscaped, and a certificate of Completion shall be submitted to the Town of Los Gatos. This shall include:

A. Irrigation Audit Report, by a 3rd party
B. A reduced and water-proofed copy of the irrigation plan located within each controller box.
C. All Completion forms filled out and signed.

I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape and irrigation design plan

Landscape Architect Lic # 6251 10/10/2023

Revisions	Date	By
Rev1	7/3/23	TAJ
Rev2	10/10/23	TAJ

Plans By:
Ambience Garden Design
530 Lawrence Expwy
Mailbox #377
Sunnyvale, CA 94085
C-27 Lic #1003318
LA Lic #6251

Phone: (408) 990-6999
(By Appointment Only)
www.gardendezine.com

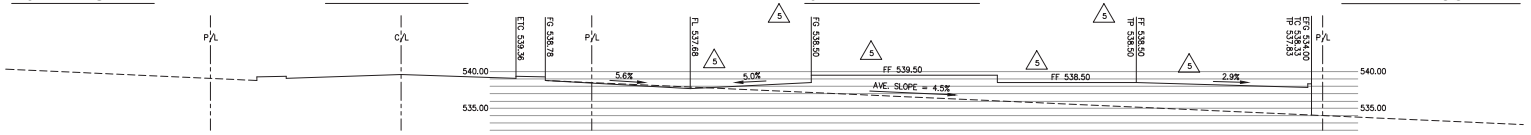
Landscape Plan

North

Cadiente Residence
94 Hernandez Ave
Los Gatos, CA

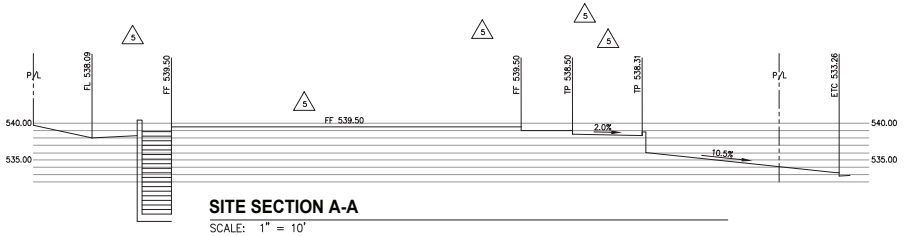
Scale: 1/8" = 1'-0"
Date: 9/13/2021
Drawn By: TAJ
Job No.

L-1



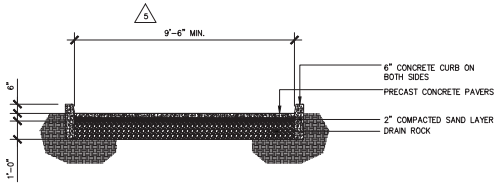
SITE SECTION B-B

SCALE: 1" = 10'



SITE SECTION A-A

SCALE: 1" = 10'



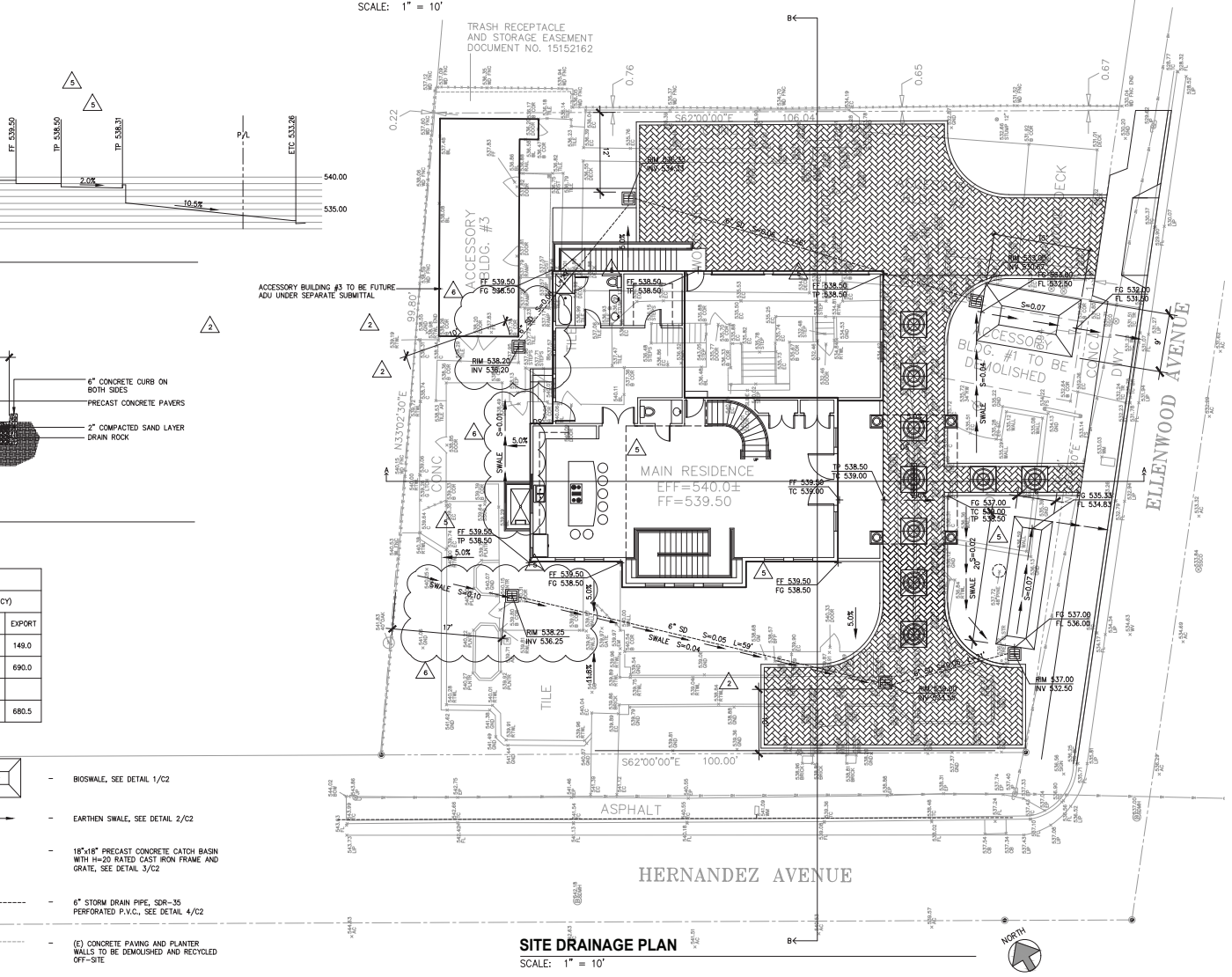
TYPICAL DRIVEWAY SECTION

SCALE: 1/4" = 1'-0"

EARTHWORK CALCULATIONS						
AVE. SLOPE = 4.5%	EARTHWORK (CY)		MAX. DEPTH (FT.)		(CY)	
SITE ELEMENTS	CUT	FILL	CUT	FILL	IMPORT	EXPORT
DRIVEWAY	149.0		1.5			149.0
BUILDING FOOTPRINT	690.0		11.0			690.0
LANDSCAPE		158.5		1.0	158.5	
TOTAL	839.0	158.5				680.5

LEGEND

- BIOSWALE, SEE DETAIL 1/C2
- EARTHEN SWALE, SEE DETAIL 2/C2
- 18"x18" PRECAST CONCRETE CATCH BASIN WITH H=20 RATED CAST IRON FRAME AND GRATE, SEE DETAIL 3/C2
- 6" SD — 6" STORM DRAIN PIPE, SDR-35 PERFORATED P.V.C., SEE DETAIL 4/C2
- (E) CONCRETE PAVING AND PLANTER WALLS TO BE DEMOLISHED AND RECYCLED OFF-SITE



SITE DRAINAGE PLAN

SCALE: 1" = 10'

REVISIONS	BY
1 REVIEW SET 02/23	JPA
2 REVIEW COMMENTS 06/23	JPA
3 REVIEW COMMENTS 08/23	JPA
4 REVIEW COMMENTS 10/24	JPA
5 REVIEW COMMENTS 11/24	JPA
6 ARBORIST COMMENTS 2/25	JPA

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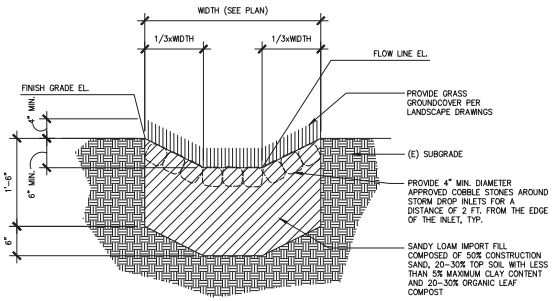
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32108 Alvarado Blvd., #293, Union City, CA 94587
Phone (510) 386-5899 E-mail: jparafiles@aol.com

SITE GRADING AND DRAINAGE PLAN

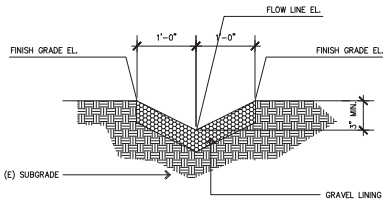
CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	C1



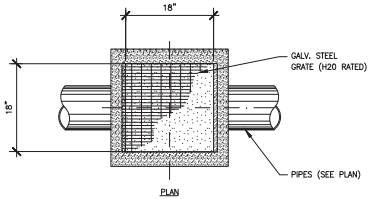
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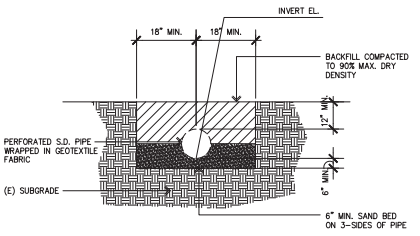
NOT TO SCALE



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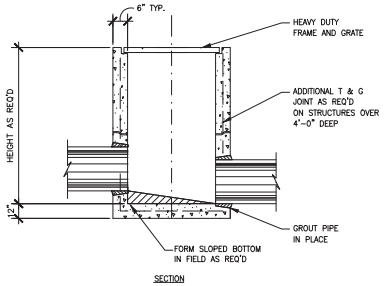
NOT TO SCALE





4 TYPICAL STORM DRAIN SECTION

NOT TO SCALE



3 TYPICAL CATCH BASIN DETAIL

NOT TO SCALE

REVISIONS	BY
1 REVIEW SET 02/23	JPA
1 REVIEW COMMENTS 06/23	JPA
2 REVIEW COMMENTS 08/23	JPA
3 REVIEW COMMENTS 10/23	JPA
4 REVIEW COMMENTS 10/24	JPA

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Exp. 03/31/25
CIVIL
STATE OF CALIFORNIA

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Phone (510) 386-3899 E-mail: jparafiles@ucd.com

SITE DETAILS

CADIENTE RESIDENCE
94 HERNANDEZ AVENUE
LOS GATOS, CA 95030

DRAWN	JA
CHECKED	JPA
DATE	FEBRUARY 8, 2023
SCALE	AS NOTED
JOB NO.	22134058
SHEET	C2

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DATE: October 23, 2026

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic pet containment and the Town's fence regulations.

CEQA:

The proposed Ordinance amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment (CEQA Guidelines Section 15378).

BACKGROUND:

A resident provided the Town with information pertaining to electronic pet containment systems and requested that the Town consider amending the Town Code to allow for the use of electronic pet containment systems (Exhibit 4). Specifically, the resident asked that the Town Council consider amending Town Code Section 4.40.005 to recognize hidden underground electronic fence systems as an additional method of pet containment. In response, the Town Council requested a brief informational report on this topic.

The Town Council received an informational report on August 4, 2026. After discussion, the

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Planning Manager and Community Development Director

Town Council directed the Town Attorney to draft an Ordinance permitting the use of underground electric fence systems on properties of one acre or more in the hillside area. The reason for the amendment is to correct an inconsistency in the current Town Code.

CURRENT ORDINANCES:

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315. This item is before the Planning Commission because the Planning Commission reviews amendments to Chapter 29.

Town Code Section 4.40.005 (a) currently requires that pets be contained or on a leash. If pets are contained by a fence, the fence is required to be six feet tall. Section 4.40.005 (a) reads as follows:

> **Sec. 4.40.005. - Restraint of dogs.**
>
> (a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind a fence not less than six (6) feet high. This section shall not apply to the following:
> (1) Guide dogs for the blind or deaf while performing their duties;
> (2) Dogs participating in field or obedience trails or exhibitions as permitted by the Town;
> (3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;
> (4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;
> (5) Dogs within an off-leash area designated by the Town;
> (6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

Town Code Sections 29.40.030 through 29.40.0330 address fences in residential zones. Because it is important to read these provisions of the Town Code together, a copy of those Sections are included as Exhibit 2.

Town Code Section 29.40.0315 prohibits solid fences in the hillside area and requires that perimeter fencing on properties of one acre or more, be wildlife friendly:

> Town Code Section 29.40.0310 defines "wildlife-friendly fence" as: a fence that allows any animal, regardless of size, to climb under, pass

> through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground of 18 inches.

When Sections 4.40.005 and 29.40.0315 are read together, they prohibit an animal owner on a property of one acre or more located in the hillside area from building a perimeter fence at the property line to contain the animal. The height that Section 4.40.005 requires is a height that is prohibited by Section 29.40.0315. This does not appear to have been a deliberate policy choice. Section 4.40.005 predates adoption of Section 29.40.0315. Both Sections predate widespread consumer availability of buried-wire containment technology, which was patented in 1973 and first became widely available between 1989-1993.

Town Code Section 29.40.0320 authorizes the Community Development Director to grant exceptions to the Town's fence regulations when specified conditions are present. Subsection (d) authorizes an exception when "a special security concern exists that cannot be practically addressed through alternatives." Subsection (e) authorizes an exception when "a special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship."

DISCUSSION:

One common type of electronic pet containment system is a wired invisible fence. The system uses a wire buried around the perimeter of a property to establish a designated boundary for the pet.

The State of California does not prohibit the use of electronic fences for ordinary pet containment. However, state law regarding "potentially dangerous or vicious dogs" requires an "enclosure," which is defined as "a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed to prevent the animal from escaping . . . ." (Food and Agricultural Code Sections 31601-31683.) Thus, for potentially dangerous or vicious dogs, this language requires a physical fence as opposed to an electronic pet containment system.

Based on public comment and review of industry publications, staff has identified the following pros of allowing pet owners to use electronic pet containment systems:

1) Removes a conflict between Town Code Sections 4.40.005 and 29.40.0315 affecting properties of one acre or more located in the hillside area;
2) Allows wildlife movement, which is consistent with the "Room to Roam Act" (described below);

3) Provides hillside property owners on property of one acre or more with a cost-effective tool to assist with keeping their pets on their property while preserving the appearance of the Town's hillsides; and
4) Covers large acreage and adapts to hilly areas where fences are difficult to build.

Staff has identified the following local jurisdictions in California that allow the use of electric pet containment fences:

Jurisdiction	**Code Section**	**Scope of Authorization**	**Relevant Language / Summary**	**Conditions or Limitations**
County of San Diego	**San Diego County Code § 62.669**	**General dog-control provision**	Recognizes an **"electronic pet containment system"** as one method by which a dog may be effectively controlled, in addition to voice control or physical restraint.	Applies to dogs; electronic containment is treated as an alternative method of control.
City of Del Mar	**Del Mar Municipal Code § 4.04.020**, incorporating specified San Diego County animal-control provisions	**General dog-control provision**	Incorporates San Diego County law requiring owners to effectively control dogs by voice, an **electronic pet containment system**, or physical and humane restraint by leash, fence, or other enclosure.	The City's treatment appears to derive substantially from its adoption of applicable County animal-control provisions.
City of Salinas	**Salinas Municipal Code § 7-1**	**General animal-containment provision**	Animals are deemed to be running at large unless restrained or confined within an appropriate enclosure, **"such as an electrified fence or an electronic fence."**	Applies broadly to dogs and other animals, except domesticated cats. The enclosure must be designed to prevent escape.
County of Monterey	**Monterey County Code § 8.04.010**	**General dog-containment provision**	Recognizes a dog as confined within a "dog-tight enclosure" where contained by an	Applies to dogs in the unincorporated County.

Jurisdiction	**Code Section**	**Scope of Authorization**	**Relevant Language / Summary**	**Conditions or Limitations**
			"electric or electronic fence."	
City of Rolling Hills	**Rolling Hills Municipal Code § 6.24**	**Aggressive animals**	Expressly permits confinement of an aggressive animal by **"a fence, electronic fence, running line, pulley, or trolley system,"** or another approved device.	Limited to aggressive animals and subject to requirements designed to prevent escape.

The information provided by the resident also references a new state law, the "Room to Roam Act" (Exhibit 6). Assembly Bill 1889 amends Government Code Section 65302 effective January 1, 2028. After January 1, 2028, Government Code Section 65302 will require that the Conservation Element of the Town's General Plan identify ways in which wildlife corridors can be protected in the Town.

A redline version of the draft Ordinance is attached as Exhibit 3. A clean version of the draft Ordinance is attached on Exhibit 2.

PUBLIC COMMENTS:

The Town published notice of this item in the Los Gatos Weekly. Public comments received by 3:00 p.m., Friday, October 23, 2026, are included as Exhibit 7.

CONCLUSION:

A. Summary

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report, provide comments, open the public hearing, and forward a recommendation to the Town Council to introduce the draft Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's

fence regulations (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378 (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's fence regulations in the draft Ordinance (Exhibit 2).

C. Alternatives

Alternatively, the Planning Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Vote not to recommend approval of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Draft Ordinance
3. Redline Showing Proposed Ordinance Amendments
4. Information Provided by Resident
5. Town Code Section 29.40.030 – 29.40.0330
6. Assembly Bill 1889, "Room to Roam Act"
7. Public Comments Received Prior to Packet Publication

PLANNING COMMISSION – *October 28, 2026*
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-26-006

Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code regarding electronic pet containment and the Town's fence regulations are consistent with the General Plan because they will allow property owners to contain pets while maintaining wildlife corridors and maintain the open appearance of hillsides. (General Plan Open Space Policies 1.4, 2.1, 2.4, Conservation Policy 5.3.).

EXHIBIT 1

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 4.40.005, "RESTRAINT OF DOGS," OF CHAPTER 4, "GENERAL PROVISIONS," AND SECTION 29.40.0310, "DEFINITIONS," AND SECTION 29.40.0315, "HEIGHT, MATERIALS AND DESIGN, AND LOCATION," OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING ELECTRONIC PET CONTAINMENT AND TOWNS FENCE REGULATIONS.

WHEREAS, the Town Code regulates fencing in the Town; and

WHEREAS, the Town Code currently does not permit hidden underground electronic fencing for pet containment; and

WHEREAS, the purpose of Ordinance is to allow the use of hidden underground electronic fencing for pet containment in hillside areas on properties of one acre or more in size; and

WHEREAS, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on October 28, 2026; and

WHEREAS, on October 28, 2026, the Planning Commission reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on _____; and

WHEREAS, on _____, the Town Council reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and the Town Council voted to introduce the Ordinance; and

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

SECTION I. Purpose.

The proposed Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 to allow the use of electric pet containment systems on property of one acre or more located in the hillside area. This item came before the Planning Commission because the Planning Commission reviews and proposes amendments to Chapter 29.

SECTION II. Amendments – Town Code.

The Town of Los Gatos Town Code is hereby amended as follows:

1. Section 4.40.005, "*Restraint of Dogs*" of Chapter 4, "*General Provisions*," is hereby amended to read:

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind either:

(1) a fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area, as defined by Town Code Section 29.40.0310, a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310

(b) This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c) Potentially dangerous dog maintenance requirement: In addition to subsection (a) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when

it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d) In addition to subsections (a) through (c) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less

than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(e) In addition to subsections (a) through (c) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of either the owner/guardian or

person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

2. Section 29.40.0310, "*Definitions*" of Chapter 29, is amended to add the following definition:

"Hidden underground electronic dog fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices."

3. Section 29.40.0315, "*Height, materials and design, and location*" of Chapter 29, "*Zoning Regulations*" is hereby amended to read as follows:

"(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in Section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development

Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of hidden underground electronic dog fences where permitted, electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in section 29.40.0310.

c. Chain link, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

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(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house."

SECTION III. Severability.

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

SECTION IV. CEQA.

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

SECTION V. Publication.

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

SECTION VI. Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the xxth day of xx, 2026, and was adopted by the Town Council of the Town of Los Gatos at its regular meeting on the xxth day of xx 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

DRAFT

SIGNED:

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

ATTEST:

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

DRAFT

Sec. 4.40.005. Restraint of dogs.

(a) ~~(a)~~ The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind ~~a fence not less than six (6) feet high.~~ either:

(1) A~~a~~ fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310.

(b) ~~.~~ This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience ~~trails~~ trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c~~b~~) Potentially dangerous dog maintenance requirement: In addition to subsection (a) through (b) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d~~c~~) In addition to subsections (a) ~~and~~ through (c~~b~~) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a

device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(~~d~~e) In addition to subsections (a~~), (b) and~~) through (d~~e~~) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of

either the owner/guardian or person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

(Ord. No. 1971, § II, 2-22-94; Ord. No. 2276, § 1, 9-18-18; Ord. No. 2320, § III, 9-7-21)

Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this ~~section~~article:

Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

Double fence means two (2) fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means sections 29.40.030 through 29.40.0330.

Hidden Underground Electronic Dog Fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices.

Hillside area 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.

Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in Ssection 29.40.0310.~~.~~

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of Hidden Underground Electronic Dog Fences where permitted, e~~E~~lectric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

TECHNICAL ANALYSIS & STAFF GUIDANCE

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

with Corresponding Clarification to Section 29.40.0315

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April 2026

Prepared for review by:
Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff
Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

EXHIBIT 4

Executive Summary

What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

Section 4.40.005(a) — Animal Code: Restraint of Dogs

SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

Section 29.40.0305 — Hillside Fence Code: Intent

SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 — maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

Section 29.40.0310 — Definitions

SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area 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.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

The following fence types are prohibited in the hillside area:

II. Conflict and Gap Analysis

The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

Code Section	What It Requires / Prohibits	Effect on Hillside Dog Owner
§4.40.005(a) — Animal Code	Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized.	No hidden fence option recognized. Code gap — technology never addressed.
§29.40.0315 — Prohibited Fences	Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap).	6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required).
§29.40.0305 — Hillside Fence Intent	Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors.	A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes.

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character. Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

California Precedents

San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

Oregon Precedents

City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

V. Animal Professional Endorsements

Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

VI. Proposed Amendment Language

Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating “wildlife-friendly fencing” as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

VIII. Key Contacts for Staff Reference

Role	Name & Organization	Contact
Proponent	Keith Blaine AIA LEED AP	keithblaine@mac.com | 408-784-1821
D-64 Licensed Installer	Troy Dykes, DogWatch Hidden Fences	Contact via DogWatch® network
SVACA Executive Director	Dan Soszynski, SVACA	SVACA main line: 408-764-0344
Town Planning Dept.	Ryan Safty, Planning Department	Community Development: 408-354-6874
CC Recipient	Allen Meyer, Town Planning Dept.	Community Development: 408-354-6874
CC Recipient	Megan Blaine, Blaine Architects	Blaine Architects

APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

State / Jurisdiction	Code / Authority	Key Code Language / Framework
California San Diego County	County Code §62.669(c)	Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment.
Oregon City of Central Point	City Code §17.57	*"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.*
Kansas City of Overland Park	Municipal Code 6.08.020(a)(3)	Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure.
Texas Town of Argyle	Code of Ordinances Ch. 2 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance.
Texas City of Fate	Ordinance No. O-1783 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX.
Maryland Baltimore City	Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active)	Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009.
North Carolina Town of Pineville	Code of Ordinances §90.040 (Restraint of Animals)	*"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section.

Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.

APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

1973 — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

1976 — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

1980s — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

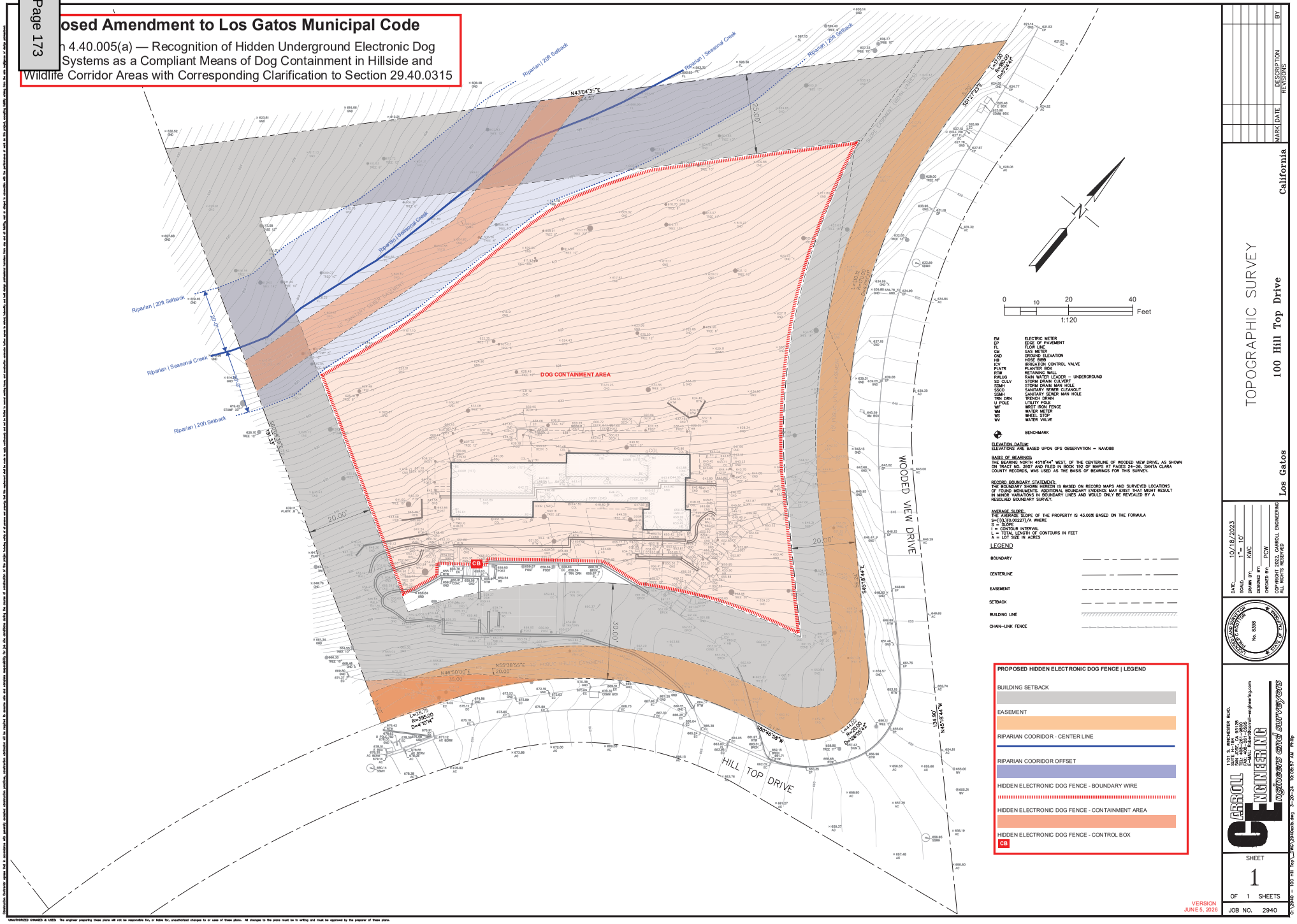
1989–1993 — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

1990s–2000s — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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osed Amendment to Los Gatos Municipal Code

n 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315



TOPOGRAPHIC SURVEY

100 Hill Top Drive

Los Gatos California

MARK	DATE	DESCRIPTION REVISIONS	BY

DATE: 10/18/2023
SCALE: 1" = 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: PCW

COPYRIGHT 2022, CARROLL ENGINEERING
ALL RIGHTS RESERVED

PHILIP C. WOOTTON No. 8396 REGISTERED PROFESSIONAL ENGINEER STATE OF CALIFORNIA

CARROLL ENGINEERING
civil engineers and surveyors
1101 S. WINCHESTER BLVD.
SAN JOSE, CA 95128
TEL: 408-296-4200
FAX: 408-296-8293
e-mail: info@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

VERSION JUNE 5, 2026

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

Protective Covenant: areas that do not contain dog control protective perimeter restrictive covenant of the property owner to maintain in areas that are outside responsibility for the activities only by virtue of ownership of the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property.

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Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

(Ord. No. 2286, § I, 8-6-19)

Ord. No. 2286, § I, adopted Aug. 6, 2019, repealed § 29.40.030 and enacted new provisions as §§ 29.40.030—29.40.0330, to read as herein set out. Former § 29.40.030 pertained to similar subject matter and derived from Ord. No. 1316, § 4.10.020, adopted June 7, 1976; Ord. No. 1493, adopted March 17, 1981; Ord. No. 1873, § I, adopted Oct. 7, 1991; Ord. No. 2049, § I, adopted Oct. 5, 1998; Ord. No. 2062, § I, adopted June 21, 1999; and Ord. No. 2278, § II, adopted Dec. 18, 2018.

Sec. 29.40.0305. Intent.

The intent of these fence regulations, as defined in section 29.40.0310, is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These fence regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0310. Definitions.

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

Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

Double fence means two (2) fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means sections 29.40.030 through 29.40.0330.

Hillside area 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.

Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. Electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0320. Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:

(a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

(b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

(c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.

(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0325. Exemptions.

All fences, hedges, gates, and walls existing on the effective date of this ordinance [from which this section derives] that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0330. Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in sections 29.20.930 through 29.20.965 of the Town Code.

(Ord. No. 2286, § I, 8-6-19)

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 1889

CHAPTER 686

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Friedman. Conservation element: wildlife and habitat connectivity.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Existing law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands.

This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity. The bill would authorize a city, county, or city and county to consult with other appropriate entities and meet the above-described requirements in a separate component or section of the general plan entitled a wildlife connectivity element. The bill would include related legislative findings and declarations. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Development and human activities adversely impact wildlife by reducing or eliminating their core habitat, severing connections between habitats, and interfering with their behavioral patterns and ability to access food, water, shelter, and genetically diverse mates.

(2) Climate change is a significant threat to California's biodiversity. As climate change alters the habitat, ranges, and movement patterns of numerous animals and plants, wildlife must have the ability to shift their ranges to effectively adapt to changed climatic conditions and resource availability. Moreover, wildlife must be able to move to effectively respond to extreme weather events, includes wildfire, drought, and floods.

(3) Executive Order No. N-82-20, codified by the Legislature in Section 71450 of the Public Resources Code, declared that it is the goal of the state to conserve at least 30 percent of California's land and coastal waters by 2030 to combat the climate and biodiversity crisis. Wildlife connectivity contributes to the preservation and restoration of biodiversity by ensuring that wildlife has the opportunity to move through the landscape to forage, find mates and reproduce, seek shelter from stochastic events including flooding or wildfires, and adapt to the impacts of climate change.

(4) The public trust doctrine, codified in Section 1600 of the Fish and Game Code among other sections, holds that wildlife is held in trust for the people and that the protection and conservation of fish and wildlife is of utmost public interest. The California Constitution grants cities and counties the power to control and organize development within their boundaries as a means of serving the general welfare. Because cities and counties have the power to control development decisions within their boundaries, they have a responsibility under the public trust doctrine to do so in a manner that protects fish and wildlife and habitat connectivity.

(5) It is therefore the policy of the state to protect, restore, and improve the functioning of fish, wildlife, and habitat connectivity through local government land use planning and zoning.

(b) It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, or mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate

barriers to wildlife connectivity within their jurisdictions to the extent feasible.

(c) This act shall be known, and may be cited, as the Room to Roam Act.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the members of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the

United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) Upon any substantive revision of the circulation element on or after January 1, 2025, the legislative body shall do all of the following:

(i) Incorporate the principles of the Federal Highway Administration's Safe System Approach, in the circulation element by including policies that aim to eliminate fatal and serious injuries for all road users through a holistic view of the roadway system, including provisions that account for human error, recognize vulnerable road users, and promote redundant and proactive safety measures.

(ii) Develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that shall address all of the following for any urbanized area within the scope of the general plan:

(I) Identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

(II) Use evidence-based strategies, including strategies identified in the United States Department of Transportation's Strategic Highway Safety Plan to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device in the areas identified in subclause (I).

(III) Set goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element based upon projected development activities within urbanized areas within the scope of the general plan and projected availability of revenues.

(C) (i) A county or city shall begin implementation of the modified circulation element plan specified in subparagraph (B) within two years of the date of adoption of the plan.

(ii) A county or city shall regularly review the progress towards and identify impediments to completing implementation of the plan for a multimodal transportation network, including all bicycle plans, pedestrian plans, and traffic calming plans iterated in the modified circulation element, and the construction of any related infrastructure.

(iii) A county or city shall consider revising the circulation element if, following the review under clause (ii), the county or city determines it will

not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element.

(D) For the purposes of this paragraph, the following definitions shall apply:

(i) "Business activity district" has the same meaning as defined in Section 22358.9 of the Vehicle Code.

(ii) "Land facilities that generate high concentrations of bicyclists or pedestrians" has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) "Micromobility device" means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) "Safety corridor" has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) "Urbanized area" has the same meaning as defined in Section 21071 of the Public Resources Code.

(E) For purposes of this paragraph, "users of streets, roads, and highways" mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on the movement of wildlife and habitat connectivity. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(4) Upon the adoption or next revision of one or more elements on or after January 1, 2028, the conservation element shall be updated to:

(A) Identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, as those terms are defined in Section 158 of the Streets and Highways Code.

(B) Identify and analyze existing or planned wildlife passage features, as defined in Section 158 of the Streets and Highways Code, including, but not limited to, wildlife passage features included in the inventory of connectivity needs on the state highway system, as described in Section 158.1 of the Streets and Highways Code, to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features, as defined in Section 158 of the Streets and Highways Code.

(C) (i) Consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity.

(ii) For the purposes of this subparagraph, "wildlife" has the same meaning as defined in Section 89.5 of the Fish and Game Code.

(D) Avoid, minimize, or mitigate impacts and barriers to wildlife movement to the extent feasible.

(E) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.

(5) If a city, county, or city and county has already included policies in existing plans, including its certified local coastal plan, that meet the requirements of paragraph (4), the city, county, or city and county may incorporate the plan by reference into the general plan to comply with this section.

(6) In preparing to update the conservation element, the city, county, or city and county may do any of the following:

(A) Consider incorporating appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards, or consider whether adoption of ordinances is necessary to feasibly implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances.

(B) Consult with the Department of Fish and Wildlife, any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city, county, or city and county's jurisdiction, and any open-space district that owns lands designated for conservation within the city, county, or city and county's jurisdiction. Upon receiving a request for consultation, the

department, tribe, or district may, in its sole discretion, accept or refuse to consult, based on the priority of natural resources impacted or other factors.

(C) Consider relevant best available science as appropriate, including, but not limited to, peer-reviewed literature, citable publicly available datasets, publicly sourced online datasets, and information and reports from government agencies, California Native American tribes, and academic institutions.

(D) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity, including, but not limited to, any of the following:

(i) Habitat linkages and wildlife corridors, such as those identified and summarized in the Areas of Conservation Emphasis, as defined by subdivision (a) of Section 1851 of the Fish and Game Code, and in regional habitat connectivity assessments.

(ii) Wildlife corridors, such as migration corridors identified by global positioning system collar studies.

(iii) Wildlife movement barriers, such as connectivity areas, as defined by subdivision (a) of Section 158 of the Street and Highways Code, and barriers identified by the Department of Fish and Wildlife's Restoring California's Wildlife Connectivity report.

(iv) Other connectivity considerations, such as those outlined in the State Wildlife Action Plan, habitat conservation plans approved pursuant to Section 1539 of Title 16 of the United States Code, natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, and other relevant plans, policies, and ordinances adopted by neighboring jurisdictions.

(7) In preparing to update the conservation element, the city, county, or city and county may consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county.

(8) The city, county, or city and county may meet the requirements in paragraphs (4) through (6), inclusive, in a separate component or section of the general plan entitled a wildlife connectivity element.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 6161 of the Water Code that are available from the Department of Water Resources.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Office of the State Fire Marshal.

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city

or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of

natural features and ecosystem processes, when developing alternatives for consideration. For purposes of this clause, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

(6) After the initial revision of the safety element pursuant to paragraphs (2), (3), (4), and (5), the planning agency shall review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

(7) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(8) Before the periodic review of its general plan and before preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(9) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

From: Nazzi Shishido [redacted]
Sent: Thursday, October 15, 2026 8:58 AM
To: Clerk <Clerk@losgatosca.gov>
Cc: Town Manager <Manager@losgatosca.gov>
Subject: Re: Electronic Pet Containment – Public and Animal Safety Concerns. (October 20, 2026), Addition to my email for council

[EXTERNAL SENDER]

Hello,

This is an addition to my email below.

I have been regularly watching the Town Council agendas for the electronic pet containment item because I understood that it would be returning to the Council for further consideration. I have not seen the item appear on a subsequent agenda.

At the August 4 meeting, this issue was brought forward based on a request from a single resident. Other than Vice Mayor Ristow's strong support for moving the matter forward, the discussion reflected questions and concerns regarding the need for the change, Town priorities, enforcement, cost, and whether there was broader public demand for it.

Because this proposed ordinance could affect hillside residents safety throughout Los Gatos, I believe the public should have an opportunity to review the actual proposed ordinance and participate in a meaningful discussion before any change is adopted.

I am particularly interested in the treatment of hillside properties **under one acre.** The August 4 discussion addressed the Hillside and also specifically discussed properties over one acre. **The Town should not lump all hillside properties together. Hillside properties are not all the same and present different challenges depending on lot size, location, road access, neighboring properties, easements, driveways, and proximity to public areas.** I would like to understand what is now being proposed for properties under one acre and why.

Could you please let me know when this item will return to the Town Council agenda and when the public will have an opportunity to comment? **I respectfully request that this matter be placed on a future Town Council agenda so that the public has an opportunity to review the proposed changes and participate in a meaningful discussion before any ordinance is adopted.**

Thank you,

Nazzi Shishido, [redacted] Los Gatos, 95032

On Oct 15, 2026, at 8:14 AM, Nazzi Shishido [redacted] wrote:

EXHIBIT 7

Good morning,

My name is Nazzi Shishido, and I am a Los Gatos hillside resident and an animal lover. I plan to attend the October 20 Town Council meeting and would like to raise a public-safety concern as well as an animal safety concern regarding electronic pet containment.

The ordinance should also specifically address hillside properties **under one acre**. While the Town's current fencing regulations address wildlife passage requirements for larger hillside properties, properties under one acre **do not** have the same wildlife-passage concern but present different safety concerns, particularly on corner lots where electronic containment may be close to streets, public rights-of-way, neighboring property lines, easements, and driveways.

Those protections should include **minimum setbacks** from public areas and rights-of-way, neighboring property lines, easements, and driveways, as well as a requirement that the containment system be **properly maintained and functioning**. This is particularly important because if an electronic containment system fails, an animal may be able to leave the property without any physical barrier preventing it from reaching pedestrians, other animals, neighboring properties, driveways, or roadways. A failure could result in a dog bite, traffic accident, injury, or other serious safety incident. **Repeated incidents or citations** involving an animal leaving its designated containment area should be a clear indication that the electronic containment system is not functioning effectively and that additional safety measures may be necessary.

The Town should also consider whether **additional safeguards** are appropriate for larger dogs, dogs with a documented bite or escape history, or dogs with known behavioral issues. **The Town should also consider that larger dogs with documented behavioral issues, including biting, charging, or attacking, can pose a danger not only to people and other pets, but also to local wildlife such as deer and wild turkeys.**

Clear standards are important not only for public safety, but also so that dog owners understand their responsibilities and Town staff have objective standards that can actually be enforced. These standards also **protect the animals themselves** from escape, traffic accidents, injury, and other preventable harm.

I respectfully request that a Council Member ask to **place electronic pet-containment safety standards and setbacks on a future Town Council agenda.**

Thank you for your support and cooperation. I can be reached at [redacted].

Thank you,

Nazzi

From: Lisa Van Buskirk [redacted]
Sent: Tuesday, October 20, 2026 12:07 PM
To: Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Subject: town council meeting and planning commission meeting

[EXTERNAL SENDER]

To whom it may concern, it has been brought to our attention that the city of Los Gatos is considering allowing electric fences. We ask that the city slow down to carefully consider all options and seek experts for advice. Thank you.

Lisa Van Buskirk | Senior Vice President

Development, Planned Giving & Community Engagement

Peninsula Humane Society & SPCA

1450 Rollins Road | Burlingame, CA 94010

[redacted]

From: Nazzi Shishido [redacted]
Sent: Tuesday, October 20, 2026 2:40 PM
To: Planning <Planning@losgatosca.gov>; Attorney <Attorney@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Council <Council@losgatosca.gov>
Cc: Clerk <Clerk@losgatosca.gov>; Hiroshi Shishido <hshishido@alumni.gsb.stanford.edu>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: Public Comment – Opposition to Electronic Pet Containment for Hillside Properties Below One Acre

[EXTERNAL SENDER]

Good afternoon,

Attached is my written public comment in opposition to the proposed electronic pet-containment changes for hillside properties below one acre.

I respectfully ask that the attached PDF be included in the public record and provided to the Town Council, Planning Commission, Planning Department, Town Manager, and Town Attorney.

I will be attending tonight's Town Council meeting and the Planning Commission meeting on October 28, 2026.

Thank you for your time and consideration.

Regards,

Nazzi Shishido, [redacted]

To: **Town council, Planning department, Planning Commission, Town Manager Town Attorney**

CC: Town Clerk, Town Manager Office

From: Nazzi Shishido

Subject: **Opposition to Electronic Fencing for Pet Containment on Hillside Properties Below One Acre**

Date: October 20, 2026

My name is Nazzi Shishido, and we have lived at [redacted] in Los Gatos, a hillside property of less than one acre, for 21 years.

Request to Town Council: Please do not change the Town's hillside fencing rules to recognize electronic containment as a substitute for secure physical fencing for hillside properties below one acre unless and until the Town completes independent and proper due diligence, involves environmental experts, animal welfare groups, wildlife organizations, engages Los Gatos residents, and fully evaluates the safety issues associated with electronic fencing and its potential impact on the Town of Los Gatos.

My family's documented experience shows that the consequences of electronic-containment failure are not theoretical. Our experience is at the end of this email.

There is no issue with having six-foot physical fencing on our property for safety and dog containment, thanks to the extensive work that began in 2017 by the Los Gatos Planning Department, Planning Commission, Town Council, and Council Policy Committee, with significant participation from Los Gatos residents and careful consideration of wildlife protection and movement throughout our hillside communities. It took approximately two and a half years of public review and consideration to develop and implement these regulations— a stark contrast to what is happening now: a rushed process without adequate due diligence that risks putting wildlife in danger and turning wildlife into prey, while also creating safety risks for Los Gatos residents, children, pets, neighbors, delivery workers, pedestrians, cyclists, utility workers, first responders, police officers, and firefighters.

This proposal originated from one petitioner's request for electronic fencing as a form of pet containment, based on the inaccurate premise that the petitioner has no other option and cannot install a physical fence to contain the dog. That premise is inaccurate. Existing Town rules do not prevent the petitioner from containing a dog on the property. A six-foot physical fence is permitted. The citation issue is not the absence of a fence; it is the failure to properly confine the dog and the use of electronic fencing as the means of containment when it should not have

been relied upon for that purpose. The Town's April 7, 2026 and August 4, 2026 meeting videos should be reviewed as part of the record.

If the existing code already provides a lawful and effective means of containing the dog, then what problem with the Town Code are we actually trying to solve? One resident does not represent the Town of Los Gatos, and an individual request should not become Town-wide policy without demonstrated community need.

The Planning Commission began considering hillside fencing amendments in July 2017, and the Town specifically sought public input. The issue continued through Planning Commission review, Town Council consideration, and Council Policy Committee review. In October 2018, the Council referred portions of the proposed hillside fencing amendments to the Policy Committee for further discussion. The Policy Committee considered the matter in November and again in December 2018. In March 2019, the proposed hillside regulations returned to the Planning Commission, and the Town again specifically requested written and oral public participation. The matter continued to the Town Council in June 2019. (Los Gatos Official Site)

The result was a deliberate balance. Los Gatos hillside residents were permitted physical fences, while the Town sought to preserve wildlife habitat and movement through the hillsides. At the same time, the Town recognized that residents have legitimate reasons for physical fencing, including the protection and containment of animals.

Hillside properties of less than one acre may have fences up to 6 feet and are not subject to the wildlife-fencing requirements applicable to larger hillside parcels; in many circumstances, a permit is not even required. Hillside properties of one acre or more are subject to wildlife-friendly fencing requirements, including a maximum height of 42 inches with 18 inches of clearance at the bottom. These distinctions were developed through a lengthy public process centered on wildlife protection and movement.

Official Town records:

2017 Planning Commission — Hillside Fences, Hedges and Walls Staff Report

2018 Town record — Council and Policy Committee hillside fencing review and public input

2019 Town record — Planning Commission review and public input

Electronic Dog Containment Is Not Adequate Protection

Electronic dog-containment systems—sometimes called invisible fences, wireless fences, GPS fences, or electronic-collar containment systems—should not be accepted as a substitute for a secure, visible physical fence. They do not create a physical barrier. Instead, they depend on a dog receiving and responding to a warning or correction, such as a tone, vibration, or electronic stimulation.

The Town should evaluate these systems under foreseeable real-world conditions—not only under ideal conditions when the equipment is functioning, batteries are charged, the owner is present, the dog is calm, and no wildlife, emergency, or unexpected trigger is present.

A secure physical fence helps keep a dog inside while also creating separation from wildlife, other dogs, strangers, children, and other hazards. An electronic boundary does not provide that physical separation.

A Hypothetical Hillside Scenario Using Electronic Fence

Consider a typical hillside neighborhood. Neighbor A owns a corner lot and relies on an electronic fence to contain a large, high-prey-drive dog. Neighbor B lives immediately to the right, Neighbor C lives across the street, and Neighbor D lives below the property.

It is an ordinary afternoon. Neighbor B's gardener is working in the yard. Neighbor C is sitting on the front porch. Neighbor D's children are playing in their yard. A cyclist is riding down the street. A pedestrian is walking a small dog. An Amazon delivery driver is approaching to deliver a package.

Neighbor A's dog is outside. A deer walks onto the property. The deer does not know that an electronic boundary exists. The dog sees the deer and its prey drive takes over. It begins chasing the deer. Now consider what happens next.

The deer can run anywhere. It can cross the invisible boundary, enter Neighbor B's yard where the gardener is working, run into the street toward the cyclist or the pedestrian and dog, cross toward Neighbor C's property, or run downhill toward Neighbor D's yard where children are playing.

The electronic fence does nothing to stop the deer or the dog and disaster happened.

If the pursuing dog is sufficiently stimulated by the chase to cross the electronic boundary despite the correction, there is now no physical barrier separating that dog from the gardener, the children, the pedestrian and small dog, the cyclist, the delivery driver, the roadway, or the surrounding properties.

And once the dog crosses the electronic boundary, another problem arises: the dog may be reluctant to cross the boundary again to return home because returning may require receiving another electronic correction.

One deer entering one yard can therefore turn an electronic-containment failure on a single property into a safety issue affecting an entire group of neighboring residents and members of the public.

A physical fence does something fundamentally different: it creates an actual barrier between the dog and the deer and helps prevent the chase from beginning in the first place.

Electronic containment should also not encourage a situation in which a dog is left outside to function, in effect, as an unsupervised perimeter-security system. A dog should not become the barrier between private property and neighbors, children, workers, delivery personnel, pedestrians, or other members of the public. **The containment system should contain the dog; the dog should not be expected to police the boundary and be the bodyguard.**

This is why electronic containment cannot be evaluated only by asking whether it usually keeps a dog within a particular boundary. The Town must consider what happens on the occasion when it does not.

Wildlife and Prey Drive

This issue is especially important in hillside neighborhoods where dogs may encounter deer, fawns, wild turkeys, rabbits, squirrels, birds, coyotes, bobcats, and other wildlife.

A moving animal can trigger an immediate chase response. A dog with a strong prey drive—or a dog that becomes excited, fearful, territorial, or intensely focused—may charge through an electronic boundary in pursuit. At that moment, instinct may override the dog's learned avoidance of the warning or correction.

An electronic collar does not create a physical barrier capable of stopping a large, fast-moving, or highly aroused dog. Once the dog crosses the boundary, nothing physically prevents it from entering a neighboring property, roadway, driveway, trail, open-space area, or wildlife habitat.

The concern is not the same for every breed or type of dog. There is a meaningful difference between a hunting or pointing breed developed to pursue game and a companion dog with substantially different behavioral traits. Breed, size, strength, temperament, and particularly prey drive are relevant when evaluating the risks of electronic containment. A high-prey-drive hunting dog pursuing wildlife may present a very different containment challenge than a lower-prey-drive companion dog. For dogs with strong hunting and pursuit instincts, secure physical containment should be required rather than relying solely on an electronic boundary.

Risk to Neighbors, Children and Pets

Electronic containment can also shift the burden of safety onto neighboring property owners. If one owner relies on an electronic fence that does not reliably contain a dog, surrounding residents may feel forced to install physical fencing on their own properties simply to protect their families, pets, workers, and use of their own yards and driveways. In effect, one property owner's decision not to use physical containment can require multiple neighboring properties to construct physical barriers instead. The Town should consider whether that is a reasonable or equitable consequence of changing its containment requirements.

When a dog crosses an electronic boundary, the risk extends beyond wildlife.

What happens if children are playing on the other side of the property line? What happens if a small dog, cat, or other pet is nearby? What happens if an elderly resident, a small-statured adult,

or another person walking a dog is suddenly confronted by a large, fast-moving, highly excited dog?

Possible consequences include:

- A child, pedestrian, or dog walker being knocked down
- A small pet being chased, injured, or killed
- A dog-on-dog confrontation
- A leash being pulled from a handler's hands
- A frightened person falling or entering the roadway to avoid the dog
- A dog bite or defensive bite
- A dog associating a person, cyclist, child, or another animal with the correction and becoming more fearful or reactive

A visible fence gives neighbors, children, delivery workers, visitors, and others notice of the dog's boundary. An electronic boundary gives no such notice. Someone may unknowingly enter an area the dog perceives as its territory because there is

Equipment and Maintenance Failure

Electronic containment is only as reliable as its equipment, power source, signal, collar, maintenance, training, and the person responsible for operating it. Foreseeable failures include:

- Power outages
- Dead or depleted collar batteries
- Equipment malfunction
- Damaged buried wire
- Loss, drift, or interruption of a wireless or GPS signal
- Improper collar fit
- Inadequate training
- Failure to inspect, recharge, repair, or maintain the equipment
- Owner absence, vacation, illness, or inability to respond

A physical fence remains visible and continues to provide a barrier when the power is out, equipment fails, batteries die, or the owner is not present.

The Town must also determine how electronic containment can realistically be inspected, monitored, and enforced. Who verifies that the system is functioning? How often must it be tested? How would Code Enforcement determine whether an invisible boundary is operating properly? What happens after a power outage, dead battery, damaged wiring, signal failure, landscaping, excavation, erosion, or other disruption? What happens when the system is inoperable or a dog escapes?

If electronic containment is recognized as lawful pet containment, the Town needs an enforceable standard for maintaining it—not simply an assumption that the equipment will continue to work and that every owner will properly maintain it.

Dogs, Owners and Hillside Properties Are Not Interchangeable

The Town should not assume that all dogs, owners, and hillside properties present the same circumstances. Dogs range from small companion animals to powerful working and hunting breeds, including breeds with strong prey drive, speed, endurance, and an instinct to pursue wildlife. Dogs may also have behavioral or aggression issues that do not become known until an incident occurs.

Electronic containment depends on the individual dog, its training, properly functioning equipment, and the owner's responsible and consistent use of the system.

Nor should the Town assume that every owner will use electronic containment merely as an additional precaution. For some owners, it may become a substitute for physical containment, allowing a dog to remain outside for extended periods rather than being walked, supervised, exercised, or taken outside by its owner. The Town should evaluate foreseeable uses of the technology, not simply its best-case use.

Hillside properties themselves are not interchangeable. They include steep terrain, narrow and shared driveways, ingress and egress easements, open areas adjacent to neighboring driveways, limited sightlines, narrow roads, properties without sidewalks, wildlife corridors, and areas where residents, workers, children, cyclists, delivery personnel, utility workers, and emergency responders may pass immediately alongside private property.

An electronic boundary is invisible to every one of those people—and to wildlife approaching from the other direction.

Roads, Drivers and Cyclists

The Town should consider what happens when a dog suddenly enters a roadway. A cyclist traveling uphill, downhill, or around a blind curve may have little opportunity to avoid a dog running into the road.

A cyclist may brake suddenly, swerve, fall, or collide with the dog. A driver may brake or swerve to avoid it. The consequences could injure the cyclist, pedestrian, driver, passenger, dog, or wildlife.

These risks are particularly serious on narrow, winding hillside roads with limited visibility, steep grades, parked vehicles, and little room for a cyclist or pedestrian to avoid danger.

Escape and Return

The Town should independently evaluate what happens after a dog crosses an electronic boundary.

A dog may cross while frightened, excited, pursuing wildlife, responding to another dog, or fleeing a perceived threat. Once outside, the dog may hesitate or refuse to return if doing so requires crossing the correction zone again.

That can create the worst possible result: the dog has escaped and may be reluctant to come back. Meanwhile, there is no physical barrier preventing it from entering a roadway, neighboring property, driveway, open space, or wildlife habitat.

Emergency, 911, Fire and Evacuation Risks

These concerns become even more serious during the emergencies for which Los Gatos hillside communities must prepare.

During a 911 call, medical emergency, fire, wildfire evacuation, earthquake, utility failure, prolonged power outage, or other urgent event, electronic containment may fail or become unreliable precisely when residents and emergency responders need predictable, unobstructed access.

Firefighters, police officers, paramedics, utility crews, animal-control officers, and evacuation personnel should not unexpectedly encounter an uncontained dog while responding to an emergency. A dog frightened by sirens, smoke, flames, flashing lights, strangers, hoses, emergency vehicles, or people rushing onto the property may react unpredictably, escape, chase, guard its territory, or interfere with emergency access.

During a wildfire or evacuation, a frightened dog may run through an electronic boundary, be unable or unwilling to return, enter a roadway, obstruct an evacuation route, or confront residents and responders. Electronic containment also provides no physical barrier between the dog and wildlife or other animals fleeing a fire.

In hillside areas, defensible-space work requires reliable access for firefighters, vegetation-management crews, contractors, utility personnel, and inspectors. A loose or unpredictable dog can delay or prevent access to a property. During a wildfire, medical emergency, or evacuation, even a short delay can have serious consequences.

The danger is not merely inconvenience. An emergency responder who must stop to avoid, assess, restrain, or defend against an uncontained dog loses time. A resident who cannot safely leave because of a loose dog, or a dog that enters an evacuation route, can create a dangerous situation.

Public-safety regulations should not assume that every owner is a responsible owner, will be home, every battery will be charged, every collar will work, every signal will remain available, and every dog will respond to an electronic correction during a crisis.

Delivery, Utility and Service Workers

Electronic containment provides no visible warning to delivery drivers, postal carriers, food-delivery workers, contractors, landscapers, gardeners, utility workers, and other service providers.

These workers may approach a driveway, porch, garage, gate, or side yard in the ordinary course of their work, often carrying packages or equipment and with limited ability to quickly move away.

If a dog crosses an electronic boundary while reacting to a delivery vehicle, unfamiliar person, wildlife, or another trigger, the worker may unexpectedly encounter a loose, barking, charging, frightened, or excited dog. A physical fence provides both a visible boundary and an actual barrier. An electronic system does not.

Protection for the Entire Community

The Town's dog-containment standards should protect the entire community, rather than depend on an electronic system functioning under ideal conditions. Those standards should protect:

- Wildlife, including deer, fawns, wild turkeys, birds, rabbits, squirrels, and other native animals
- Children and families
- Neighbors, pedestrians, and visitors
- Small pets, other dogs, and cats
- Cyclists, drivers, and vehicle passengers
- Delivery drivers, postal carriers, food-delivery workers, and other service providers
- Contractors, landscapers, gardeners, and housekeepers
- Utility workers and defensible-space crews
- Firefighters, police officers, paramedics, animal-control officers, and evacuation personnel
- The dog itself

A properly designed and maintained physical fence, enclosed dog run, or other secure physical enclosure is not a guarantee against every incident. But it creates an actual, visible barrier. It helps keep dogs contained, creates separation from wildlife and other people, remains functional during power outages, gives others notice of the dog's boundary, and provides a more dependable safeguard during ordinary life and emergencies.

Electronic containment should therefore be treated, at most, as a supplemental tool—not as a substitute for secure physical containment where public safety, wildlife protection, emergency access, and neighborhood safety are at stake.

Independent Due Diligence and Verification

Before changing the Municipal Code, the Town should independently verify the factual claims, sources, endorsements, installation figures, legal interpretations, and animal-control representations that have been submitted in support of electronic containment.

A proposal seeking a code amendment is advocacy; it is not an independent public-safety, wildlife, animal-welfare, or enforcement study. The Town should not rely solely on manufacturer claims, installer representations, testimonials, or statements from anyone who may financially benefit from the sale, installation, training, maintenance, or expanded use of electronic-containment systems.

Before changing the law, the Town should obtain independent review from qualified professionals with no financial interest in electronic containment, including appropriate wildlife, veterinary, animal-behavior, public-safety, fire-safety, and animal-control professionals.

My Family's Experience with Electronic Fencing and Why This Proposed Change Matters to Us

My family experienced firsthand during 2024 and 2025 what can happen when electronic fencing does not reliably contain a dog. I am providing this history because it is directly relevant to the policy the Town is now considering.

A physical fence could have been installed at the neighboring property, but electronic containment was used instead. The dog was a large, athletic hunting dog with behavioral issues and had been subject to an electronic containment system shock since 2021. The dog exhibited aggressive behavior, including biting at hands and feet. The dog was left outside for extended periods and became increasingly difficult to control. I observed the dog chasing baby deer and squirrels and, on occasion, killing and tearing apart wild turkeys. The dog also roamed outside the property and was not reliably contained by the electronic fence. The owner was aware that the dog was getting out.

We also learned that delivery personnel would not deliver due to the concern about the dog.

In February or March 2024, our surveyor had to stop working because the dog was not contained by the electronic fence. He knocked on our door visibly upset and told me that the dog had charged him three times. He took photographs, packed his equipment, and left. We had to arrange for him to return later to finish the survey, and he required that the dog be confined. The surveyor also told me that another woman had warned him that the dog was "nasty" and asked why I had not warned him.

The situation escalated in August 2024 when the electronic boundary was relocated closer to the property line, very close to our driveway and closer to an area used by the public. Beginning around August 7, 2024, this resulted in police calls and involvement by Silicon Valley Animal Control.

On August 9, 2024, Silicon Valley Animal Control issued a warning concerning restraint of the dog. Officer Castro was involved. Owner ignored. **Case# A24-155773**

On August 10, 2024, another warning was issued by Silicon Valley Animal Control. Officer Castro was again involved. Owner ignored. **Case# A24-155773**

As the situation continued, Mr. Dan Soszynski, Executive Director of Silicon Valley Animal Control, was informed. Mr. Patrick Pedrotti, Field Services Manager, also came to our home to observe the conditions firsthand.

The dog's bark was extremely loud and frightened people in the area. I recall Animal Control referring to the dog as "Cujo," and I asked what that meant.

On August 20, 2024, the Town of Los Gatos issued a $100 citation concerning restraint of the dog. Importantly, the Town's citation instructed that the dog be confined by a fence of not less than six feet so that the dog would not continue running loose. **Town Violation # 24-398, $100**

The electronic containment system was already in place, yet it was not reliably containing the dog.

For almost a month, the situation significantly affected our daily lives. We were afraid to come out of our home, walk down our driveway, or check our mail because of the possibility of encountering the dog. We stopped or limited visits by our gardener, cleaners, and other workers because we did not want them exposed to the same risk. We only left the home in our cars.

2025

In 2025, the containment problems began again after another dog was brought to the property.

On August 9, 2025, my husband experienced a medical emergency requiring a 911 response and resulting in approximately one week of hospitalization. During that emergency, I was concerned about the dog, both for my husband's safety while being transported by stretcher and for the safety of the emergency responders who needed access to our property.

This experience is directly relevant to the issue now before the Town. During a 911 emergency, residents should not have to wonder whether an electronic containment system is functioning or whether a dog will cross an invisible boundary while firefighters or paramedics are trying to reach someone.

On August 29, 2025, Silicon Valley Animal Control issued another warning concerning the dog running loose. The Town of Los Gatos also issued a $100 citation through Mr. Allen Meyer, Code Compliance Officer. The Town Attorney's office was involved. **Town violation # 25-279, $100**

On August 30, 2025, the dog was again running loose, and another citation was issued by the Town of Los Gatos through Mr. Meyer. **Town violation # 25-279, $100**

On September 19, 2025, the dog was again running loose and charging toward our house. Another Town citation was issued on October 1, 2025. **Town Violation #25-325, $100**

During this period, the dog was observed in our backyard, roaming in our driveway, near our garage, and near our front door.

Why This Experience Matters

I am providing these names and dates because these events can be independently checked for accuracy through Town records and Silicon Valley Animal Control records.

Those records should reflect the involvement of Officer Castro, Executive Director Dan Soszynski, Field Services Manager Patrick Pedrotti, Los Gatos Code Compliance Officer Allen Meyer, the Town Attorney's office, and other personnel involved in these incidents.

DogWatch is also relevant to this history. Troy Dykes was the installer of the electronic fencing system being used at the neighboring property that did not work.

The central point is simple: an electronic containment system was used to confine a large, athletic hunting dog with known behavioral issues. The system repeatedly failed to contain the dog. The owner was aware of those failures, yet the dog continued to run loose.

There were repeated incidents. There were Animal Control warnings. There were Town citations. Police became involved. A surveyor had to stop working and leave. Delivery personnel were affected. Our gardeners, cleaners, and other workers were affected. Wildlife was affected. Our ability to safely use our own property was affected. During a 911 medical emergency, I was concerned about the safety of my husband and the emergency responders trying to reach him.

This is not a theoretical concern about whether electronic containment might fail. My family experienced what happens when it simply does not work.

Before Los Gatos changes its existing hillside fencing rules and recognizes electronic containment as a substitute for physical containment, this real-world history should be part of the Town's due diligence and expand.

The incidents, Animal Control warnings, and Town citations described in this letter can be independently verified through Town and Silicon Valley Animal Control records. I can provide supporting documentation upon request.

Thank you to the Town Council, Planning Commission, Town staff, and everyone involved for taking the time to review my concerns and the information I have provided.

I will be attending tonight's Town Council meeting, and I also plan to attend the Planning Commission meeting on October 28, 2026.

I respectfully ask that this email and the information provided with it be included in the public record and added to the appropriate meeting packet for consideration by the Town Council and Planning Commission. I can be reached at [redacted]

Thank you for your time and consideration.



Nazzi Shishido
[redacted]
Los Gatos, CA 95032

From: Nazzi Shishido [redacted]
Sent: Wednesday, October 21, 2026 3:50 PM
To: Rob Moore <RMoore@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
Cc: Clerk <Clerk@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Hiroshi Shishido [redacted]; Town Manager <Manager@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: False SVACA Endorsement in Petitioner's E-Fencing Submission — SVACA Unaware of Statements nor endorse E Fencing for containment of pets

[EXTERNAL SENDER]

Mayor Moore and Councilmembers,

I was made aware of this issue only last Wednesday. Before then, I had never accessed the Town website to review Council minutes, videos, or related records. My mistake.

I hope you are as troubled by what I discovered today as I am, and as I believe any Los Gatos resident would be, when representations of this significance are presented to the Town as a basis for changing our Municipal Code.

Since last Wednesday, I have focused on the April 7 and August 4, 2026 Council meetings, read the Town records, watched the videos, and reviewed the petitioner's 17-page document.

To my surprise, I found that the report repeatedly represents to the Town that the Silicon Valley Animal Control Authority (SVACA) has recognized, accepted, and endorsed electronic fencing as valid dog containment.

Because of these representations, I contacted SVACA directly. I emailed Dan Soszynski, Executive Director; Patrick Pedrotti, Field Services Manager; and Officer Castro.

Today, I received a telephone call from Patrick Pedrotti the field service manager at SVACA:

• SVACA has never inspected or evaluated the hidden electronic fence system at 100 Hill Top Drive;

• SVACA has never recognized that system as valid dog containment;

• SVACA has never endorsed hidden electronic dog fences or this proposed amendment;

• His team and SVACA have had no contact with the petitioner concerning his electronic fence system other than Animal Control enforcement interactions and citations;

• He has never spoken with, communicated with, or had any connection with DogWatch or Troy Dykes concerning this system or electronic fencing;

• SVACA does not consider electronic fencing a substitute for physical containment and supports physical fencing for dog containment; and

• SVACA has handled cases involving children being mauled by dogs where electronic fencing failed.

Mr. Pedrotti also explained that SVACA will enforce whatever ordinance the Council ultimately approves because that is its responsibility.

Now compare what I was told directly by SVACA with what the petitioner's report tells the Town:

• Page 6 — Electronic fence systems "have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos."

• Page 7 — An unnamed resident states that SVACA "already accepts my invisible electric fence installation as a valid form of dog containment."

• Page 10 — The report again states that "SVACA has recognized their systems on-site as valid containment."

• Pages 11–12, under **"Animal Professional Endorsements"** — The report specifically states:

"SVACA officers have visited the DogWatch hidden underground electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment."

"The amendment would formalize what SVACA already endorses in practice."

• Page 13 — The report proposes that installer-issued training certificates be logged with SVACA dog-license records and submitted to SVACA. I have seen nothing in the report establishing that SVACA agreed to assume this role.

This is extremely concerning when the Town is being asked to change its Municipal Code based, in part, upon a submission invoking the authority and purported endorsement of the agency responsible for animal control services in Los Gatos.

My position remains simple: a homeowner may choose to use electronic fencing as an additional precaution, but electronic fencing should **never replace a physical enclosure as the required means of dog containment**.

There is an anonymous online petition circulating claiming victory on 8/5/26, the day after the Council meeting, and stating that postcards were mailed to more than 1,000 residents. Yet no one I have spoken with in my hillside neighborhood received one, nor did we.

Thank you council and I appreciate your care and support for protecting the safety of hillside residents, pedestrians, children, pets, and wildlife as well as delivery people and utility workers that this can impact. **You are the decision maker and we rely on you for help and protection.**

Dear Clerk,….Please submit this for the 10/28/26 meeting for Planning commission.

Thank you,

Nazzi Shishido, [redacted]

TECHNICAL ANALYSIS & STAFF GUIDANCE

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems

as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

with Corresponding Clarification to Section 29.40.0315

Prepared by: Keith Blaine AIA LEED AP | 100 Hill Top Drive, Los Gatos, CA 95032

[redacted] | [redacted]

April 2026

Prepared for review by:

Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff

Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

ATTACHMENT 1

Executive Summary

What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

Section 4.40.005(a) — Animal Code: Restraint of Dogs

SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

Section 29.40.0305 — Hillside Fence Code: Intent

SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 — maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

Section 29.40.0310 — Definitions

SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area 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.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

The following fence types are prohibited in the hillside area:

II. Conflict and Gap Analysis

The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

Code Section	What It Requires / Prohibits	Effect on Hillside Dog Owner
§4.40.005(a) — Animal Code	Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized.	No hidden fence option recognized. Code gap — technology never addressed.
§29.40.0315 — Prohibited Fences	Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap).	6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required).
§29.40.0305 — Hillside Fence Intent	Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors.	A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes.

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character. Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

California Precedents

San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

Oregon Precedents

City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

V. Animal Professional Endorsements

Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

VI. Proposed Amendment Language

Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating "wildlife-friendly fencing" as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

VIII. Key Contacts for Staff Reference

Role	Name & Organization	Contact
Proponent	Keith Blaine AIA LEED AP	keithblaine@mac.com | 408-784-1821
D-64 Licensed Installer	Troy Dykes, DogWatch Hidden Fences	Contact via DogWatch® network
SVACA Executive Director	Dan Soszynski, SVACA	SVACA main line: 408-764-0344
Town Planning Dept.	Ryan Safty, Planning Department	Community Development: 408-354-6874
CC Recipient	Allen Meyer, Town Planning Dept.	Community Development: 408-354-6874
CC Recipient	Megan Blaine, Blaine Architects	Blaine Architects

APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

State / Jurisdiction	Code / Authority	Key Code Language / Framework
California San Diego County	County Code §62.669(c)	Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment.
Oregon City of Central Point	City Code §17.57	*"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.*
Kansas City of Overland Park	Municipal Code 6.08.020(a)(3)	Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure.
Texas Town of Argyle	Code of Ordinances Ch. 2 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance.
Texas City of Fate	Ordinance No. O-1783 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX.
Maryland Baltimore City	Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active)	Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009.
North Carolina Town of Pineville	Code of Ordinances §90.040 (Restraint of Animals)	*"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section.

Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.

APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

1973 — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

1976 — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

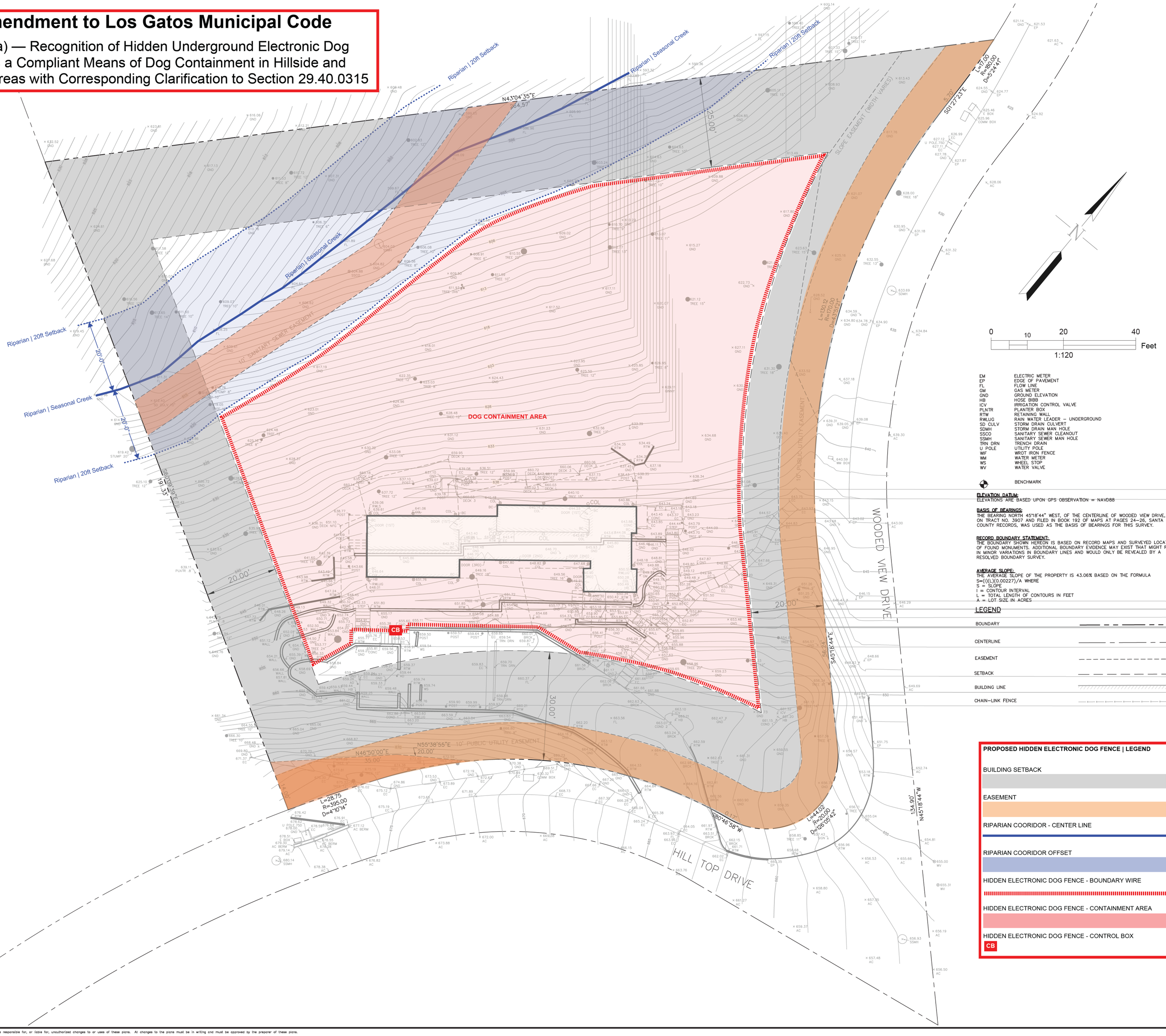
1980s — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

1989–1993 — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

1990s–2000s — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315



EM ELECTRIC METER
EP EDGE OF PAVEMENT
FL FLOW LINE
GM GAS METER
GND GROUND ELEVATION
HB HOSE BIBB
ICV IRRIGATION CONTROL VALVE
PLNTR PLANTER BOX
RTW RETAINING WALL
RWLUG RAIN WATER LEADER – UNDERGROUND
SD CULV STORM DRAIN CULVERT
SDMH STORM DRAIN MAN HOLE
SSCO SANITARY SEWER CLEANOUT
SSMH SANITARY SEWER MAN HOLE
TRN DRN TRENCH DRAIN
U POLE UTILITY POLE
WF WROT IRON FENCE
WM WATER METER
WS WHEEL STOP
WV WATER VALVE

BENCHMARK

ELEVATION DATUM:
ELEVATIONS ARE BASED UPON GPS OBSERVATION = NAVD88

BASIS OF BEARINGS:
THE BEARING NORTH 45°18'44" WEST, OF THE CENTERLINE OF WOODED VIEW DRIVE, AS SHOWN ON TRACT NO. 3907 AND FILED IN BOOK 192 OF MAPS AT PAGES 24–26, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

RECORD BOUNDARY STATEMENT:
THE BOUNDARY SHOWN HEREON IS BASED ON RECORD MAPS AND SURVEYED LOCATIONS OF FOUND MONUMENTS. ADDITIONAL BOUNDARY EVIDENCE MAY EXIST THAT MIGHT RESULT IN MINOR VARIATIONS IN BOUNDARY LINES AND WOULD ONLY BE REVEALED BY A RESOLVED BOUNDARY SURVEY.

AVERAGE SLOPE:
THE AVERAGE SLOPE OF THE PROPERTY IS 43.06% BASED ON THE FORMULA
S=((I)(L)(0.00227))/A WHERE
S = SLOPE
I = CONTOUR INTERVAL
L = TOTAL LENGTH OF CONTOURS IN FEET
A = LOT SIZE IN ACRES

LEGEND

BOUNDARY
CENTERLINE
EASEMENT
SETBACK
BUILDING LINE
CHAIN–LINK FENCE

PROPOSED HIDDEN ELECTRONIC DOG FENCE | LEGEND

BUILDING SETBACK
EASEMENT
RIPARIAN COORIDOR - CENTER LINE
RIPARIAN COORIDOR OFFSET
HIDDEN ELECTRONIC DOG FENCE - BOUNDARY WIRE
HIDDEN ELECTRONIC DOG FENCE - CONTAINMENT AREA
HIDDEN ELECTRONIC DOG FENCE - CONTROL BOX
CB

VERSION
JUNE 5, 2026

MARK	DATE	DESCRIPTION REVISIONS	BY

TOPOGRAPHIC SURVEY

100 Hill Top Drive

Los Gatos **California**

DATE: 10/18/2023
SCALE: 1"= 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: POW

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LICENSED LAND SURVEYOR PHILIP O. WOOTTON No. 8398 STATE OF CALIFORNIA

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SUITE 145
SAN JOSE, CA 95128
PHONE: 408-296-2000
FAX: 408-261-0595
E-MAIL: Robert@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

Construction Contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not be limited to normal working hours, and that construction contractor shall defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, except for liability arising from the sole negligence of design professional.

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

From: Nazzi Shishido [redacted]
Sent: Thursday, October 22, 2026 11:11 AM
To: Planning <Planning@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Transcript of April 7th, 2026, Petitioner opening statement for E Fencing

[EXTERNAL SENDER]
Good morning Planning,

As you know, I am objecting to the proposed adoption of electronic fencing for pet containment. I believe the existing physical-fence requirements should remain in place.

One petitioner has been championing this change. During public comment on April 7, 2026, the petitioner made statements regarding the ability of hillside residents to contain their pets under the existing regulations. I have reviewed the April 7 Town documents but cannot locate his written comments or submission in the Town record.

I do have the video of his public comment and would like to provide an accurate transcript as part of the record. His statements are important because they appear to be part of the premise for requesting this ordinance change, including the assertion that hillside residents do not have a practical way to contain their pets under the existing rules.

Could you please let me know whether the Town has a written statement, email, presentation, or other submission from the petitioner associated with his April 7, 2026 public comment?

I am working on one more document which clearly states we do have option and will be submitting it by tomorrow. But the statement from petitioner is very important.

Thank you,

Nazzi

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