



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA *AMENDED
OCTOBER 19, 2021
110 EAST MAIN STREET
LOS GATOS, CA
TELECONFERENCE**

Marico Sayoc, Mayor

Rob Rennie, Vice Mayor

Mary Badame, Council Member

Matthew Hudes, Council Member

Marie Ristow, Council Member

PARTICIPATION IN THE PUBLIC PROCESS

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

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

Deadlines for Public Comment and Presentations are as follows:

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

Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.

Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.

Live & Archived Council Meetings can be viewed by going to:

www.LosGatosCA.gov/TownYouTube

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA *AMENDED
OCTOBER 19, 2021
7:00 PM**

IMPORTANT NOTICE REGARDING THE OCTOBER 19, 2021 MEETING

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

PARTICIPATION

Public comments can be made live during the Town Council meeting via Zoom. If you are not interested in providing oral comments in real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at www.LosGatosCA.gov/TownYouTube.

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

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: click this link <https://us02web.zoom.us/j/87105150975?pwd=MjFGR2Z5TXQ5dWZLSVgyNjh1WGpFdz09>. Password: 488966. You can also type in 871 0515 0975 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- 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. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **Join by telephone:** Dial: 877-336-1839. Conference code: 969184

When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

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

**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA *AMENDED
OCTOBER 19, 2021
7:00 PM**

REMOTE LOCATION PARTICIPANTS

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

MEETING CALL TO ORDER

ROLL CALL

PRESENTATIONS

- i. Recognition of CERT Leaders.

CLOSED SESSION REPORT

COUNCIL / MANAGER MATTERS

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

1. Approve Draft Minutes of the October 5, 2021 Closed Session Town Council Meeting.
2. Approve Draft Minutes of the October 5, 2021 Town Council Meeting.
3. Approve Draft Minutes of the October 7, 2021 Closed Session Town Council Meeting.
4. Authorize the Town Manager to Execute a Service Agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for Transportation Services of Juvenile Patients Placed on an Involuntary Mental Health Evaluation Hold.
5. Authorize the Town Manager to Execute a Consultant Services Agreement in the Amount of \$109,960 with Hunt Design Associates, Inc for Downtown Wayfinding and Signage Design Consultant Services.
6. Authorize the Town Manager to Execute a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC. in an Amount Not to Exceed \$54,000.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda consistent with the Participation Instructions contained on Page 2 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more*

than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items consistent with the Participation Instructions contained on Page 2 of this agenda.)*

7. Staff Recommends the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):
 - a. Approve Design Concept 3 and Authorize Staff to Proceed with the Final Design; and
 - b. Approve the Recommended Funding Strategy.
8. Receive an Update on the Implementation of the Town Council Accepted Ad Hoc Wildfire Committee Report.
9. Receive the Town Finance Commission Recommendation and Authorize the Town Manager to Issue a Request for Proposals (RFP) for Consultant Services to Evaluate and Recommend Modernization Options for the Town's Business License Tax Program.

PUBLIC HEARINGS *(Applicants/Appellants, their representative, and members of the public may address the Council on any public hearing item consistent with the Participation Instructions contained on Page 2 of this agenda. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

10. Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Sean Mullin.
11. *Consideration of an Urgency Ordinance of the Town of Los Gatos Amending Section 18.50.100 of the Town Code to Prohibit Targeted Residential Picketing.

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

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection on the official Town of Los Gatos website.

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



**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
October 5, 2021**

The Town Council of the Town of Los Gatos conducted a closed session meeting in-person and provided the public an opportunity to participate either in public or via Teleconference on Tuesday, October 5, 2021, at 5:00 p.m.

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

ROLL CALL

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

Absent: None

VERBAL COMMUNICATIONS

No one spoke.

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, and Dismissal
[Government Code Section 54957(b)(1)]
Title: Town Manager

Conference with Labor Negotiator (Government Code Section 54957.6)
Town negotiator: Lisa Velasco, Human Resources Director
Unrepresented Employee: Town Manager

2. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, and Dismissal
[Government Code Section 54957(b)(1)]
Title: Town Attorney

Conference with Labor Negotiator
(Government Code Section 54957.6)
Town negotiator: Lisa Velasco, Human Resources
Unrepresented Employee: Town Attorney

PAGE 2 OF 2

SUBJECT: DRAFT Minutes of the Town Council Special Meeting of October 5, 2021

DATE: October 5, 2021

ADJOURNMENT

Closed Session adjourned at 6:50 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**DRAFT
Minutes of the Town Council Meeting
October 5, 2021**

The Town Council of the Town of Los Gatos conducted a regular meeting in-person and provided the public an opportunity to participate either in public or via Teleconference on Tuesday, October 5, 2021, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:05 P.M.

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

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

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Badame stated she attended the Community Health and Senior Services Commission (CHSSC) meeting as an observer; Democracy Tent Community meeting; and met with community members regarding the Draft 2040 General Plan.
- Council Member Ristow stated the Council Policy Committee (CPC) September meeting was cancelled and will meet on October 26th; she attended the Democracy Tent Community meeting; hiked Belgatos Park with a Parks Commissioner and a member of the Santa Cruz Mountains Trail Stewardship; observed the Association of Bay Area Governments (ABAG) Regional Housing Needs Assessment (RHNA) day two appeal hearings; Shannon Road Bicycle and Pedestrian Improvement community meeting; Los Gatos Anti-Racism Coalition meeting; attended the Ribbon Cuttings at the Cornerstone Shopping Center; Screen on the Green; Chamber of Commerce Wine Walk as a volunteer; and met with residents regarding the Draft 2040 General Plan.
- Mayor Sayoc stated she attended the Cal Cities Annual Conference.
- Vice Mayor Rennie stated he attended the West Valley Mayors and Managers meeting as an alternate; Bay Area Air Quality Management District (BAAQMD) Mobile Source Committee meeting; Youth Citizen of the Year Ceremony with Mayor Sayoc; Senior Services Committee meeting; CHSSC meeting; Silicon Valley Central Chamber Breakfast; and Green Foothills Nature's Inspiration event as a sponsor.

Council/Manager Matters - continued

- Council Member Hudes stated he attended the Silicon Valley Regional Interoperability Authority meeting; Senior Services Committee meeting; Los Gatos Music and Arts Gala; CHSSC meeting as an observer; and the Democracy Tent community meeting.

Manager Matters

- Announced the General Plan community meeting will be held via teleconference on Wednesday, October 6th at 6:00 p.m. and to visit www.losgatos2040.com for more information.
- Announced the Parks Commission will present a Celebrate the Park event at Belgatos Park on October 23rd from 10:00 a.m. – 1:00 p.m.
- Announced the United Against Hate Week will take place November 14-20, 2021.
- Announced Board, Commission, and Committee recruitment is underway, and the application period closes on December 3, 2021.

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

1. Approve Draft Minutes of the September 20, 2021 Joint Town Council and Planning Commission Study Session.
2. Approve Draft Minutes of the September 21, 2021 Closed Session Town Council Meeting.
3. Approve Draft Minutes of the September 21, 2021 Town Council Meeting - Commissioner Interviews.
4. Approve Draft Minutes of the September 21, 2021 Town Council Meeting.
5. Authorize the Town Manager to Execute a Certificate of Acceptance and Notice of Completion for the Guardrail Replacement Project (CIP No. 812-0120, Federal No. HSIPL-5067-022), Completed by Coral Construction Company and Authorize the Town Clerk to File for Recordation.
6. Authorize the Town Manager to Submit an Application to the Santa Clara Valley Transportation Authority (VTA) in the 2016 Measure B Highway Interchanges Program Category for the Highway 17 Corridor Congestion Relief Project.
7. Adopt a Resolution Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic. **RESOLUTION 2021-044**

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Council Member Badame to approve Consent Items 1-7. Seconded by Council Member Hudes.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Folake Phillips

- Commented in support of the Chamber of Commerce's Listen, Learn, Change, Grow, Campaign.

Cyndi Sheehan

- Commented in opposition of identity politics.

Eden Berg

- Commented in opposition of Mayor Sayoc.

Council recessed at 7:26 due to disruptive conduct in the audience and reconvened at 8:15 pm.

Karla Albright

- Thanked the Council for their service; requested support for a plant-based education program in the Draft 2040 General Plan; and commented in support of the Town diversity, equity, and inclusion efforts and the efforts to meet the Regional Housing Needs Allocation identified by the State.

OTHER BUSINESS

8. Discuss Information on the Los Gatos-Monte Sereno Police Department's Structure and Current Staffing Efforts.

Laurel Prevetti, Town Manager, and Clinton Tada, Interim Police Chief, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

ADJOURNMENT

The meeting adjourned at 9:03 p.m.

Respectfully submitted:

Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM: 3

**DRAFT
Minutes of the Town Council Special Meeting - Closed Session
October 7, 2021**

The Town Council of the Town of Los Gatos conducted a closed session meeting in-person and provided the public an opportunity to participate either in public or via Teleconference on Thursday, October 7, 2021, at 2:00 p.m.

MEETING CALLED TO ORDER AT 2:06 P.M.

ROLL CALL

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

Absent: None

VERBAL COMMUNICATIONS

No one spoke.

THE TOWN WILL MOVE TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)
To meet with Town Negotiators listed below in closed session pursuant to Government Code §54957.6 regarding negotiations with the Employee Organizations listed below:

Town Negotiators:

Donna Williams, Liebert Cassidy Whitmore
Arn Andrews, Assistant Town Manager
Lisa Velasco, Human Resources Director

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)
Town Employees Association (TEA)
Police Officers' Association (POA)

ADJOURNMENT

Closed Session adjourned at 3:30 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Clerk

Laurel Prevetti, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 4

DATE: October 11, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Service Agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for Transportation Services of Juvenile Patients Placed on an Involuntary Mental Health Evaluation Hold

RECOMMENDATION:

Authorize the Town Manager to execute a service agreement with Silicon Valley Ambulance, Inc. as a one-year pilot program for transportation services of juvenile patients placed on an involuntary mental health evaluation hold.

BACKGROUND:

The issue of initiating a police response to mental health calls for service continues to be a topic of discussion on a national and local level. While many recognize that a police presence may not always be the best option for those experiencing a mental health crisis, the lack of available clinicians and the need to maintain a balance of public safety while addressing the needs of the person in crisis typically requires a law enforcement response.

In August 2021, the Police Department provided Town Council with some recommendations to further explore compassionate care options of mental health response and the way Officers deal with those in crisis when a law enforcement response is necessary. Of the several options supported by the Town Council, the Council directed that staff explore contracting with a private ambulance company.

An ambulance company would provide dedicated service for the transportation of juveniles placed on involuntary mental health holds (under 5150 of the Welfare and Institutions Code) to psychiatric treatment facilities instead of an Officer transporting the juvenile in crisis in a marked patrol vehicle.

PREPARED BY: Clinton Tada
Interim Police Chief

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

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SUBJECT: Authorize the Town Manager to Execute a Service Agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for Transportation Services of Juvenile Patients Placed on an Involuntary Mental Health Evaluation Hold

DATE: October 11, 2021

BACKGROUND (continued):

Police protocol dictates that when a juvenile or adult is transported in a police vehicle, the individual is placed in handcuffs for safety reasons, placed in the rear prisoner area of the patrol vehicle, and transported to a local stabilization facility or emergency psychiatric medical facility for further evaluation and treatment. The Police Department recognizes that this practice may not be optimal, even with the coordination of services with other entities such as the County's Mobile Crisis Response Team.

DISCUSSION:

The Town currently utilizes the ambulance services of the County of Santa Clara Emergency Medical Services (EMS), under an existing service contract with Rural Metro Ambulance Company for all emergency and non-emergency medical service calls in Santa Clara County. However, the EMS ambulance services in the County will only transport individuals placed on a 5150 WI involuntary mental health hold when there is a medical or intoxication co-morbidity alongside the mental health crisis.

The Police Department utilizes the in-field response of mental health services available through the County Behavioral Health Mobile Crisis Response Team and Uplift Family Services Mobile Crisis Stabilization Unit Response Team. While these services are valuable during in field assessments and evaluations and after-care, neither of these in-field services provide transportation to emergency psychiatric facilities for acute treatment.

Staff conducted further research with four regional private ambulance companies to determine service options in providing transportation of juveniles placed on involuntary mental health evaluation holds, with no dual diagnosis. Due to ambulance headquarters location and staffing models for several of the companies, it was determined that some providers would be excluded due to the extended response times.

Staff identified Silicon Valley Ambulance Inc., headquartered out of south San Jose, as being a local private ambulance company that is adequately staffed with both Emergency Medical Technician and Paramedic transportation with established services throughout the South Bay area. Silicon Valley Ambulance Inc. provides private transportation services for individuals (including juveniles) experiencing a mental health crisis or for those placed on an involuntary psychiatric evaluation hold upon request. Calls are triaged by priority, availability, and demand.

Attachment 1 contains a draft of an agreement with Silicon Valley Ambulance Inc., which, if the Council approves this item, would need additional legal review prior to execution. Under the draft provisions, the patient's primary health insurance provider would be billed for transportation services as the first default option. If the patient is not covered under a health

PAGE 3 OF 4

SUBJECT: Authorize the Town Manager to Execute a Service Agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for Transportation Services of Juvenile Patients Placed on an Involuntary Mental Health Evaluation Hold

DATE: October 11, 2021

DISCUSSION (continued):

insurance policy, the Town would be billed for services by Silicon Valley Ambulance Inc. at the federal Medi-Care rates (\$300.00 to \$500.00 for the initial response and transport, plus \$10.00 per mile of transportation).

Based on treatment services and availability, juveniles are primarily transported to Uplift Family Services Emergency Psychiatric Care facility in Campbell. The option to transport to other local emergency psychiatric evaluation facilities or hospitals can be accommodated at the request of the parents and if applicable insurance coverage is available.

From January 2021 to October 2021, approximately twenty-seven involuntary mental health holds were issued on juveniles, who were transported to a local facility for further treatment. Staff does not request juvenile patients or parents confirm primary health insurance coverage prior to transportation under the existing model. Therefore, the overall fiscal impact this pilot program may incur is to be determined. Staff will continue to evaluate the program if authorized, and routinely monitor the ongoing cost to the Town for the “pay as needed services” on a monthly basis for transports where patients are uninsured. Ongoing program evaluation assessments will also monitor program participation.

Silicon Valley Ambulance Inc. currently provides ambulance transportation services for individuals (including juveniles) on mental health holds for the City of Morgan Hill and provides inter-facility transfers.

CONCLUSION:

For the reasons mentioned in this report, staff is recommending that the Town Council authorize the Town Manager to execute a service agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for transportation services of juvenile patients placed on an involuntary mental health evaluation hold.

In addition, the Police Department is pursuing the other items as directed by the Town Council at the August meeting, including but not limited to therapy dogs and coordination with County leadership regarding additional mental health services. Staff will return to Council with updates on these other measures at future meetings.

PAGE 4 OF 4

SUBJECT: Authorize the Town Manager to Execute a Service Agreement with Silicon Valley Ambulance, Inc. as a One-Year Pilot Program for Transportation Services of Juvenile Patients Placed on an Involuntary Mental Health Evaluation Hold

DATE: October 11, 2021

FISCAL IMPACT:

The fiscal impact of this one-year pilot program will need to continually be evaluated on a monthly basis based on frequency of use and payment responsibility of the Town as outlined in the service agreement. The fiscal impact to the Town will be based on per use of services only when patients are not covered by their own private health insurance. There are no recurring or annual costs to the Town for this agreement of services by Silicon Valley Ambulance Inc.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Silicon Valley Ambulance Agreement

AMBULANCE SERVICE AGREEMENT

This Ambulance Service Contract is made between **Silicon Valley Ambulance, Inc.** referred to as the (“Ambulance Provider”)

AND

Los Gatos-Monte Sereno Police Department referred as the (“The Police Dept”)

1. The Police Dept is engaged in the business of providing law enforcement for the community they serve and is duly licensed to do so. The Ambulance Provider is engaged in the business of medical transportation services and is duly licensed by the State of California and permitted in the County of Santa Clara to provide ambulance transportation and has trained personnel who are certified to provide care at a Paramedic & EMT level of skill.

2. The Police Dept desires to obtain certain services of the Ambulance Provider on the terms and conditions of this contract and the Ambulance Provider desired to provide services on those conditions and terms.

3. In consideration of the mutual promises in this contract, parties agree as follows:

4. This contract will automatically renew one year from the date of execution on the same terms and conditions unless either party sends the other party, by certified mail, return receipt requested a written notice of termination. It is understood that either said party has the right to terminate this contract without cause by giving the other party at least (30) days written notice.

5. Ambulance Provider shall be responsible for furnishing the necessary personnel and equipment in its opinion to provide the services within the scope of this contract. Ambulance Provider will bill transportation services to the patient’s primary insurance carrier. If the patient for which Police Department is requesting transportation services does NOT have Medical insurance or has Medi-Cal Insurance, the Police Dept will be billed in accordance with the rates provided. At the request of The Police Dept, Ambulance Provider agrees to provide patients who reside at various locations only services described which is incorporated herein by reference. Ambulance provider will assure that covered services are available to patients of The Police Dept, twenty-four (24) hours a day, seven (7) days per week according to procedures pursuant to this agreement.

6. The Police Dept agrees to pay the fees properly billed to The Police Dept within thirty (30) days of the mailing of invoice.

ATTACHMENT 1

AMBULANCE SERVICE AGREEMENT

Agreement date 10/12/21

Signed:



Randy Hooks
President/CEO
Silicon Valley Ambulance

Interim Police Chief-Clinton Tada

Town Manager-Laurel Prevetti

Town of Los Gatos Attorney-Robert Schultz

EXHIBT A

BLS EMERGENCY BASE RATE-----	\$500.00
BLS NON-EMERGENCY BASE RATE-----	\$300.00
BLS MILEAGE RATE-----	\$10.00

Definitions

The following terms shall have the following meanings when used in the agreement:

1. “**Patient**” shall mean any natural person who, either permanently or temporarily resides at or is under the care of a facility.
2. “**BLS**” Basic life support
3. “**Emergency**” is a sudden or unexpected medical condition, which may result in permanent disability or death to the patient.
4. “**Base rate**” means the charge for services that is always made regardless of the number of miles traveled.
5. “**Mileage rate**” means the charge per loaded mile made for transports while the patient is in the ambulance.
6. “**Transport**” means the movement of a patient by stretcher from point of origin to point of destination.
7. “**ETA**” is estimated time of arrival.
8. “**EMT**” is a certified Emergency Medical Technician.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/21

ITEM NO: 5

DATE: October 13, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Consultant Services Agreement in the Amount of \$109,960 with Hunt Design Associates, Inc for Downtown Wayfinding and Signage Design Consultant Services

RECOMMENDATION:

Authorize the Town Manager to execute a consultant services agreement in the amount of \$109,960 with Hunt Design Associates, Inc for downtown Wayfinding and Signage Design Consultant Services.

BACKGROUND:

On December 17, 2019, the Town Council accepted the Dixon Resources Unlimited recommendations for the Downtown Parking Roadmap. The implementation plan includes short, medium and long-term actions. On January 26, 2021, the Town Council reaffirmed the Parking Roadmap implementation as one of its FY 2021-2023 Strategic Priorities. On April 20, 2021, the Town Council approved the initial short-term actions including a pilot employee parking program and improving wayfinding. The wayfinding improvement would start through development of a Downtown Master Plan for Wayfinding and Signage.

On July 1, 2021, the Town issued a Request for Proposals (RFP) for Downtown Master Plan Wayfinding and Signage Consultant Services. The RFP was made available on the Town's website and several firms specializing in wayfinding design services were contacted and informed of the RFP.

DISCUSSION:

Three firms submitted proposals by the July 22, 2021 deadline. A staff panel evaluated the three proposals and ranked the proposals on specific criteria, including qualifications and experience in wayfinding and signage design, experience working with jurisdictions of similar size and character, organization, approach, pricing, and responses to the required information

PREPARED BY: Greg Borrromeo, Interim Captain and
Jim Renelle, Parking Program Manager

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

SUBJECT: Authorize the Town Manager to Execute a Consultant Services Agreement with Hunt Design Associates, Inc for Downtown Wayfinding and Signage Design Consultant Services

DATE: October 13, 2021

DISCUSSION (continued):

requested in the RFP. The top two firms were interviewed by the evaluation panel via teleconference. Following the interviews, Hunt Design Associates was selected as the top candidate. Reference checks provided favorable feedback on the firm and its work.

Hunt Design Associates has prior experience working with communities that want to maintain their historic and unique character. Hunt demonstrated a creative energy to not only maintain but enhance this unique character through their design work. Hunt’s design team will work well with the stakeholders involved in this project. The evaluation panel felt that Hunt Design Associates, Inc was the best fit as their design concepts and processes were in alignment with the Town’s objectives for Downtown wayfinding and signage. In addition, while not part of the evaluation process, Hunt Design Associates has performed prior work for the Town which was received favorably.

Initially, Hunt Designs Associates will survey and analyze the current wayfinding/signage conditions and draft a report with recommendations. Working with staff, Hunt Design Associates will create three design options that incorporates the Town branding standards. Using Town approved designs, Hunt Design Associates will then develop a Master Plan for Downtown Wayfinding and Signage. During design development, staff and Hunt Design Associates will collaborate and design opportunities for stakeholder and community outreach. Upon approval, Hunt Design Associates will create detailed bid packages with cost estimates for signage manufacturing and installation. Hunt Design Associates will oversee construction to ensure quality and compliance with specifications. The following table identifies the major project tasks and estimated costs:

Task	Fee
Conditions Analysis and Concept Designs	\$23,520
Schematic Design	\$20,160
Design Development	\$16,800
Bid Package (3x \$7,760)	\$23,280
Expenses	\$6,200
Contingency	\$20,000
TOTAL	\$109,960

Specifically, Hunt Design Associates can start work immediately upon receiving the notice to proceed. During the first 30 days Hunt Design Associates will survey conditions and begin conceptual design work. The initial written report with recommendations will take an additional 15 days. The Master Plan final draft is expected to be delivered at Week 15 which takes into consideration time for the Town to review all designs, scale models and mockups.

SUBJECT: Authorize the Town Manager to Execute a Consultant Services Agreement with Hunt Design Associates, Inc for Downtown Wayfinding and Signage Design Consultant Services

DATE: October 13, 2021

DISCUSSION (continued):

Parking wayfinding will be prioritized with the signage bid package being released for manufacturing and installation between Week 16 to Week 18. All wayfinding and signage design work should be completed by the end of Week 24.

CONCLUSION:

Based on the strengths and services offered by Hunt Design Associates, Inc, staff recommends that the Town Council authorize the Town Manager to Execute a Consultant Services Agreement in the amount of \$109,960 with Hunt Design Associates, Inc for Downtown Wayfinding and Signage Design Consultant Services.

COORDINATION:

The evaluation of the consultants, scope of services, and the preparation of this report were coordinated with the Parks and Public Works Director and the Economic Vitality Manager.

FISCAL IMPACT:

The fiscal impact of executing an agreement with Hunt Design Associates for Downtown Master Plan Wayfinding and Signage consultant services would result in an expenditure budget adjustment in the amount of \$109,960 from the General Fund Capital Improvement Project Reserve. Funds are available in the Fiscal Year (FY) 2021/22 Adopted Budget.

Parking Program Implementation Project 813-0242		
	Budget	Costs
GFAR	\$198,500	
Total Budget	\$198,500	
Hunt Design Associates		\$109,960
Total Expenditures		\$109,960
Remaining Balance		\$88,540

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Agreement for Services with Hunt Design Associates, Inc.

AGREEMENT FOR CONSULTANT SERVICES

This AGREEMENT is made and entered into on September XX, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Hunt Design Associates, Inc., ("Consultant"), whose address is 88 N. Fair Oaks Ave #105, Pasadena, CA, 91103. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide planning and design consultant services for wayfinding and signage.
- 1.2 Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in the Scope of Services attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from date of execution to December 31, 2022.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the documents or information available to any individual or organization not employed by the Consultant or the Town

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

2.5.1 Work Product Clause

Consultant and any subcontractors acknowledge that all work product in whole or in part created under this agreement is Work Made for Hire and is intellectual property of the Town and not the consultant. Intellectual property includes but is not limited to literary or artistic work, designs, symbols, names, logos or slogans. The Town is the sole and exclusive owner of this work and retains all presents and future rights whether registered or common law trademarked.

On the Town's reasonable request, Consultant will execute any applications, assignments, or other instruments that consultant deems necessary to apply for and obtain Intellectual Property registrations from the United States Patent and Trademark Office, United States Copyright Office, or any foreign equivalents, for the consultant's work produced under this agreement.

2.5.2 Intellectual Property

Each party will retain exclusive interest in and ownership of its Intellectual property existing prior to this agreement or developed outside the scope of this agreement.

2.6 Compensation. Compensation for Consultant's professional services shall not exceed \$109,960 inclusive of all costs. Payment shall be based upon Town approval of each task.

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

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

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

- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide

occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
- ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

- 3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a

Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.

- 4.4.1 The applicable California prevailing wage rate can be found at www.dir.ca.gov and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.
- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term "certified payroll" shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including, but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.
- 4.4.5 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
- 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial

Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.

- 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
- 4.4.9 The TOWN shall withhold any portion of a payment, including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

Hunt Design Associates, Inc
88 N. Fair Oaks Avenue #105
Pasadena, CA 91103

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

- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms,

conditions, understandings or agreements purporting to modify or vary this agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Hunt Design Associates, Inc., by:

Laurel Prevetti, Town Manager

Jennifer Bressler, Principal - CEO

Recommended by:

Jaime Field, Police Captain

Printed Name and Title

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC, Town Clerk

Exhibit A – Scope of Services

Scope of Services

A.1.0 Background

The greater Downtown Los Gatos area is a regional destination for shopping, dining, personal services, and recreation. As a point of confluence for outdoor recreation and the tech world of Silicon Valley, it offers a diverse range of destinations and activities. While Downtown has long been established, it still competes for visitors with other nearby destinations such as Santana Row. Parking availability and traffic congestion are a point of concern that negatively effects the sustainable customer base. A recent comprehensive parking study revealed that the Town possesses sufficient parking, but some parking areas are underutilized creating the perception of an inadequate supply. The Town currently provides free public parking controlled only by time restrictions. The parking study recommended several initial improvements including significant wayfinding upgrades, regulating employee parking and parking branding. The Town has decided to phase in other recommendations as funding and resources become available. Some of these future improvements include paid parking after an initial free period, lot occupancy counting and electronic parking guidance.

A.2.0 Goals

The main goals and objectives of the comprehensive Wayfinding project include the following:

- To create and implement a user-friendly and visible navigational system that will guide visitors and residents to and from Town of Los Gatos destinations
- Welcome visitors by showing that the Town is welcoming, organized, safe and easy to navigate
- Guide visitors quickly to their destinations and nearby parking
- Encourage parking once and walking/biking to explore downtown
- Increase awareness to the depth of the Town's destinations
- Maintain and possibly enhance the small-town charm
- Help create and support an economically vibrant downtown
- Develop designs and themes that complement historic downtown, softening modern technology to blend it in, while enhancing information sharing (Parking, Event, Emergencies)
- Mitigate Downtown vehicular traffic by reducing search time for parking and destinations
- Mitigate Downtown traffic and parking effects on the bordering residential areas
- Guide downtown employees to reserved parking spaces – enhance compliance signage
- Create an impactful Parking Brand so visitors and residents know where to go for parking information. Parking Branding must merge with the Town's existing branding
- Create a modular phased plan that is built upon during other planned capital improvements
- Incorporate ridesharing pickup locations/signs and possibly a community shuttle

A.3.0 Tasks

The purpose of this project is to address the Town's desire to effectively and satisfactorily welcome, guide and inform residents, business owners and visitors using signage and fixed place messaging. The Town sees the process of making these changes, additions and improvements through a phased approach using and applying lessons learned from each phase of the project. Key pieces of the Dixon Parking Study Roadmap will gradually take effect as time moves forward. Many pieces rely on signage to varying degrees. There are several key milestones that need to be met for this project to fully succeed.

A.4.0 Task 1 – Current Conditions Analysis, Initial Wayfinding Report and Concept Design

Conduct an extensive on-site analysis of the existing signage and wayfinding conditions of greater Downtown and the travel routes leading to it. This analysis is to include Downtown traffic and parking patterns. Produce a written report that shall include recommendations for the consolidation, removal, or other solutions to make all signage more effective across wayfinding, regulatory, informational and other signage. Work with designated Town staff to gather needed background, regulatory and destination information. The consultant is to review and become familiar with the Parking Roadmap

(<https://www.losgatosca.gov/DocumentCenter/View/23807/Los-Gatos-Parking-Roadmap>).

The consultant will deliver a conceptual Master Wayfinding and Signage Report with proposed solutions and recommendations that complement the Parking Study Roadmap. This analysis should enhance but not repeat the work included in the Parking Roadmap. This plan must address the anticipated traffic and parking related actions (A.9.0), potential obstacles (A.10.0) and other considerations (A.11.0) listed below. This plan shall hence forward be referred to as the Master Plan. The Master Plan shall meet the main goals and objectives found in section A.2.0 . The Master Plan should include input from stakeholders identified by Town Staff. It should also include recommended gateway, directional, destination, regulatory, informational, and other signage. Further conceptual refinement should include future placement of information kiosks, points of interest and electronic wayfinding signage.

Create a preliminary destination list and sign location plan with sign type definitions.

Incorporate the current Town of Los Gatos branding into the wayfinding signage so that it is an easy recognizable Town symbol creating a positive visitor experience. Provide up to three examples of how future Parking branding may be used on collateral and other media. Such examples may include payment apps, maps, welcoming literature, shop and restaurant posters, Town website and other social media platforms.

Work Product: Analysis of current wayfinding and signage conditions. Preliminary master plan wayfinding and signage report with recommendations, Preliminary destination list, sign location plan and sign type definitions. Written report how current Town branding can be incorporated into signage.

A.5.0 Task Two – Schematic Design

Using Town approved recommendations from the Master Wayfinding and Signage Report, and lessons learned from earlier completed tasks, further develop Downtown pedestrian and vehicular wayfinding and signage. This second milestone is further development of concepts for

a comprehensive Downtown wayfinding and signage plan. The consultant will develop signage design standards for the Town to adopt as the Town sign standards. The consultant will provide three schematic design options for pedestrian and vehicular wayfinding and signage. This will include templates for dimensions, color palette(s), font families, font size, symbols and layout for an integrated sign system.

The consultant will develop or design mounting platform standards for signage. This can vary from a basic metal pole to custom designed pedestals. The consultant will also provide three mounting platform options for each category of wayfinding and signage. Mounting platform options should range from basic to ornate and include estimated costs of each type. Provide design options that will amplify or highlight small-town charm or historic preservation. Platform designs should vary based on signage or wayfinding type.

The consultant will take an integrated visual and functional approach in the design development that is sensitive to the issues of small-town charm, sign clutter, maintenance, future projects, budget and change over time. Signage and mounting platforms must reflect the goals in section A.2.0 and parking branding where applicable.

Work Product: Refined Signage location plan and destination list. Signage Designs Schematic

A.6.0 Task Three – Design Development

Using Town approved concepts for signage and mounting standards, the consultant will fully develop a detailed signage plan including the dimensions, materials, elevations, mounting platform, and location of each sign. This will also include the message or verbiage for each sign. The consultant will work closely with Town staff to finalize sign locations, size, materials, mounting platforms and messaging. The consultant will produce scale models and full-size mock-ups to be presented to designated Town staff as part of the final design. The consultant will deliver a comprehensive Master Plan report also containing a detailed programming plan and related schematic drawings. The Master Plan should include schematic drawings so stakeholders can visualize the consultant's plan. The Master Plan must be approved by the Town prior to moving forward with the development of additional tasks.

The consultant will deliver a Town Signs and Mounting Platform Standards document to the Parks and Public Works Department (PPW) for review and approval.

Where applicable, all designs must be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) or other federal and state guidelines.

The consultant will develop a written statement of estimated costs for fabrication and installation. The consultant will also make scheduling or phasing recommendations for the fabrication and installation of new signage in coordination with removal of old signage as necessary and in coordination with the Town's Department of Parks and Public Works(PPW). The consultant will develop an overall estimate of costs to fabricate and install the products and items necessary to successfully implement the Town approved Master Plan.

Work Product: Final draft Master Plan including sign locations. Cost estimate. Phasing plan.

A.7.0 Task Four – Construction Documentation

In addition to the deliverables for each task, the consultant will create bid package documents using designs and specifications approved by the Town for manufacturers to fabricate and install. The document's specifications will contain the level of detail needed to fabricate and install the consultant recommended products described in the Town approved Master Plan. This will include sign design details, messaging, locations, elevations and mounting details. The bid packages maybe phased with priority given to parking lot wayfinding. Up to 3 separate bid packages may be required.

Work Product: Full Detail Bid Documents

A.8.0 Task Five - Construction Administration

The consultant will oversee the fabrication and installation of any designed or recommended products. This will include reviewing and approving shop drawings, material samples and the installation of such items. The consultant will respond to sign manufacturers questions (RFIs) and review submittals. The consultant will prepare a final punch list for the manufacturer or installer and assist with the inspection. The consultant will ensure that products are fabricated and installed per the specifications of the Town approved Master Plan.

The consultant will, if needed, provide information to the sign manufacturer/installer so they can create an "as-built" document mapping the items fabricated and installed. This document will be the work product of the manufacturer/installer.

Work Product: RFI responses, Submittal Review, Inspection, Punch List, Production Art Files

A.9.0 Anticipated Parking or Traffic Related Actions

The initial rollout of the Parking Roadmap includes a pilot Employee Parking Program providing dedicated employee parking spaces. The following actions are anticipated but not guaranteed to occur. Some or all of them may or may not occur.

- Re-Parking Prohibition (Regulation requiring signage)
- Pay-to-Stay Parking (Policy implementing pay stations and informational signage)
- Information/Directory kiosk
- Identification of locations for dynamic arterial roadway wayfinding signage
- Parking lot occupancy counting and electronic signage (No consultant action)

A.10.0 Potential Obstacles

The following items may create obstacles and reduce the effectiveness of your wayfinding and signage.

- Parklets (Signage obstructions from parklet infrastructure)
- Vegetation (Tree canopy)
- Existing infrastructure (light poles, theme banners, concrete planters, trash cans, bulb outs for crosswalks, bike lanes, etc..)
- Future streetscape project (Potential for major streetscape renovation)

A.11.0 Other Considerations

The following items may add opportunities for a more effective plan and should be taken under considerations through the development process.

- Diversity, Equity, and Inclusion. (How can we make improvements through this project)
- Creation of Town standards for private business identification signage
- Opportunity to sell Info Kiosk advertising space while maintaining small town charm
- Determination of multi-space pay stations locations
- Possible use of hanging signs from ornate fixtures vs. pole signs when feasible
- Dynamic arterial wayfinding possibly functioning as changeable message signs

A.12.0 Additional Tasks

Additional services may be performed as requested and approved by the Town. All performance requirements from above would apply.

~ End of Section ~



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 6

DATE: October 13, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Consultant Agreement for Executive Recruitment Services with Teri Black & Company, LLC. in an Amount Not to Exceed \$54,000

RECOMMENDATION:

Authorize the Town Manager to execute a consultant agreement (Attachment 1) for executive recruitment services with Teri Black & Company, LLC. (TB&Co.) in an amount not to exceed \$54,000.

BACKGROUND:

The Town is anticipating a couple of Director level retirements during the current fiscal year. The Town conducted a Request for Qualifications (RFQ) process and received seven responses. Upon review of the proposals and based on TB&Co.'s excellent reputation, length of time providing public sector executive recruitment services, and success in locating candidates for sometimes difficult to fill positions, the company was selected to manage the Town's upcoming non-public safety executive recruitment processes.

Bob Murray & Associates was selected from the same RFQ process to specifically coordinate the Police Chief public safety recruitment due to specific proven experience in this area. The total cost of the Bob Murray & Associates agreement was less than \$50,000 which is within the Manager's authority to approve.

DISCUSSION:

The candidate pool for executive level positions is typically smaller, so it is not unusual for public sector agencies to outsource these recruitment processes to executive recruitment

PREPARED BY: Lisa Velasco
Human Resources Director

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

PAGE 2 OF 2

SUBJECT: Authorize the Town Manager to Execute an Agreement with TB&Co.

DATE: October 14, 2021

DISCUSSION (continued):

search firms. Because executive search firms focus solely on recruitments, they have a vast number of contacts. They also have the resources and relationships to proactively contact candidates that may not be actively searching for a new opportunity and encourage those candidates to compete in a specific recruitment process.

CONCLUSION:

Based on the Town's recent successful RFQ process and solid reputation of TB&Co. to successfully fill executive level recruitments, staff is requesting authorization for the Town Manager to execute an agreement for services in an amount not to exceed \$54,000 over a two-year period.

FISCAL IMPACT:

The anticipated not to exceed amount of \$54,000 is included in the FY 2021/22 Operating budget.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Agreement for Consultant Services – Terri Black & Company, LLC

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is made and entered into on October 20, 2021 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Teri Black & Company, LLC ("Consultant"), whose address is 25500 Hawthorne Blvd., Suite 1158, Torrance, CA 90505. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide executive recruitment services for the position of two director-level recruitments.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on September 15, 2021, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect from October 20, 2021 to October 31, 2023. Consultant shall perform the services described in the proposal labeled Exhibit A.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services

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

2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$54,000**, inclusive of all costs. The fee for each of the executive recruitment searches is \$18,500, plus an additional \$8,500 is allocated for reimbursable expenses. Payment shall be based upon Town approval of each task.

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

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be emailed to HR@losgatosca.gov.

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

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

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

compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

- 3.1 Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
 - iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

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

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

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

3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up

because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

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

Teri Black & Company, LLC
Attn: Tracey Carlson
25500 Hawthorne Blvd, Suite 1158
Torrance, CA 90505

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

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

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

Town of Los Gatos by:

Consultant, by:

Laurel Prevetti, Town Manager

Teri Black, President
Teri Black & Company, LLC

Recommended by:

Lisa Velasco, Human Resources Director

Approved as to Form:

Robert Schultz, Town Attorney

Attest:

Shelley Neis, MMC, CPMC
Town Clerk

VI. PROFESSIONAL FEES & GUARANTEE

The **professional fee** for the complete scope of work outlined in Phases I – IV articulated in this quote covering three (3) comprehensive executive/senior management level recruitments will be **\$55,000** (\$18,500 per recruitment). Services include conference calls/Zoom meetings for the purposes of gathering stakeholder feedback on candidate profiles, briefing client on results of the recruitments, facilitating one day of panel interviews for each search, assisting the Client with selection deliberations and conducting background and reference checks.

REIMBURSABLE EXPENSES¹ (NOT TO EXCEED)

Advertising (3)	\$6,900
Recruitment Brochures & mailings (3)	\$4,500
Administrative support	\$8,000
Shipping/FedEx (if required)	\$1,500
Background & records checks (3)	\$1,800
Consultant Travel (ground, air, lodging If necessary)	\$3,000

Project expenses (NTE) **\$25,700** (approx. \$8,500 max. per search)

Professional fees and expenses are billed monthly. Expenses are billed at their actual level and are never marked-up or inflated with special fees. Not knowing the specifics regarding the anticipated vacancies, expenses have been estimated on the high side and rarely exceed \$7,500 in the current virtual/hybrid environment.

Placement Guarantee

If a candidate is selected and appointed by the Town of Los Gatos terminates employment for any reason before the completion of the first year of service as a result of a comprehensive TBC recruitment, the firm will provide Los Gatos with the necessary consulting services required to secure a replacement. Depending on the nature of the departure, professional consulting services will be provided at no charge or a discounted rate of 25-50% of the original fee.² Expenses will be covered by the Client.

Fee for Additional Placements & Discounts

Because of the challenging market for top talent, our clients are increasingly taking advantage of selecting more than one outstanding candidate from a single recruitment that will benefit the organization in a different capacity. In these instances, a \$3,000 placement fee per additional candidate placed will apply and will include completion of background check records review as well as reference checking.

² Reimbursable Expenses by Category are an estimation. Invoices may reflect actual expense amounts in any given category that are above or below the estimated amount, however, total expenses billed during the project shall not exceed the total "Project Expenses (NTE)" amount as stated.

²To be negotiated at the time of re-engagement and will be dependent on scope of work needed to refill the position.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 7

DATE: October 14, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Staff Recommends the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):
a. Approve Design Concept 3 and Authorize Staff to Proceed with the Final Design; and
b. Approve the Recommended Funding Strategy

RECOMMENDATION:

Staff Recommends the following actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):

- a. Approve Design Concept 3 and Authorize Staff to proceed with the final design; and
- b. Approve the recommended funding strategy.

BACKGROUND:

The Town's adopted Fiscal Year (FY) 2021/21-2025/26 Capital Improvement Program (CIP) Budget designates funding for the Shannon Road Pedestrian and Bikeway Improvements between Los Gatos Boulevard and Cherry Blossom Lane.

This segment of Shannon Road is a two-lane neighborhood collector street that is heavily traveled, especially when schools are in session. The street is a popular route for students attending Blossom Hill Elementary, Van Meter Elementary, and Fisher Middle Schools. There are intermittent sections of sidewalk on both sides of the roadway. Currently, on-street parking is not allowed on Shannon Road between 7 a.m. and 6 p.m., except on Saturdays, Sundays, and holidays.

PREPARED BY: WooJae Kim
Town Engineer

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

BACKGROUND (continued):

In June 2018, the Town was awarded a Vehicle Emissions Reductions Based at Schools (VERBS) federal grant in the amount of \$940,100 from the Metropolitan Transportation Commission (MTC)'s One Bay Area Grant program (OBAG) distributed through the Santa Clara Valley Transportation Authority (VTA) to partially fund the project.

On November 5, 2019, the Town Council authorized the Town Manager to solicit design consultants and negotiate and execute a design consultant agreement in an amount not to exceed \$200,000. ActiveWayz Engineering was selected as the design consultant through the procurement process.

DISCUSSION:

Early Project Concept

The original scope of the project considered the installation of a ten-foot-wide Class I multi-use path on the north side of Shannon Road approximately 1,600 feet in length. A Class I path is a dedicated facility exclusively for bicycles and pedestrians, separate from vehicular travel lanes.

While further defining the scope for the project, staff determined that Class I path would not be feasible within the budget and timeline of the project due to costly and extensive utility undergrounding needed. PG&E estimated that undergrounding costs alone would exceed two million dollars and take a minimum of three years to complete, which is beyond the current project budget and the VERBS grant deadline. In addition, a Class I bike and pedestrian path immediately abutting private properties on either side of Shannon Road would pose significant challenges to accommodating clear and safe sight line distances at driveways. In general, Class I paths are better suited in settings where path entry points and street crossings are limited, such as the Los Gatos Creek Trail, and therefore, this concept has been deemed infeasible.

Public Design Process

ActiveWayz Engineering analyzed the site and proposed two initial design concepts in collaboration with staff. During the public outreach process, a third concept was added to reflect community input. The design concepts can be viewed on the Town's Connect Los Gatos webpage- www.losgatosca.gov/ConnectLG (see the project list on the left sidebar).

The design concepts provide for sidewalks and bike lanes on both sides of Shannon Road within the project limits. No utility undergrounding would be involved, but instead the Town would work with PG&E and other utility companies to relocate necessary facilities through existing franchise agreements at minimal cost to the Town. Stormwater drainage improvements are

DISCUSSION (continued):

included in the project to address existing ponding and drainage issues. The designer also prioritized new sidewalk alignments that minimize street tree removals.

The three concepts would all involve construction within the entire public right-of-way (ROW) width of Shannon Road, which means that staff would need to work with property owners to remove or relocate any private improvements in the public ROW, such as landscaping, walkways, fencing, and non-standard driveways, before starting the pedestrian and bikeway improvements.

Design Concept 1 - Conventional Sidewalk with Class II Bike Lanes

The first design concept infills the sidewalk gaps along the project limits with Town standard sidewalks (5 to 6 feet wide), standard vertical curb and gutter, and Class II bike lanes (5 to 6 feet wide) on both sides of Shannon Road. With Design Concept 1, on-street parking could be provided on the south side, but on-street parking would be prohibited on the north side in order to maintain a clear bike lane. The preliminary construction cost estimate for Concept 1 is approximately \$1.8 million and would result in a fairly traditional roadway design.

Design Concept 2 - Street-Grade Sidewalk with Class IV Bike Lanes

Design Concept 2 provides at-grade or street-grade sidewalks that are wider (7 to 10 feet wide) along with Class IV protected bike lanes (5 to 6 feet wide) on both sides at residential frontages. Class IV bike lanes are protected from vehicle lanes with physical separators. In Concept 2, raised curbs or islands are proposed to separate bike lanes from vehicle lanes. The design would incorporate visual or tactile delineation between the sidewalk and bike lane.

Design Concept 2 would allow parking on the north side of Shannon Road between Magneson Loop and Cherry Blossom Lane. Due to the bike lane and sidewalk configurations, up to nine street trees would need to be removed. The preliminary cost estimate for construction is approximately \$2.9 million, which is well over the project budget.

Benefits of Concept 2 include the protected Class IV bike lanes and less conform/grading work required around property lines along Shannon Road since sidewalks are proposed at street level.

Design Concept 3 is discussed after the summary of the public outreach on the first two options.

DISCUSSION (continued):

First Public Outreach

The two initial design concepts were presented to the Complete Streets and Transportation Commission (CSTC) on August 12. The CSTC preferred the second design concept due to the protected Class IV bike lanes providing more security for students biking and walking. The Commissioners did provide feedback that the raised curbs or raised island could be potential hazards for bicyclists. Staff cautioned that Design Concept 2 with a construction estimate of \$2.9 million would not be feasible within the current project budget of \$1.3 million.

Staff hosted the first neighborhood community meeting for the project on August 25, 2021. Over 530 notification postcards were mailed, in addition to distribution of door hangers to Shannon Road properties, Town social media postings, Connect Los Gatos website “Notify Me” notifications, and information provided at “back to school” events. Approximately 27 Shannon neighborhood community members attended the virtual meeting. The information and design concepts presented to the community were generally met with support. The main feedback and takeaways from the first community meeting included the following:

1. Safety of Children: Attendees reminded staff that the focus of the project should be the safety of children biking and walking to school. Concerns were expressed regarding Class II bike lanes, which would have young bicyclists directly next to vehicle lanes without a buffer or vertical protection
2. Width of Sidewalk and Bike Lanes: Attendees wanted to understand the distribution of widths between each mobility option. Some attendees were concerned that the ten-foot car lanes were too narrow, and that bike lanes and sidewalks for Concept 1 may not be wide enough to support the number of students commuting on Shannon Road.
3. On-Street Parking: A majority of attendees (75%) indicated that the on-street parking is not a priority or needed on Shannon Road.
4. Rural Feel: Some neighbors expressed a desire to maintain the look and feel of a rural street as much as possible, as in no sidewalks and bike lanes.
5. Private Improvements on Public ROW: Many properties have private improvements within the public ROW such as landscaping, walkways, driveways, and fences, which would need to be removed for the project. Staff stated that the project team would coordinate with each property owner regarding this matter. Staff asked for cooperation from property owners to help remove or relocate private improvements before the start of construction next summer.

DISCUSSION (continued):

Design Concept 3 – Wider Conventional Sidewalk with Class IV Bike Lanes

The project team thoroughly considered the input received from the CSTC and community members and developed a third design concept based on Design Concept 1, focusing on the safety of children and with the assumption that much of the on-street parking can be removed.

The project team conducted parking surveys along Shannon Road and the adjacent side streets. These field surveys found a maximum of five to six cars parked on Shannon Road within the project limits during the evenings and weekends. Residents have informed staff of the desire for commercial and private vehicles to park on Shannon Road during the no parking hours of 7 a.m. to 6 p.m. on weekdays for construction, landscaping, and other loading and unloading activities. There was generally ample on-street parking available along the side streets of Shannon Road, excepting Robie Lane.

Design Concept 3 widened the conventional sidewalk on the north side (7 to 10 feet wide), while the sidewalk on the south side was kept at five feet. The bike lane widths were increased to five to seven feet with three-foot buffer spaces with green bollards, similar to the Class IV bike lanes on Blossom Hill Road, west of Los Gatos Boulevard.

For Design Concept 3, the on-street parking would be impacted due to the increased widths of sidewalks and bike lanes. The designer was able to accommodate five on-street parking spaces on the south side of Shannon Road between Magneson Loop and Englewood Avenue. Beyond the five spaces, residents would need to park within their properties or on the side streets of Shannon Road.

DISCUSSION (continued):

Below is a comparison table of the three design concepts:

Concept 1 – Conventional Sidewalk + Class II	Concept 2 – Street-Grade Sidewalk + Class IV	Concept 3 – Conventional Sidewalk + Class IV
Type of Bike Lanes		
Class II (5'-6' wide)	Class IV (5'-6' wide plus 3' separation from vehicle lanes)	Class IV (buffered) / Class II (5'-6' wide plus 3' buffer from vehicle lanes)
Street Tree Removals (in Public ROW)		
Removal of three (3) trees	Removal of nine (9) trees	Removal of three (3) trees
On-Street Parking		
South side (Los Gatos Blvd to Cherry Blossom)	North side (Magneson Loop to Cherry Blossom)	Few on south side (Magneson Loop to Englewood Ave)
Conform Work in Private Property		
Grading and other modifications required	Reduces encroachment into private property for conform work	Grading and other modifications required
Preliminary Estimate – Construction Only		
\$1.8M	\$2.9M	\$1.9M

Second Public Outreach

The third concept was presented to the CSTC on September 9. The CSTC continued to support the Class IV bikeway designs, which is incorporated into Design Concept 3. The second Shannon Road neighborhood community meeting was held on September 29 after another round of extensive notifications. 25 community members attended the second meeting with many first-time attendees participating in the discussion.

The feedback and comments received varied from the first community meeting. Attendees expressed concerns regarding the removal of the on-street parking in front of their specific properties, installation of Class IV bike lanes with green bollards, and even regarding sidewalks on both sides. Some attendees expressed desires to keep the “rural and neighborhood feel” of Shannon Road. Below is a summary of feedback and comments received at the second community meeting:

DISCUSSION (continued):

1. On-Street Parking: Two residents residing on the north side of Shannon Road expressed the need to keep the on-street parking available in front of their properties.
2. Rural Feel: A few attendees wish to maintain the rural look and neighborhood feel of Shannon Road as much as possible, as in no sidewalks and bike lanes. Desires to see a Class I path were mentioned. Staff reminded attendees of the reasons why a Class I path would not be feasible for Shannon Road.
3. Private Encroachments: Attendees expressed concerns regarding the need to remove all private improvements in the Public ROW. Staff again stated that the project team will coordinate with each property owner regarding this matter, and that cooperation from property owners would be needed to remove or relocate private improvements before the start of construction next summer. Otherwise, the private improvements would be removed as part of the project.

A quick poll was conducted of the meeting attendees regarding the preferred design option with a total of 16 attendees participated in the poll. Concept 1 received seven votes (44%), Concept 2 received one vote (6%), and Concept 3 received eight votes (50%).

Concept Design Approval Considerations

Both Concepts 1 and 3 are feasible active transportation design solutions for the project site and can be built per the Town and roadway design standards. Staff recommends Concept 3 due to the Class IV bike lanes included, which would provide more security and visual/physical barrier to the bikeways and may be more appropriate given the use of the corridor as a safe route to school. However, Class II bike lanes as identified in Concept 1 are standard bike facilities, which would also improve the visibility and safety of bicyclists on Shannon Road.

Concept 3 would significantly impact and reduce the on-street parking on Shannon Road, while Concept 1 would remove parking on the north side, while allowing space for parking on the south side. For all three concept designs, no parking will be allowed on either side of Shannon Road near Los Gatos Boulevard intersection. There may also be other specific locations where on-street parking may be restricted as a measure to preserve existing trees. Parking along Shannon is currently restricted due to spillover from nearby commercial businesses, a situation that residents may wish to continue into the future.

For both Concepts 1 and 3, private improvements on the public ROW would need to be removed. Staff is asking each property owner to assist in removing or relocating private improvements before the start of project construction in summer 2022. Some private improvements may be more challenging to remove or relocate, such as a front lawn with D

SUBJECT: Approve Recommended Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: October 14, 2021

DISCUSSION (continued):

artificial turf, six-foot high fences built on public ROW, and vegetation maintained by residents for visual screening from the street. Furthermore, relocation efforts would be recommended to comply with the Town's Standards and Ordinance Sec. 29.40.315(3), which states that "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."

Another consideration for the design is the project cost. Although staff obtained additional \$174,250 of TFCA grant for the project, the current project budget of \$1.3 million for the design and construction phases is short of the funds needed to construct any of the design concepts. Funding options are discussed in the fiscal impact section below.

CONCLUSION:

Staff recommends that the Town Council approve Design Concept 3 for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218) and the project funding strategy (discussed in the Fiscal Impact section below) to allow staff to prepare final design documents for construction. Final design documents and fiscal recommendations would be presented to the Town Council in the first or second quarter of 2022.

ALTERNATIVE:

The Town Council may wish to approve Design Concept 1, instead of Concept 3 as recommended by staff. Design Concept 1 meets the standard requirements of the Town for active transportation. Implementation of Design Concept 1 would allow on-street parking on the south side of Shannon Road within the project limits, which may be less impactful to the residents.

COORDINATION:

This project has been coordinated with the Complete Streets and Transportation Commission and through significant public outreach.

FISCAL IMPACT:

The requested actions associated with this report do not create a fiscal impact; however, staff is recommending a funding strategy associated with the project given the need for additional funds to complete the recommended option. The funding strategy identifies alternative sources of funds to utilize in delivery of the project. The final project estimate will be

SUBJECT: Approve Recommended Actions for the Shannon Road Pedestrian and Bikeway Improvements Project (CIP No. 813-0218)

DATE: October 14, 2021

FISCAL IMPACT (continued):

completed as the final design is completed, at which time staff will recommend the appropriate budget actions. Note that the construction costs identified for each project option do not include design costs. The current total preliminary project estimate for Design Concept 3, including design, is \$2.3M.

The following table outlines the current funding and potential projects where funding could be consolidated to the Shannon Road project. The scope of each of these projects aligns with corresponding scope within the Shannon Road project.

Current Funding	Fund Source	\$ Available
Grant Funds	VERBS	\$940,100
Town Funds	GFAR	\$180,000
Grant Funds (anticipated)	TFCA	\$174,250
SUBTOTAL		\$1,294,350
Potential Additional Funding	Fund Source	\$ Available
Annual Storm Drain Project	Storm Basin	\$200,000
Annual Sidewalk Repairs – Multiple Locations	GFAR	\$60,000
Bicycle & Pedestrian Improvement Project	GFAR	\$200,000
Annual Street Restriping Project	GFAR	\$150,000
Annual Street Resurfacing Project	GFAR	\$300,000
Massol Intersection Project	GFAR	\$50,000
SUBTOTAL		\$960,000
Total Project Funding Strategy		\$2,254,350

ENVIRONMENTAL ASSESSMENT:

This is a project defined under CEQA as being Categorically Exempt per Section 15301(c) Existing streets, sidewalks, trails and similar facilities and 15304(h) Creation of bicycle lanes on existing rights-of-way. A Notice of Exemption will be filed. Under the National Environmental Policy Act (NEPA), the project is determined to be categorically excluded from a detailed environmental analysis.

Attachment:

1. Public Comment received through 11:00 a.m. on October 14, 2021.

Matt Morley

Subject: FW: Shannon Rd bike lane/sidewalk improvements

From: Sheila <>
Sent: Tuesday, October 12, 2021 10:59 AM
To: Council <Council@losgatosca.gov>
Subject: Shannon Rd bike lane/sidewalk improvements

EXTERNAL SENDER

Dear Council Members,

Town Staff will be presenting 3 design concepts for the Shannon Road Pedestrian and Bikeway Improvements during the October 19th town council meeting and below is our recent letter sent to town staff regarding our input on the project. We live at 16675 Shannon Road.

Please note that town staff has already told us they will not go forward with concept #2 because of the cost (and we agree) why they are including it is a mystery to us.

Lastly, we have received some answers to our questions below and town staff finally uploaded the aerial views of the project to the Shannon Road Pedestrian and Bikeway Improvement Project website yesterday which also answered many of our questions.

Thank you,
Mark and Sheila Bony

Sheila <>

to Suyesh, WooJae, Matt

Hi Suyesh,

Thank you for talking with us today.

We support the safety / sidewalk improvements on Shannon rd , but the concept you are proposing (#3) is overkill and will disrupt our "cherished neighborhood feel" and as a result, the value of our property.

Why we are not in favor of concept #3:

- Shannon Road is not considered a main artery street like Los Gatos Blvd, Winchester Blvd, or Blossom Hill Rd. Shannon Road is in a residential neighborhood and does not need extra-wide sidewalks, 6ft bike lanes, buffer zones, or unsightly green delineators/bollards.
- Residents on the street want to keep a neighborhood feel, not a street in a business district.

- Some parking is needed (we recently changed our mind about that point after speaking to our neighbors who require parking)

Why we support #1:

- Best compromise between safety and still keeping a "neighborhood" feel.
- It adds trees in the planting strips which will "soften" the additional sidewalk and bike lane
- No awful looking green bike lane bollards.
- It adds need parking to the south side of street

We understand that the town's right of way in front of our property line is a whopping 10 feet. Please do not use all of that space. We, as well as many neighbors on the street, have planted plants in front of our fences/property line to beautify the neighborhood and give us a little privacy. While we recognize we may not be able to keep as much of a buffer in front of our property line as before to accommodate changes, we want to continue to plant in least 3 or 4 feet in front of our fences. Please shorten the width of the bike lane and sidewalk to accommodate plants, something that we believe concept #1 would do. Concept #1 will give us the most safety improvements we all seek, without going overboard. It is a good compromise.

Still unanswered questions we would like a response to prior to any town meeting on this projects:

- Our fence is on the property line- we hired a survey company to confirm before we put up our fence, so how do you propose doing grading without damaging our fence (which again is on our property line). We asked this question at the second community meeting and received no answers.
- We have asked numerous times to see aerial views of the project and are still waiting. Why the repeated delay to broadly share info especially since it seems you have it yourself?
- We have asked numerous times where the telephone poles will be moved to?
- During presentation #2 many other questions asked by residents weren't answered. We kept hearing "we are still working on it".

If staff is still working on the project, why approach the town council for approval in October so quickly (this month with concept 3) when so many residents' questions aren't being answered prior to the town council?

Lastly, we would like the dates\times of upcoming meetings regarding this project to add to our calendar.

Mark & Sheila Bony

Matt Morley

Subject: FW: Shannon Road Pedestrian and Bicycle Way

From: Rebecca Heng
Sent: Tuesday, October 12, 2021 3:28 PM
To: Council <Council@losgatosca.gov>
Subject: Shannon Road Pedestrian and Bicycle Way

EXTERNAL SENDER

Dear Suyesh,

We have lived at 16690 Shannon Rd for 21 years. Our property is impacted by the bicycle and pedestrian way on our portion of Shannon Road. We have reviewed the options of design for the project and strongly favor Concept One.

For the safety of pedestrians, bicyclists, and auto traffic we have backed into our driveway since we moved into our home. Concept three eliminates this **important safety measure** as we can no longer safely back into our driveway.

Please take into consideration the input from residents that are most impacted by the bicycle and pedestrian way.

Best Regards,

Rebecca and Stephen Heng

From: varun s
Sent: Tuesday, October 12, 2021 9:41 PM
To: Council <Council@losgatosca.gov>
Subject: Re: Update regarding Shannon Rd. Pedestrian & Bikeway Improvements

EXTERNAL SENDER

Hi Suyesh - I am an owner at 16667 Shannon Rd. If there is a way to vote, I'd like to vote for Plan #1 that includes space for parking on Shannon. Please let me know if there is a more formal way to vote. Thanks!

Varun



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 7

ADDENDUM

DATE: October 15, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Staff Recommends the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):
a. Approve Design Concept 3 and Authorize Staff to Proceed with the Final Design; and
b. Approve the Recommended Funding Strategy

Attachments Received with the Staff Report:

1. Public Comment received through 11:00 a.m. on October 14, 2021.

Attachments Received with this Addendum:

2. Public Comment received between 11:01 a.m. Thursday, October 14, 2021, and 11:00 a.m. Friday, October 15, 2021.

PREPARED BY: WooJae Kim
Town Engineer

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

From: [jimmy yip](#)
To: [Clerk](#)
Cc: [REDACTED]
Subject: Shannon road project - city council mtg on Oct 19th
Date: Thursday, October 14, 2021 8:18:45 PM

EXTERNAL SENDER

Hello,

My family and I live on Shannon road and we are supportive of the impending road project. However, we respectfully ask the council to choose Option #1. If however, the council chooses option #3, we ask that we do NOT have the bollards. These posts are very unsightly and there is also no evidence that we have seen which shows any improvement in biker's safety.

We truly appreciate your time to read and consider our request.

Jimmy and Helen

Sent from my iPhone

ATTACHMENT 2

From: [Andrew Horwitz](#)
To: [Clerk; Fletcher Parsons; WooJae Kim](#)
Cc: [Suyesh Shrestha](#)
Subject: Re: Serious concerns about Shannon Road Bike lane project
Date: Thursday, October 14, 2021 9:52:06 PM

EXTERNAL SENDER

Re-sending adding WooJae Kim based on Suyesh's Out of Office email.

Hello Los Gatos Town Clerk and Engineering Team,

I am the new owner of [REDACTED] Shannon Road, we purchased in June but did not move in until August. I only learned about the proposed bike lane and side walk changes recently. I also learned about a new proposal with bollards that seem highly disruptive the functionality and aesthetics of the street. I want to share my concerns for the project changes.

I support adding a sidewalk and bike path to the street but the bollard path seems to not add any additional functionality but significantly reduces it and harms home value.

A wider sidewalk provides a path for pedestrians, a bike path a place for bikers. The bollards interfere with both these activities and will hurt the home owners on Shannon Road. This is a residential street. Bollards do not belong on a residential street.

The original plan from August 25th calls for adding the bike lane and sidewalk in a very short area of road, I do not understand how this provides much incremental safety. Parking is already not allowed during weekdays on the street which provides plenty of room for pedestrians and bicyclers. Bollards were not part of the proposal.

I am also highly concerned along with my neighbors about the impact to our property. I still do not understand the impact to my property including the front area and my driveway. I would appreciate understand the implications to our property.

First, the trees and bushes along my front gate help block out sound from the street. As you know Shannon road can be busy and is why you are considering adding the bike lane. This will impact our property value and privacy.

Additionally, we usually use the space in front of our house to reverse into our driveway so we can more safely pull out front first and be safer entering Shannon Road. These proposed designs would force a reverse out of the driveway which puts pedestrians and cyclers are more risk.

This is why any additional of a sidewalk and bike path should also include ample street parking.

Lastly, most houses on Shannon have fences and gates because of the road design, this significant change will affect these designs and street aestethics.

I have reviewed the two original concepts and do not understand where the bollards proposal originated. I know that none of the home owners on the North side of Shannon Road between Cherry Blossom and Magneson Loop support that design. How can we change this plan? I will be at the 10/19 meeting to voice my objections.

Additionally, I do think the property impact to all home owners should be considered as home values are an important part of living in Los Gatos. Lastly, as you consider designs of practicality. This design should focus on students walking and riding to LGHS, Fisher, Van Meter and Blossom Hill schools thus I recommend keeping the bike and walking areas together and not separated. As someone who lives on the street, I think a combination of the two proposals is the best path that enables a bike lane, side walk and parking with minimal impact to private property.

Thank you for your time and consideration.

Andy Horwitz
Resident:

From: [mojgan.khalili](#)
To: [Clerk](#)
Subject: Shannon Resident - comment about Bollards
Date: Friday, October 15, 2021 9:52:05 AM

EXTERNAL SENDER

Hi,
Mojgan Khalili, homeowner of [REDACTED] Shannon Rd, Los Gatos, CA 95032
I have lived on Shannon Road for the past 6 years and I want to voice my support for option #1. I do not support the use of bollards on Shannon road, this is an excessive financial measure and does not increase the safety for walkers, runners or cyclists - of which I am all three.

thanks and let me know if you have any questions.

[REDACTED]
Mojgan

--
Mojgan Khalili
[REDACTED] Cell



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 7

ADDENDUM B

DATE: October 18, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Staff Recommends the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):
a. Approve Design Concept 3 and Authorize Staff to Proceed with the Final Design; and
b. Approve the Recommended Funding Strategy

Attachments Received with the Staff Report:

1. Public Comment received through 11:00 a.m. on October 14, 2021.

Attachments Received with previous Addendum:

2. Public Comment received between 11:01 a.m. Thursday, October 14, 2021, and 11:00 a.m. Friday, October 15, 2021.

Attachments Received with this Addendum B:

3. Public Comment received between 11:01 a.m. Friday, October 15, 2021, and 11:00 a.m. Monday, October 18, 2021.

PREPARED BY: WooJae Kim
Town Engineer

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

From: [Mark Wander](#)
To: [Clerk](#)
Subject: Shannon Road Project Comments
Date: Friday, October 15, 2021 1:31:39 PM

EXTERNAL SENDER

Please pass this on to the LG City Council Members-

Regarding the Shannon Road proposed modifications, given the options that have moved forward, I would like to add the following comments for consideration:

Option 1 would be preferable. At least some parking should remain on Shannon Road. To remove all parking would impact the traffic and parking issues feeder streets along Shannon, creating even more issues with safety and parking for residents.

Option 2 seems to be too costly and add little benefit.

Option 3, aside from the parking issues mentioned previously, creates more issues by adding bollards, which take up additional space along the shoulder of the road. This may be a good idea on wider streets such as Blossom Hill, but the Shannon right of way is not wide enough.

I appreciate your consideration of these comments while making your final decision!

Thank you very much,

--

Mark E. Wander
Wander Wildland Management Solutions
Field Services and Consulting
[REDACTED] Robi Lane, Los Gatos CA 95032
Philo Office: [REDACTED]
Mobile/Text: [REDACTED]

Balancing Nature With Need

From: [Deanna Dresti](#)
To: [Clerk](#)
Subject: Shannon road project
Date: Friday, October 15, 2021 1:09:44 PM

EXTERNAL SENDER

Dear City Council: In reference to the city council meeting of October 19th and the Shannon road project- I would like to urge you to consider option #1 which ' adds bike lanes and retains half the existing parking'.

The installation of bollards would not only make the area look very industrial and unsightly but we have always had parking issues with people parking on the side streets without any parking on Shannon Road. Vote no on bollards!

Note: I have lived in this house for 60+ years and feel very strongly about this.

Deanna Dresti

██████ Robie Lane

Los Gatos, CA, 95032

From: [Cheri Finalle](#)
To: [WooJae Kim](#); [Matt Morley](#); [Suyesh Shrestha](#)
Cc: [Peter Binkley](#)
Subject: Shannon Road
Date: Friday, October 15, 2021 2:54:02 PM

EXTERNAL SENDER

I wanted to send all of you another request to please reconsider supporting Plan 1 over Plan 3 for Shannon Road. I did not have time to digest the difference during the previous community meeting. I spent hours looking at the arial views and now understand. I made a mistake during the meeting. We do NOT want all parking removed. We do NOT want bollards. No other residential parts of roads in Los Gatos have bollards.

Please find a way to amend the plans to make a safe and beautiful road for everyone to enjoy.

Thank you, Cheri Binkley 

From: [Clerk](#)
To: [Cheri Finalle](#)
Cc: [Matt Morley](#); [WooJae Kim](#); [Suyesh Shrestha](#); [Fletcher Parsons](#)
Subject: RE: Shannon Road Project - Please add to public comment for meeting 10/19
Date: Friday, October 15, 2021 4:30:37 PM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Afternoon,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

By copy of this message, your communication is forwarded to the Town Manager, Town Council, Town Engineer WooJae Kim, Special Projects Manager Fletcher Parsons, Assistant Engineer Suyesh Shrestha, and Parks and Public Works Director Matt Morley. Should you have any questions about this project, please contact Fletcher Parsons at (408) 761-4536 or Suyesh Shrestha at (408) 395-1437 or by email.

Thank you once again for contacting the Town of Los Gatos.



Jenna De Long (She/Her) • Deputy Clerk

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Ph: 408.399.5730 • Fax: 408.399.5786 • JDeLong@losgatosca.gov
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From: Cheri Finalle <[REDACTED]>
Sent: Friday, October 15, 2021 3:58 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Fwd: Shannon Road Project - Please add to public comment for meeting 10/19

EXTERNAL SENDER

----- Forwarded message -----

From: **Cheri Finalle** [REDACTED]

Date: Fri, Oct 15, 2021 at 3:57 PM

Subject: Shannon Road Project - Please add to public comment for meeting 10/19

To: <council@losgatos.gov>

Dear Council,

First thank you for your time and consideration regarding the Shannon Road Street Project. I respectfully urge the Council to vote to move forward with Plan 1 not 3. We feel passionately that Plan 3 is not a good fit for our community road.

We live at 16668 Shannon Road an area directly impacted by the new plans and have been hugely in support of traffic calming and sidewalk development along Shannon Road. Our children are in kindergarten and walk to school everyday. My husband bike commutes to work at Good Samaritan Hospital and El Camino Los Gatos. We purchased our home in this location because it allows us a life style of walking/biking. We are very motivated and invested into making walking and biking along Shannon Road safe for all ages.

The problems with Plan 3 are the complete lack of street parking, lack of any greenscape (planting strip), and the presence of green traffic posts/bollards. These green traffic posts are newly present on the commercial area of Blossom Hill. No where else are these posts present in front of homes in Los Gatos. Nor has the cost of maintenance been discussed as they will require more upkeep than regular curbs and quickly become aged. Some of the posts on Blossom Hill already need repair.

These posts/bollards are more appropriate for airports, commercial areas - not a community street. Furthermore many of our neighbors park next to the street but in the area of the set back that will be developed esp for short visits/deliveries/yard work. Homes here are old if not remodeled and garages are small. And even a remodel does not allow a larger garage as the Planning Committee wants everyone's garages to fit in with immediate neighbors. Our "2 car garage" does not fit 2 modern cars even without all of our bikes. More cars in driveways that need to be moved around constantly detracts from the safety that the community is working so hard to achieve. Lastly we are also home gardeners and are concerned about the amount of increased pavement. Plan 3 does not give any space for adding trees/plants that not just beautify the town but make living here healthier.

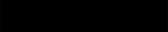
Part of the beauty of Los Gatos are the views of mountains, trees along the streets and beautiful landscape yards. This town is not an urban area like San Francisco or San Jose - we want to see the small town feel preserved.

The local community was asked to vote on plan 1, 2 or 3 knowing 2 was likely too expensive to be a real option. The vote was requested via a Zoom Mtg after just learning about Plan 3. I believe most people (myself included) did not have time to fully digest what the differences would mean. The

vote was split between 1 and 3 with 1 extra vote to plan 3. However, I now cannot find 1 neighbor in favor of option 3. I bring this up because I truly believe most neighbors, if not all neighbors support Plan 1 over 3.

I urge you to vote for Plan 1. Please do not vote for Plan 3 esp with the posts/bollards. Please do not put ugly posts in front of your neighbors homes, remove all of our parking and remove our landscaping without any place to replant. Yes we agreed parking was not a priority but that did not mean we wanted to remove all of it. Plan 1 meets the needs of the community and provides a safe alternative that everyone can support.

Please reject Plan 3. Please vote for Plan 1.

Respectfully, Cheri Binkley 

From: [Clerk](#)
To: [Rob Virk](#)
Cc: [Suyesh Shrestha](#); [WooJae Kim](#); [Matt Morley](#); [Fletcher Parsons](#)
Subject: RE: No bollards on Shannon Road please
Date: Monday, October 18, 2021 8:34:44 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Morning,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

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Thank you once again for contacting the Town of Los Gatos.



Jenna De Long (She/Her) • Deputy Clerk

110 E. Main Street, Los Gatos CA 95030
Ph: 408.399.5730 • Fax: 408.399.5786 • JDeLong@losgatosca.gov
www.losgatosca.gov • <https://www.facebook.com/losgatosca>
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From: Rob Virk [REDACTED]
Sent: Sunday, October 17, 2021 5:46 PM
To: Clerk <Clerk@losgatosca.gov>
Cc: Suyesh Shrestha <SShrestha@losgatosca.gov>

Subject: No bollards on Shannon Road please

EXTERNAL SENDER

Dear Clerk and Council Members,

I live at [REDACTED] Shannon road and support road improvements and traffic calming efforts for the safety of the residents. I would like to have my opposition to the installation of bollards please in regards to the Oct 19 Shannon Road Project council meeting.

Thanks and regards,
Rob Virk

From: [Clerk](#)
To: [Mike](#); [Clerk](#)
Cc: [WooJae Kim](#); [Suyesh Shrestha](#); [Fletcher Parsons](#); [Matt Morley](#)
Subject: RE: October 19 Meeting and Shannon Road Project
Date: Monday, October 18, 2021 8:33:31 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Morning,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

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From: Mike <[REDACTED]@[REDACTED]>
Sent: Sunday, October 17, 2021 5:10 PM
To: Clerk <Clerk@losgatosca.gov>

Subject: October 19 Meeting and Shannon Road Project

EXTERNAL SENDER

Hello,

Re: October 19 Meeting and the "Shannon road project"

Please know that myself and my wife, Chenin Anita Engelman, are against adding bollards to any option that is chosen for the Shannon Road Project. We are on the corner of Englewood Ave and Shannon Rd.

Best Regards,
Mike Nyland

█ Englewood Ave LG

From: [Clerk](#)
To: [Kathy Romero](#)
Cc: [WooJae Kim](#); [Matt Morley](#); [Fletcher Parsons](#); [Suyesh Shrestha](#)
Subject: RE: Shannon Rd Project at 10/19/2021 City Council Mtg
Date: Monday, October 18, 2021 8:32:40 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Morning,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

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

From: Kathy Romero [REDACTED]
Sent: Sunday, October 17, 2021 5:01 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Shannon Rd Project at 10/19/2021 City Council Mtg

EXTERNAL SENDER

Hello,

I am a Shannon Rd resident. My home is within the first block off LG Blvd, where there is already raised sidewalk, no parking weekdays from 7AM to 6PM, and an existing bike lane across the street.

I would be directly impacted by additional actions proposed by this Project: bollards and removal of all street

parking.

I strongly disagree with the installation of bollards and the removal of all street parking.

I feel bollards may create unnecessary obstacles and could actually decrease road safety. Bollards blocking all street parking will impact access for Service and Emergency vehicles. In fact, I could feel less safe in my home as a result of these extreme actions to achieve street safety.

Given a choice, I would support Option #1.

Thank you
Kathleen Romero
[REDACTED] Shannon Rd

Sent from my iPhone

From: [Clerk](#)
To: [Mark Wyss](#)
Cc: [WooJae Kim](#); [Matt Morley](#); [Fletcher Parsons](#); [Suyesh Shrestha](#)
Subject: RE: Shannon Road Project/October 19th Town Council Meeting
Date: Monday, October 18, 2021 8:31:37 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Morning,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

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Thank you once again for contacting the Town of Los Gatos.



Jenna De Long (She/Her) • Deputy Clerk

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From: Mark Wyss [REDACTED]
Sent: Sunday, October 17, 2021 4:13 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Shannon Road Project/October 19th Town Council Meeting

EXTERNAL SENDER

Dear Clerk & Council Members,

We are excited about the upcoming changes to Shannon Road. As a home owner and resident between LG Blvd and Cherry Blossom, we have yet to experience the benefits of the recent traffic calming / installed speed humps. I know from driving Shannon beyond Cherry Blossom towards Short, they seem to be quite effective from what I have seen walking and experienced driving thus far. Unfortunately, once they clear Cherry Blossom and travel toward LG Blvd, cars have increased their speeds since the speed humps have been installed. I guess they are trying to make up lost time when navigating the humps... We very much look forward to the added humps on our side of Shannon, which I believe is included in the next planned phase associated with Shannon.

As for the existing options presented to the Council regarding bike lanes and sidewalk, my wife and I are opposed to the use of any Bollards. This is a residential street, and they just are not necessary. I am an avid cyclist and also a real estate professional who helps buyers and sellers in Los Gatos. From a cycling perspective, the Bollards are arguably more dangerous than not having them at all. If I were cycling and accidentally hit one, the chances of me and other cyclists falling into traffic is much more likely than if the Bollards didn't exist at all. Without the Bollards, cyclist are more likely to just fall into the bike lane. To my knowledge we have not experienced an incidents of a vehicle vs. automobile, so there is no need to go to the extreme of installing Bollards in a residential community with multi-million dollar private homes is necessary. Honestly, the value of the homes really doesn't matter. We just don't have a justified need to install these in a residential neighborhood. The installation of the Bollards is sure to reduce the attractiveness of Shannon Road and thereby effect property values. We have already suffered a bit from the traffic conditions on Shannon in contrast to some of the streets just off of Shannon and that is why we so much look forward to the speed hump calming to come. We are ADAMENTLY opposed to the Bollards!

I am all for bike and pedestrian safety. This community is unique and very sought after. I would see Bollards at the lowest end of attractiveness and effectiveness for this street. Now the installation of a designated bike lane and side walk totally makes sense and is reasonable. With that said, I have heard in the meetings and other publications there is a chance of some property owners fences and landscaping/vegetation having to be removed to support the project. This is also an area that I feel is not necessary. Many of us have lived here for years without any problems, welcoming pedestrians, cyclists and motor vehicles. Improvements are great, but not at the expense of an individual's property.

Thank you for your consideration.

Mark S. Wyss, Realtor

Proudly Serving Peninsula & South Bay Communities

Compass Real Estate – Los Gatos

Mobile-Text: [REDACTED]

Mark@MarkWyss.com

Cal. BRE# 01926703

Team Wyss - JulieWyss.com

#142 Agent in the County by Real Trends The Thousand, as advertised in the Wall Street Journal

Ranked #39 in California in Transaction Sides

[#27 in SF Bay Area Leading 100](#)

300+ 5-star Reviews On Zillow.com

From: [Clerk](#)
To: [James Mahoney](#)
Cc: [Matt Morley](#); [WooJae Kim](#); [Suyesh Shrestha](#); [Fletcher Parsons](#)
Subject: RE: Oct. 19 city council meeting Shannon Road Project
Date: Monday, October 18, 2021 8:28:09 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Afternoon,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

By copy of this message, your communication is forwarded to the Town Manager, Town Council, Town Engineer WooJae Kim, Special Projects Manager Fletcher Parsons, Assistant Engineer Suyesh Shrestha, and Parks and Public Works Director Matt Morley. Should you have any questions about this project, please contact Fletcher Parsons at (408) 761-4536 or Suyesh Shrestha at (408) 395-1437 or by email.

Thank you once again for contacting the Town of Los Gatos.



Jenna De Long (She/Her) • Deputy Clerk

110 E. Main Street, Los Gatos CA 95030
Ph: 408.399.5730 • Fax: 408.399.5786 • JDeLong@losgatosca.gov
www.losgatosca.gov • <https://www.facebook.com/losgatosca>
Please consider the environment before printing this email.

The information contained in this email pertains to Town business and is intended solely for the use of the individual or entity to whom it is addressed. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, and you have received this message in error, please advise the sender by reply email or phone and delete the message. Please note that email correspondence with the Town of Los Gatos, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt by law.

From: James Mahoney <[REDACTED]>
Sent: Saturday, October 16, 2021 11:55 AM
To: Clerk <Clerk@losgatosca.gov>
Subject: Oct. 19 city council meeting Shannon Road Project

EXTERNAL SENDER

I am a resident and owner on Shannon Road. ([REDACTED])

I would like to respectfully request that the council choose option #1.

If option #3 is the choice please make it without Bollards. Bollards do not belong on a residential street.

Thank you,

James Mahoney

[REDACTED] Shannon Rd.

From: [Clerk](#)
To: [Nelson Gonzalez](#)
Cc: [WooJae Kim](#); [Fletcher Parsons](#); [Matt Morley](#); [Suyesh Shrestha](#)
Subject: RE: Shannon rd project
Date: Monday, October 18, 2021 8:27:13 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Afternoon,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

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From: Nelson Gonzalez <[REDACTED]>
Sent: Friday, October 15, 2021 10:35 PM
To: Clerk <Clerk@losgatosca.gov>
Subject: Shannon rd project

EXTERNAL SENDER

Hello,

My family and I live on [REDACTED] Shannon Rd. We like the project plan and are excited to see the result. We recommend option #1. However, if you choose option #3 please do it without bollards because they are visually unappealing and it doesn't make sense to put them in such a narrow road. Thank you.

Best,
Nelson

From: [Clerk](#)
To: [Ryan Rosenberg](#)
Cc: [Fletcher Parsons](#); [Suyesh Shrestha](#); [WooJae Kim](#); [Matt Morley](#)
Subject: RE: Submission for October 19, 2021 Los Gatos City Council Meeting on The Shannon Road Project
Date: Monday, October 18, 2021 10:35:38 AM

cc: Mayor and Town Council
Town Manager
Town Clerk
Town Engineer
Assistant Engineer
PPW Director
Special Projects Manager

Good Morning,

Thank you for your e-mail received by the Town Clerk. Your communication was received after the October 19 Town Council Meeting agenda and subsequent addendum were finalized for distribution. However, your comments will be included in supplemental materials by way of an additional addendum distributed for the October 19 meeting, and included in the project file.

By copy of this message, your communication is forwarded to the Town Manager, Town Council, Town Engineer WooJae Kim, Special Projects Manager Fletcher Parsons, Assistant Engineer Suyesh Shrestha, and Parks and Public Works Director Matt Morley. Should you have any questions about this project, please contact Fletcher Parsons at (408) 761-4536 or Suyesh Shrestha at (408) 395-1437 or by email.

Thank you once again for contacting the Town of Los Gatos.



Jenna De Long (She/Her) • Deputy Clerk

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From: Ryan Rosenberg [REDACTED] >
Sent: Monday, October 18, 2021 10:31 AM
To: Clerk <Clerk@losgatosca.gov>
Subject: Submission for October 19, 2021 Los Gatos City Council Meeting on The Shannon Road

Project

EXTERNAL SENDER

Dear Los Gatos Town Clerk,

At the October 14 Transportation Commission meeting Town Engineer WooJae Kim stated that the recommendation from his department would be Shannon Road "Concept #3 with Concept #1 as an alternative if the council thinks that it would be more acceptable to residents."

A petition was circulated among the residents of Shannon Road (plus a few houses who touch Shannon Road or directly impacted by the project). Although they only had 72 hours to respond - and some residents are away - a large number did respond.

And the universal response was: "I Request The Council Choose Option #1 For the Shannon Road Project"

Here are the names and addresses of those who responded:

Andrew Horwitz [REDACTED] Shannon Road

Cheri Finalle Binkley [REDACTED] Shannon Road

Christine Brokaw
[REDACTED] Shannon Road

Danielle Ratliff
[REDACTED] Shannon Road

James Mahoney
[REDACTED] Shannon Road

Jimmy Yip
[REDACTED] Shannon road

Maria Gerst
[REDACTED] Shannon Rd

Mark Bony

████████ Shannon Road

Matt Wander

████████ Robie Lane

Michael Nyland

████████ Englewood Ave.

Chenin Anita Engelman

████████ Englewood Ave.

Mojgan Khalili

████████ Shannon Road Los Gatos

Rob Virk

████████ Shannon Road

Ryan Rosenberg

████████ Shannon Road

Sheila Bony

████████ Shannon Road

Simon Lonsdale

████████ Shannon Rd

Varun & Pooja

████████ Shannon Rd

Carlos Gomez Uribe

████████ Englewood Ave

Deanna Dresti

████████ Robie Lane

Mark Wander

████████ Robie Ln

Mitchell Wander

██████ Robie Lane

Interpreting the Results

Residents were presented with 3 choices; the universal preference is for Option #1. We have not (yet) found a single resident who supports option #3.

This project has gone through major changes in the past couple of months and it is clear many residents were not aware of the final details.

This petition does not make it clear exactly what specific issues cause residents to make this unified statement (looks of the street, questions about required changes, parking, getting deliveries, and so on).

I suggest we give residents another chance to work with the engineers, to give their input, and to get questions answer on the current proposals. There may well be a way to modify the proposals so that many of the residents are more comfortable and the goals of the project are still met. Most residents (and quite possibly all) are in favor of the general goal: to make Shannon Road safer.

Shannon Road speaks with one voice: residents oppose voting YES on the current proposal #3 without any modifications.

Regards,

Ryan Rosenberg



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 7

DESK ITEM

DATE: October 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Staff Recommends the Following Actions for the Shannon Road Pedestrian and Bikeway Improvements (CIP No. 813-0218):
a. Approve Design Concept 3 and Authorize Staff to Proceed with the Final Design; and
b. Approve the Recommended Funding Strategy

Attachments Received with the Staff Report:

1. Public Comment received through 11:00 a.m. on October 14, 2021.

Attachments Received with previous Addendum:

2. Public Comment received between 11:01 a.m. Thursday, October 14, 2021, and 11:00 a.m. Friday, October 15, 2021.

Attachments Received with previous Addendum B:

3. Public Comment received between 11:01 a.m. Friday, October 15, 2021, and 11:00 a.m. Monday, October 18, 2021.

Attachments Received with this Desk Item:

4. Public Comment received between 11:01 a.m. Monday, October 18, 2021, and 11:00 a.m. Tuesday, October 19, 2021.

PREPARED BY: WooJae Kim
Town Engineer

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

From: [REDACTED]
Sent: Monday, October 18, 2021 12:13 PM
To: Clerk <Clerk@losgatosca.gov>
Cc: [REDACTED]
Subject: Fwd: Shannon Road Project

EXTERNAL SENDER

Dear Clerk

In looking at what I sent a few minutes ago please disregard and remove second page of attachment containing draft note.

Thanks

Glenn Lyles

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

From: [REDACTED]
To: clerk@losgatosca.gov <clerk@losgatosca.gov>
Cc: [REDACTED]
Sent: Mon, Oct 18, 2021 12:06 pm
Subject: Shannon Road Project

Please forward attached to Town Council for October 19 mtg.

Date: October 18, 2021
To: Los Gatos Town Council
From: Glenn and Karen Lyles, [REDACTED] Shannon Road
Subject: October 19, 2021 Council Meeting "Shannon Road Project"

We have lived on Shannon Road in a house that belonged to my wife's grandfather for over 50 years, we raised five children, all attended and graduated from Los Gatos High School, including my wife a "few years" before. Looking closely down Shannon Road, from Robie Lane toward Blossom Hill Park there is a mix of older houses and newer houses. Some have sidewalks and some do not. Shannon Road and adjacent streets all reflect the same small town character the Towns General Plan is trying to preserve and why we have loved living on Shannon Road all these years. We recognize the number of vehicles has increased, as well as their speed and safety, especially for students walking and biking to school, needs to be addressed.

Bollards

In looking at the Town's General Plan the Shannon Road area is designated "Low Density Residential" except for the Los Gatos Blvd. section, which is designated mixed use commercial. When a neighbor showed a picture of the "bollards" now being considered for the "Shannon

Road Project” we were appalled that anyone would think about defacing our neighborhood with these unsightly plastic posts. Besides, width of the bollard section takes up valuable space. Blossom Hill Road from Roberts Road to Hwy 17 bridge...maybe. To us, these type of bollards are unsightly and have no place on our residential street, especially in front of our house.
Our Position: NO BALLARDS

Parking

Removing all parking on Shannon Road would only increase parking on side streets especially Robie Lane, Englewood Ave. and Magneson Loop. When Orange Theory opened on Los Gatos Blvd. they had less than half the parking required for the number of class participants and staffwhich the Town knew and approved! Although the church offered parking in their lot, students still parked on Robie Lane. Now they park across the street at the defunct wine store. Although the current regulations prohibiting parking “7AM to 6PM, Except Saturday Sunday and Holidays” on Shannon Road isn’t perfect...but it works.
Our Position: Maintain as much parking as possible.

Bike Lanes

Our Position: Add bike lanes as a priority.

Sidewalks

Our Position: Add sidewalks as long a some reasonable approach is taken to preserve parking. In planning sidewalks, design and grades needs to address drainage at the Robie Lane, Shannon Road intersection due to flooding during storms caused by inadequate drainage from church parking lots onto Robie Lane. When flooding occurs students are forced to walk and bike, at times, into the middle of Shannon Road. (There should be two storm drains since water from the Church lots comes down both sides of Robie Lane.

Glenn and Karen Lyles

We have lived on the corner of Shannon Road and Robie Lane for 50+ years. We bought our home, which belonged to Karen’s Grandfather, from his estate and we raised our 5 children on this property. I (Karen) was born here and was raised on Englewood Avenue. Our intent was to live in a small town, rural atmosphere and raise our children in the same way we grew up. I (Karen) attended school in Los Gatos from Kindergarten through High School and all 5 of our children did as well.

From: Peter Binkley [REDACTED]
Sent: Monday, October 18, 2021 12:07 PM
To: Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>
Subject: Shannon Rd. Pedestrian/Bikeway Improvement

EXTERNAL SENDER

Hello,

I live on Shannon Rd at Englewood Ave. I bike to work and my kids walk or bike to school. I chair the Blossom Hill Safe Routes To School Committee and know very personally how sorely this road needs sidewalks and bikeways.

Our community does **NOT like the appearance of the plastic bollards featured in Option 3**. When polled, residents so far unanimously would like them removed from the plan. We completely support prioritizing safety above all else- but we do not think beauty and safety are mutually exclusive.

I wonder if you would be willing to consider a 4th option, which is sort of a modified Type 1 Bikeway, which captures the spirit of the Type 1 bikeway (as originally planned in the Connect LG Master Plan), and fixes the shortcomings. The idea is, to have a uni-direction bike/pedestrian path (essentially a wide sidewalk with a line down the middle, painted for pedestrians on the right side and both pedestrians and bikes on the left). The bike lanes in the street could then be eliminated to make more room for planting strips and parking. We bicyclists could then bike amongst pedestrians as we do on the creek trail, but bikes go one direction on each side of Shannon.

Otherwise we support Option 1, as had originally been proposed at our 1st community meeting. The CST Committee acknowledged that the bollards are not proven to provide safety. We do not think they encourage people to get out to walk/bike. It looks somewhat like an airport tarmac, and certainly does not conform to the look and feel of our neighborhood.

Thank you for your work on this important project,

Peter Binkley
[REDACTED] Shannon Rd., LG
[REDACTED]

From: Cheri Finalle [REDACTED]
Sent: Monday, October 18, 2021 9:31 AM
To: Matt Morley <MMorley@losgatosca.gov>
Subject: Shannon Road

EXTERNAL SENDER

I am writing to you, to beg that you for support of **Plan 1 NOT Plan 3** for Shannon Road at the Town Council Meeting Tuesday. Or best yet, that the Town **send the project back to Planning** to work more with the community.

Please do not put plastic bollards in front of your neighbors' homes. This is not a commercial area. These are people's homes. And we are terrified of having a super wide road and tons more pavement. *My small kids cross this road regularly to play with their friends.*

As a parent of small children and being in a family that bike commutes, I was so excited about upgrading Shannon Road. The very initial plans were for Type I bike lanes like LG Creek Trail. Having grown up in another state in a Master Plan Community I was thrilled at the safety and beauty of having such nice wide sidewalks similar to my previous home. However this year we learned that that would not be an option.

The **problems** with Plan 3:

1. Lack of any greenscape or planting strips:

It removes almost all the plants/trees/landscaping that people have put in. Preserve some of this beauty.

The plan adds tons of cement/pavement without using planting areas.

2. Complete lack of street parking.

Older homes have very little garage space.

Parking will spill into side Streets like Englewood that already dangerous for kids (it's a traffic but through to avoid LG Blvd).

More people leaving driveways is a *safety risk*.

Even deliveries will add to traffic as there will be nowhere to pull over.

3. Presence of green traffic posts/bollards.

These are not present anywhere else in LG on a residential road in front of homes.

No one wants to bike commute in a commercial area that appears unsafe. Beautiful green roads promote walking/biking.

These quickly look aged (some are already knocked over on BH)

Some use these as a slalom course and we already have a problem with late night speeders.

They can give a false sense of safety.

They are not present anywhere else in Los Gatos in front of homes.

They are for commercial areas and airports.

4. Too wide bike lanes compared to green space & sidewalks

Most child commuters in this area are too young to bike in a bike lane anyways.
No need to have such wide lanes if the lane is separated with greenery and parking.

Again I am absolutely begging that you consider the home owners. Imagine you lived here. Please do not put commercial bollards in front of my home. Please do not make Shannon Road wider. But absolutely make sidewalks and a safe place for all - just consider the aesthetics. There are solutions that allow for both.

PLEASE support Plan 1 or send this plan back to planning.

PLEASE do not make Shannon Road the first residential street with bollards in front of homes.

Respectfully,
Cheri Finalle Binkley
[REDACTED] Shannon Road
[REDACTED]

From: Ryan Rosenberg [REDACTED]
Sent: Tuesday, October 19, 2021 9:34 AM
To: Clerk <Clerk@losgatosca.gov>
Subject: Addition to Yesterday's Shannon Road Petition

EXTERNAL SENDER

Dear Los Gatos Town Clerk,

I would like to make a few additions to the petition submitted yesterday regarding the Shannon Road Street project.

Since yesterday some additional residents have joined the petition:

Peter Binkley [REDACTED] Shannon Rd

Kathleen Romero [REDACTED] Shannon Rd

Also I wanted to clarify what residents chose. Out of the 22 residents who (so far) have filled in the petition:

86% selected: "I request the council choose option #1"

13% selected: "Any option but No Bollards"

Clearly the vast majority of residents prefer option #1.

And all residents are united in rejecting option #3 as it stands today.

I urge you to follow the recommendation of the Town Engineer: "Concept #1 as an alternative if the council thinks that it would be more acceptable to residents."

Thank you,

Ryan Rosenberg

From: Andrew Horwitz [REDACTED]
Sent: Monday, October 18, 2021 10:00 PM
To: Clerk <Clerk@losgatosca.gov>; Matt Morley <MMorley@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>
Cc: Traci Horwitz (ICE) [REDACTED] Ryan Rosenberg [REDACTED] Cheri Finalle [REDACTED] Fletcher Parsons <FParsons@losgatosca.gov>; WooJae Kim <WKim@losgatosca.gov>; Suyesh Shrestha <SShrestha@losgatosca.gov>
Subject: Slide deck and information Shannon Road Council meeting on 10/19

EXTERNAL SENDER

Hello Los Gatos Town Council, Town Clerk, Director of Public Works and Engineering Team,

I know each resident has limited time to speak tomorrow night at the board meeting, and I believe pictures can help tell a more powerful story and provide a more first hand perspective to the community and council. Thus, I put together this deck to help illustrate some of the points I made in my email from Sunday. My hope is that these slides further help to facilitate a productive discussion at tomorrow's meeting.

If possible please review slides, they are pictures with some commentary which I hope you will find helpful. I am very supportive of adding a bike lane and sidewalk to Shannon Road, but do ask that we are pragmatic and balance the impact to the whole community and recognize how much increased safety would be created by adding speed bumps and simply using the very wide existing shoulders. Plus, I believe we can be more fiscally responsible with a pragmatic approach.

Thank you for your time and consideration. I am sending the slides to the Town Clerk as well to include in the record and request to present these slides during my three minutes.

Best regards,

Andy Horwitz

Resident: [REDACTED] Shannon Road

Shannon Road Bike Path Concerns

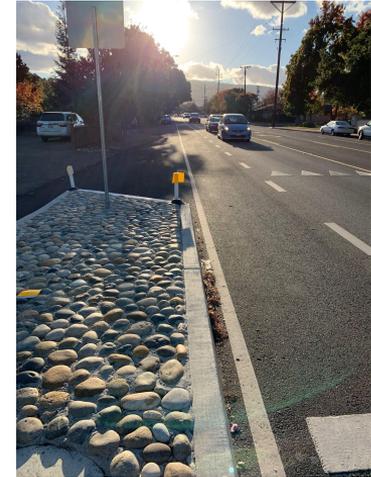
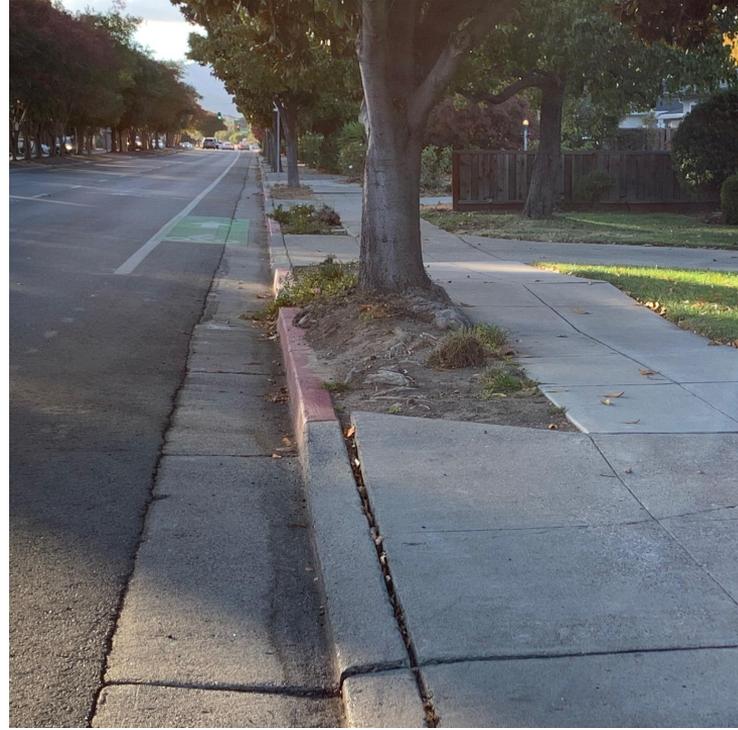
Safety for Students
Community for Neighborhood

Providing Shannon Road with sidewalks and bike lanes will increase student safety.
Proposal #1 or something simpler can accomplish this



ing walkers: Within current open space. There is plenty of room in existing space.
s more the 10-12' needed?
Kids are on their phones, Bollards create risks not safety

Higher Traffic Areas have 4ft bike lanes
Why does Shannon need more?



LG Blvd at Shannon Road: 4 ft Bike lane,
no bollards
Not residential, higher traffic volume
and speed

Blossom Hill Road at Cherry Blossom:
4 ft side walks, 4 ft bike lane, no bollards.
Residential, higher traffic and speed

LG Almaden at Cherry Blossom.
5 ft bike lane, no bollards,
residential, higher traffic and
speed



Page 95
South Road is a residential street,
boundaries don't below here

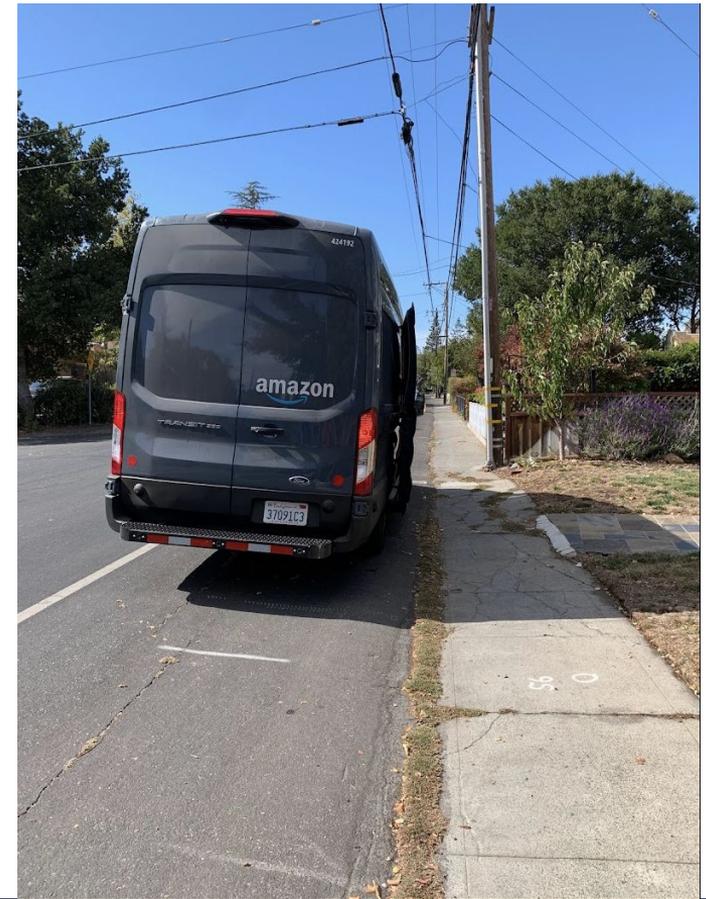
Adding a bike lane is already
a huge safety benefit

Speed bumps will be biggest
safety improvement



Bollards will cause delivery trucks and trash trucks to block Shannon road creating risks of cars going around this big vehicles

Residents get deliveries and have service providers daily home cleaners, plumbers, etc. Proposal 3 makes these much more difficult



Resident do park on the street on weekends and nights
Removing street parking lowers home value



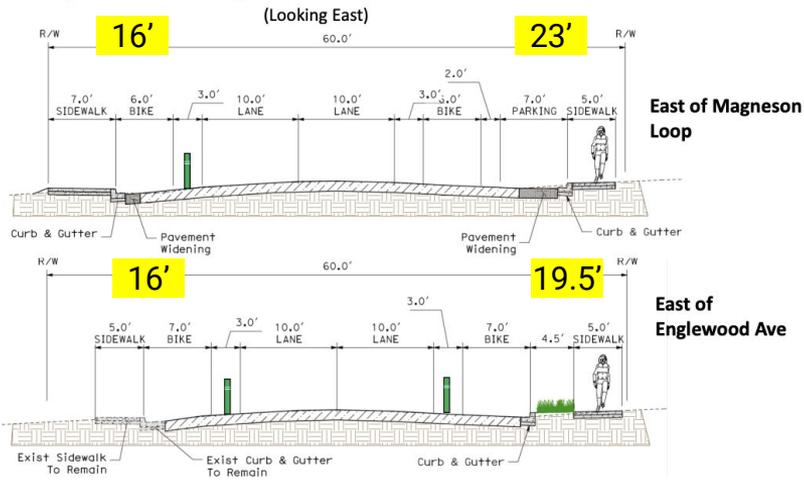
Page 98 and parking used by residents. Showing width of car and pedestrians.
EXISTING shoulder provides ample room for pedestrian and biker safety



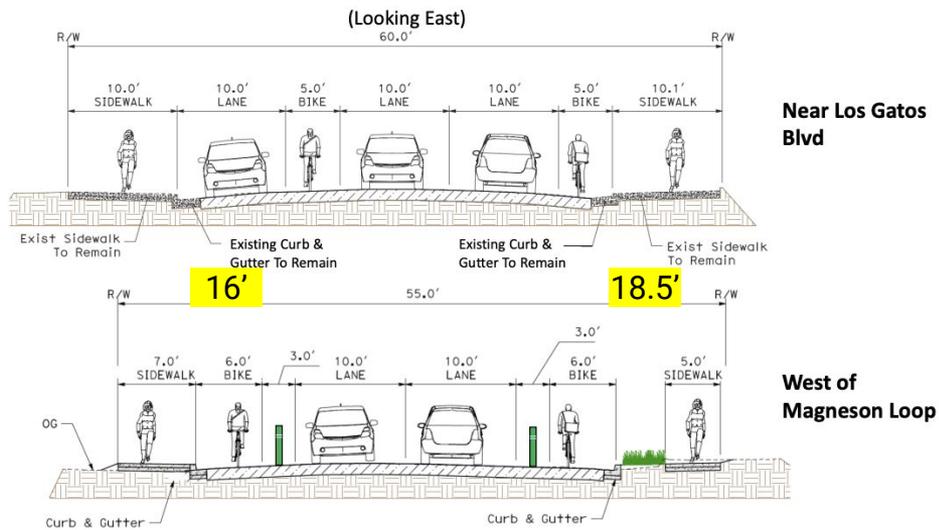
Page 99 ; used on Englewood. Shannon residents don't use as often because of school safety and current regulation. Please don't make the situation worse



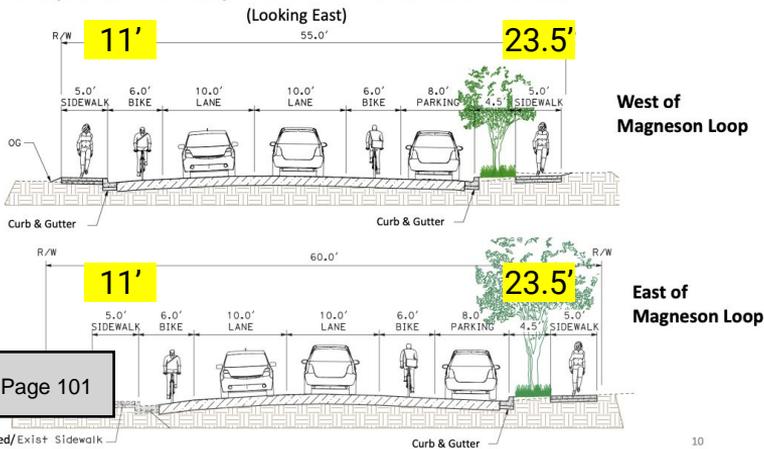
Concept 3 – Proposed Cross-Sections



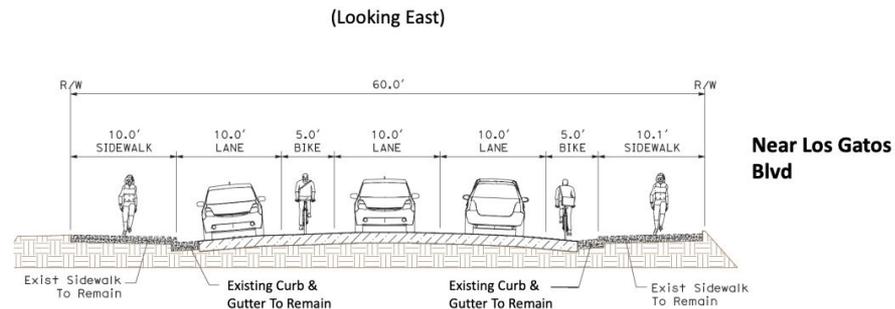
Concept 3 – Proposed Cross-Sections



Concept 1 – Proposed Cross-Sections



Concept 1 – Proposed Cross-Sections



Impact to Residents

Impact to Community

Recommendation

Summary of Concerns:

Focus on all aspects of kid safety and the Los Gatos community feel

The proposal for Class IV with Bollards is not needed and not desired by the community and residents. Shannon Road is not a high speed traffic zone.

The bollards do not match the ambiance of Residential Shannon Road

Proposal #3 does unnecessary harm to resident property aesthetics and home value

It seems unlikely that proposal #3 has accurately included costs of changes to private property

Recommendation:

Add speed bumps as soon as possible

No bollards in any plan

Use Concept #1 and alter to minimize impact to property owners at the trade-off of more limited parking

Keep sidewalks to maximum of 5' and bike lane to maximum of 6'

Keep residential street view in tact and significantly enhance child and pedestrian safety from current state

Personal Appeal and Concerns

Horwitz Resident
16653 Shannon Road

Uncertainty on plans
Specific concerns for our property
Destruction of curb appeal
True cost of project, all required changes
Daily impact to resident use



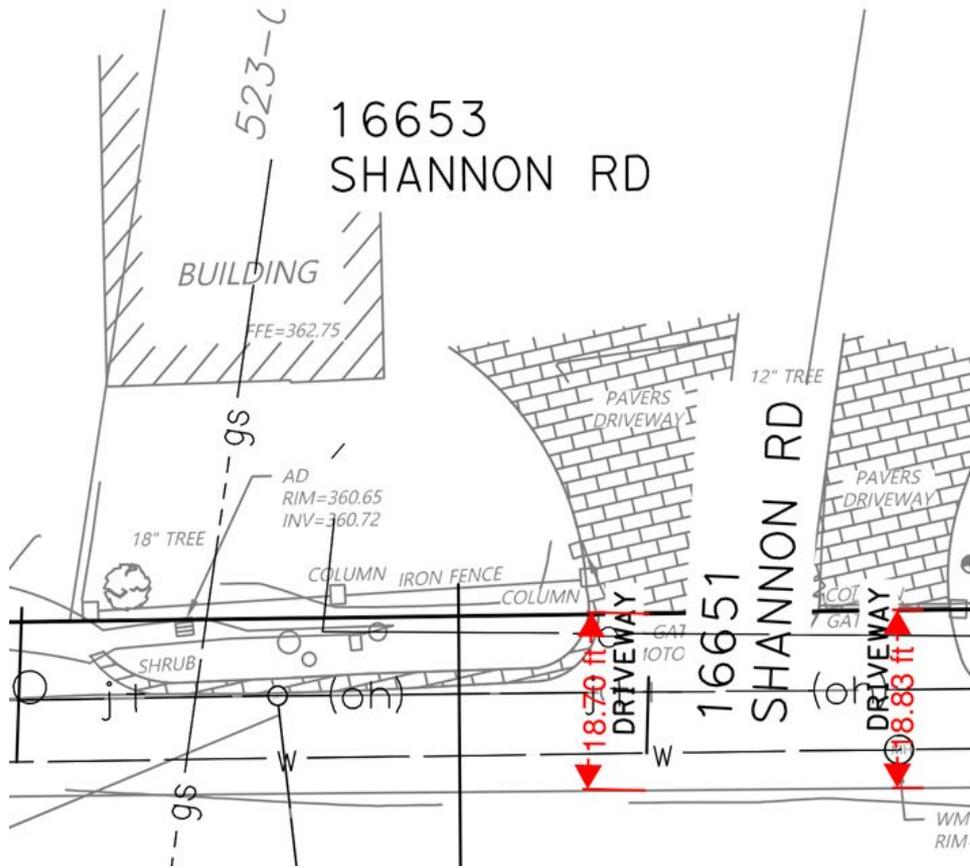
The current plan will significantly alter front appearance of property

Have these costs accurately been incorporated into plan?

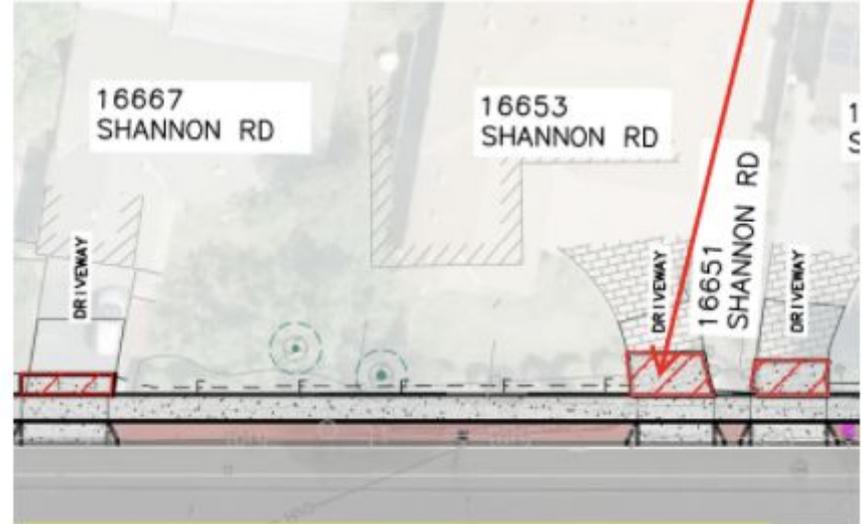


We believe there is plenty of room with existing shoulder. Front landscaping is part of property.

The current plan will significantly alter front appearance of property



Area of Driveway Reconstruction to Transition existing Driveway to New Sidewalk.



Impact not clear, but a significant impact to current property. Concerns on what remains and additional changes required to preserve street appeal. We are not the only one with this concern.





ty line should be verified in front. House landscaping has been in place for 17 years.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 8

DATE: October 11, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive an Update on the Implementation of the Town Council Accepted Ad Hoc Wildfire Committee Report

RECOMMENDATION:

Receive an update on the implementation of the Town Council accepted Ad Hoc Wildfire Committee Report.

BACKGROUND:

On December 1, 2020, the Town Council accepted the Ad Hoc Wildfire Committee Report (Attachment 1). The report was the culmination of peer reviewed best practices, lessons learned from recent California fires, mitigation characteristics unique to Los Gatos, and significant input from the Santa Clara County Assistant Fire Chief. The report was structured around five primary strategic goals accompanied by relevant action items. The identified goals in the report appear sequentially in their order of initial priority focus. Goal sequencing is not intended to reflect attainment of one goal prior to initiating another but rather a function of prioritizing protection of life followed by property and the environment. It should be noted that goals and many action items are anticipated to often be addressed concurrently. Following are the identified goals of the Committee:

- Emergency Communication
- Emergency Evacuation
- Roadside Fuel Reduction
- Open Space and Residential Land Management
- Emergency Partnerships

PREPARED BY: Arn Andrews
Assistant Town Manager

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

BACKGROUND (continued):

In addition to the sequencing of goals, action items were individually ranked into either Priority 1 (within two years) or Priority 2 (within three to five years). The priority ranking of action items is a byproduct of establishing reasonable and attainable actions as opposed to signifying certain action items are less important than others.

At the conclusion of the meeting, Council asked staff to report back in a year and provide an update on the progress of report goals and action items.

DISCUSSION:

Following is a discussion of the identified goals and corresponding progress to date on relevant action items:

GOAL: All residents should receive emergency communications in a timely manner.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Maximize the use of Nixle/AlertSCC and ensure that existing communication systems are fully utilized.</p> <p>Update - On July 24, 2021, the AlertSCC emergency notification system was utilized to notify preestablished participating residents during a mock evacuation drill. Approximately 50 hillside households and participating volunteers were contacted during the drill.</p>	<p>Priority 1 – within 2 years</p>
<p>Increase resident adoption of Town social media platforms and SCCFD Twitter feed.</p> <p>Update – Since December 2020, staff has significantly increased wildfire mitigation/preparedness messaging on the Town’s social media platforms.</p> <p>Nextdoor: 17 posts with a total impression count of 34,857 Facebook: 26 posts with a total post reach of 4,180 Instagram: 20 posts with a total reach of 9,188</p>	<p>Priority 1 – within 2 years</p>

DISCUSSION (continued):

<p>Explore additional non-cell/internet reliant emergency communication systems (e.g., siren system).</p> <p>Update – The Town is in the early research phase of audible notification options. Particular attention is being given to systems that can clearly annunciate voice messages at loud volumes as opposed to blasts or other sounds.</p>	<p>Priority 1 – within 2 years</p>
<p>Increase SCCFD Ready, Set, Go Programs in Town</p> <p>Update – Staff routinely cross promotes all Santa Clara County Fire Department (SCCFD) Ready, Set, Go promotional programs on the Town’s social media platforms.</p>	<p>Priority 1 – within 2 years</p>
<p>Explore adding electronic message boards in front of fire stations and possibly police station.</p>	<p>Priority 1 – within 2 years</p>

GOAL: To the greatest extent feasible, create and maintain conditions necessary for efficient and effective evacuations.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Identify and explore the development of roadside and other Temporary Refuge Areas (TRAs) throughout the WUI.</p>	<p>Priority 1 – within 2 years</p>
<p>Assess and address evacuation feeder routes leading out of the WUI throughout Los Gatos.</p> <p>Update – SCCFD implemented Zonehaven in the Town starting September 2021. The Town is currently segmented into 16 unique zones based on an assessment of roadway infrastructure and number of vehicles per zone. In addition, SCCFD initiated the “Know Your Zone” public outreach and has scheduled resident education webinars through March 2022.</p> <p>https://community.zonehaven.com/?latlon=37.21610629166834,-121.91023023106976&z=12&selected=LGA-E019</p> <p>Examine elimination of on-street parking where appropriate</p>	<p>Priority 1 – within 2 years</p> <p>Priority 2 – within 3 to 5 years</p>

DISCUSSION (continued):

<p>Implement reflective home address signage throughout the WUI.</p> <p>Update - The Civic Center Hillside Neighborhood resident group (Foster Road area) recently installed reflective signage in that area.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Study/identify and develop alternate evacuation routes throughout the Wildland Urban Interface (WUI).</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Identify potential road widening, turnout projects throughout the WUI. Develop a multi-year project to implement needed improvements.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop plan to practice annually simulated evacuations in WUI neighborhoods.</p> <p>Update - On July 24, 2021, Los Gatos-Monte Sereno Police Department in conjunction with County Fire, Community Emergency Response Team (CERT) and Disaster Assistance Response Team (DART) staged a mock evacuation drill due to wildfire. The drill involved volunteer community members along Tourney Loop, Highland Terrace, and Foster Road. Approximately 50 hillside households joined the drill. The AlertSCC emergency notification system was utilized to notify participating residents of this mock evacuation. All participants were evacuated to the Calvary Church parking lot and debriefed lessons learned from the exercise.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Leverage SCCFD Zonehaven GIS platform for the planning/implementation of evacuations.</p> <p>Update – SCCFD implemented Zonehaven in the Town starting September 2021. The Town is currently segmented into 16 unique zones based on an assessment of roadway infrastructure and number of vehicles per zone. In addition, SCCFD initiated the “Know Your Zone” public outreach and has scheduled resident education webinars through March 2022.</p> <p>https://community.zonehaven.com/?latlon=37.21610629166834,-121.91023023106976&z=12&selected=LGA-E019</p>	<p>Priority 2 – within 3 to 5 years</p>

DISCUSSION (continued):

GOAL: Vegetation along primary hillside roadways should be maintained to achieve a clearance of 20 feet horizontally and 13 feet six inches vertically above roadways, as well as clearance of non-fire-resistant vegetation within 10 feet of the roads.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Complete current 11-mile Fuel Reduction project by February 28, 2021.</p> <p>Update - In November 2020, the Town initiated the project with \$500,000 in Town funding to complete 6.5 miles of the highest priority project roadways. Council allocated an additional \$500,000 for FY 2021/22 toward the remaining highest priority project roadways to begin December 2021.</p> <p>In addition, staff secured \$750,000 in federal earmark funding toward furtherance of the project.</p>	<p>Priority 1 – within 2 years</p>
<p>Develop a plan to ensure that the 31.09 miles of highest roadway concern identified in Exhibit 2 achieve a 6-year management cycle (5 miles per year).</p>	<p>Priority 1 – within 2 years</p>
<p>Identify/map all private roadways in the WUI.</p>	<p>Priority 1 – within 2 years</p>
<p>Work with residents to educate and implement vegetation management practices for these private properties.</p> <p>Update – Staff successfully secured \$2.0 million in State funding to implement a pilot defensible space Wildland Fire Specialist Program to be implemented and overseen by SCCFD.</p> <p>In addition, staff developed a dedicated Town webpage to wildfire education “Be Wildfire Ready”.</p> <p>https://www.losgatosca.gov/2581/Be-Wildfire-Ready</p>	<p>Priority 2 – within 3 to 5 years</p>

DISCUSSION (continued):

GOAL: Ensure that all public and private property owners are maintaining the mandated defensible spaces.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Conduct annual defensible space inspections and enforce compliance with state and local fire codes.</p> <ul style="list-style-type: none"> • Develop strong neighborhood relationships to educate all property owners of their defensible space obligation. • Partner on a pilot Wildland Fire Specialist program to develop relationships with Very High Fire Hazard Zone homeowners and drive compliance through education and inspection. • Educate residents about Home Ignition Zone (HIZ) inspection program. • Explore region partnership with SCCFD fuels crews (once developed) and defensible space inspectors. <p>Update – Staff successfully secured \$2.0 million in State funding to implement a pilot defensible space Wildland Fire Specialist Program to be implemented and overseen by SCCFD.</p> <p>In addition, staff developed a dedicated Town webpage to wildfire education “Be Wildfire Ready”.</p> <p>https://www.losgatosca.gov/2581/Be-Wildfire-Ready</p>	<p>Priority 1 – within 2 years</p> <p>Priority 1 – within 2 years</p> <p>Priority 1 – within 2 years</p> <p>Priority 2 – within 3 to 5 years</p>
<p>Explore SCCFD performing defensible space citation function.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop private driveway fuel reduction initiative</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop Eucalyptus eradication plan for Town property within the Wildland-Urban Interface (WUI).</p>	<p>Priority 1 – within 2 years</p>
<p>Develop incentive program (cost share) for residential Eucalyptus removal possibly utilizing tree replacement fund.</p>	<p>Priority 2 – within 3 to 5 years</p>

DISCUSSION (continued):

Develop policy for prohibition of highly flammable plants for new construction within the WUI.	Priority 1 – within 2 years
Develop Community chipping program	Priority 2 – within 3 to 5 years

GOAL: Ensure all regional partners are implementing consistent land management practices to reduce wildfire risk on their properties and right-of ways.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Work with neighboring cities of Monte Sereno and Saratoga to coordinate mitigation efforts and jointly advocate for the continuation and increased vegetation management among Town partners.</p> <p>Update - Staff successfully secured \$2.0 million in State funding to implement a pilot defensible space Wildland Fire Specialist Program to be implemented and overseen by SCCFD.</p>	Priority 1 – within 2 years
Ensure timely communications between the Town and these entities regarding activities that may affect another partner’s land management.	Priority 1 – within 2 years
Explore regional projects outlined in CWPP for possible grant funding.	Priority 2 – within 3 to 5 years

CONCLUSION:

Receive the Town Council adopted Ad Hoc Wildfire Committee Report update and provide any additional direction to staff.

COORDINATION:

This staff report has been coordinated with the Town Manager, Town Attorney, and Parks and Public Works Director.

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SUBJECT: Ad Hoc Wildfire Committee Report Implementation

DATE: October 11, 2021

FISCAL IMPACT:

None

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Ad Hoc Wildfire Committee Report

Town of Los Gatos Ad Hoc Wildfire Committee Report

December 1, 2020



Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Prepared by
Ad Hoc Wildfire Committee

Coordinated with
Santa Clara County Fire Department

ATTACHMENT 1

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Committee Introduction and Goals

Los Gatos is listed as a Community at Risk from wildfires on the Federal and the California Fire Alliance list of Communities at Risk in Santa Clara County. Wildfires occur in the vicinity of Los Gatos and present a significant danger to people and property within the Town. The Town of Los Gatos considers wildfire mitigation to be a top tier priority for the safety of its citizens and an economic imperative.

Recognizing this significant risk, the Los Gatos Town Council convened an Ad Hoc Wildfire Committee to study a broad variety of wildfire mitigation policy and project options to improve the Town's wildfire resiliency. The Committee consisted of Mayor Marcia Jensen, Vice Mayor Barbara Spector, Assistant Fire Chief Brian Glass, Community Member Rob Stump, Community Member Brad Gordon, Assistant Town Manager Arn Andrews, and Parks and Public Works Director Matt Morley. Mr. Stump chaired the Committee.

The Committee's goal was to identify a variety of mitigation strategies that could be implemented within the next two years and three to five-year timeframes, and collectively identify strategies that may assist in reducing wildfire risk while improving community preparedness in response to wildfire. The Committee examined best practices of similar communities within the Wildland Urban Interface (WUI), lessons learned from recent fires, and other relevant areas of wildfire science. The following report identifies areas for emphasis of future Council wildfire mitigation efforts.

This report describes the Los Gatos WUI and then identifies specific mitigation topics. For each topic, goals, action items, and metrics are identified.

Key Terms

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

Hillside Collector Streets A low-to-moderate-capacity road which serves to move traffic from local streets to arterial roads. Unlike arterials, collector streets are designed to provide access to residential properties.

Home Ignition Zone (HIZ) A concept of the home ignition zone was developed by a retired USDA Forest Service fire scientist in the late 1990s, following some breakthrough experimental research into how homes ignite due to the effects of radiant heat. The HIZ is divided into three zones; immediate (0 to 5 feet), intermediate zone (5 to 30 feet), extended zone (30 to 100 feet).

Temporary Refuge Areas (TRAs) Pre-identified area(s) where firefighters and members of the public can immediately take refuge for temporary shelter and short-term relief in the event that access to an established safety zone is compromised.

Very High Fire Hazard Severity Zone (VHFHSZ) State law requires that all local jurisdictions identify Very High Fire Hazard Severity Zones within their jurisdictions. Inclusion within these zones is based on vegetation density, slope severity and other relevant factors that contribute to fire severity.

Wildland Fire Specialist Conducts inspections for residents living in the high fire hazard areas, providing information, advice, and assistance to property owners. Initiates defensible space surveys and develops and maintains a positive and productive dialog with the community. Identifies and coordinates hazard abatement projects to mitigate the effects of wildfire within the District.

Los Gatos Wildland Urban Interface (WUI)

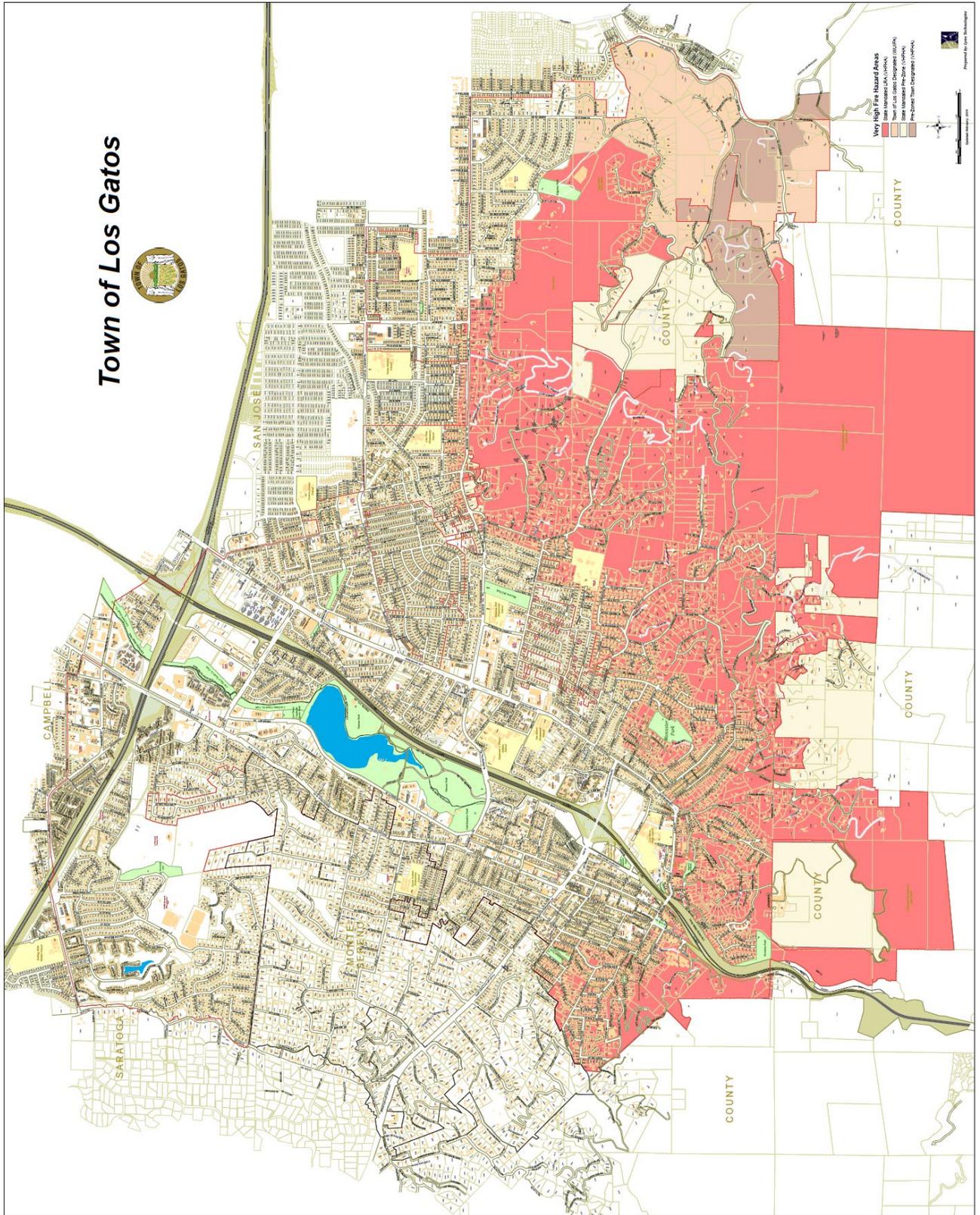
The Wildland Urban Interface (WUI) area is best described as an area that transitions from a natural condition (wildland) to a developed area (urban). Homes and other development in the WUI are at risk of catastrophic wildfire due to the presence of vegetation that could fuel a wildfire. The WUI creates an environment in which fire can move readily between structural and vegetative fuels, increasing the potential for wildland fire ignitions and the corresponding potential loss of life and property.

The Los Gatos WUI planning area includes primarily Very High Fire Hazard Severity Zone areas on the southern side of Los Gatos. The areas shaded in red in Figure 1 illustrate the extent of WUI lands within the Town. Approximately a quarter of the Town's total residences are located within the WUI. Of an estimated 2018 Town total of 13,299 residences, the WUI contains approximately 3,091. In addition, at an estimated 2.2 residents per household the WUI is home to approximately 6,800 residents among a Town total of 30,250.

The majority of the northern perimeter of the WUI tends to be flatter terrain with higher concentrations of residences. To illustrate this residential concentration, 1,784 of the 3,091 residences in the WUI are located within a quarter mile of the northern boundary.

Town currently utilizes preestablished areas for the maintenance and execution of its Community Emergency Response Team (CERT) program. The CERT maps contained in the Appendix also provide a detailed mapping of the Town WUI area, as well as routes of ingress/egress within CERT boundaries.

Figure 1

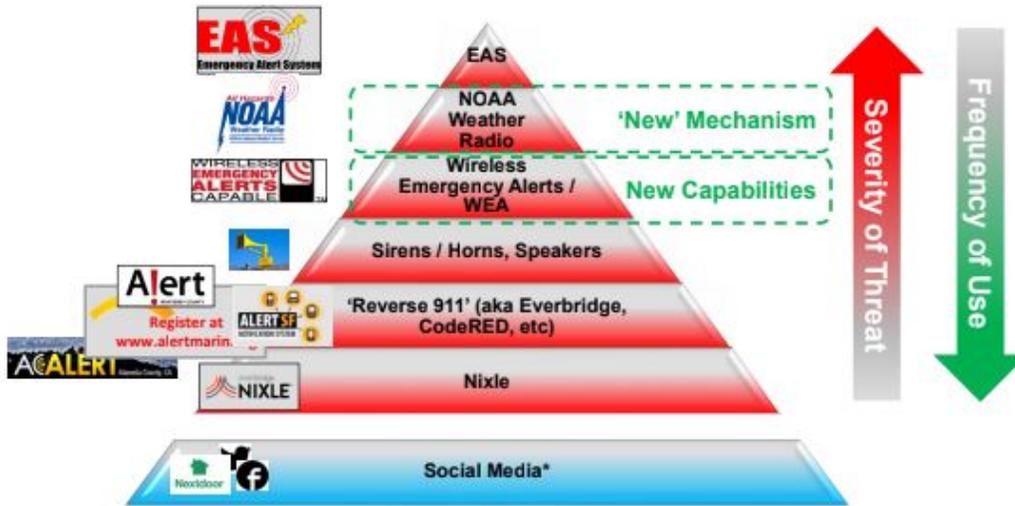


Emergency Communication

In the event of an emergency, it is an inherent responsibility of local government organizations to keep the public informed about natural, human-caused, and technological disasters. Studies show that people rarely act on a single warning message alone. To be effective, warnings should be delivered in various formats across multiple media platforms. The use of multiple platforms helps to increase the reliability of warning delivery, while also providing a sense of corroboration that will encourage recipients to take protective actions. In addition, many emergency subscription platforms are opt-in systems which leave non-adopters out of the information loop. In Los Gatos approximately only 23% of residents (6,942) have opted into the cell notification systems of Alert SCC and Nixle.

As illustrated below many notification systems are dependent on functioning internet and cell service. As evidenced by conditions created by recent fires, neither cell service nor internet service may be relied upon during large scale events, particularly when such an event coincides with a planned Public Safety Power Shutoff (PSPS).

Mass Notification Landscape



GOAL:

All residents should receive emergency communications in a timely manner.

ACTION ITEMS	PRIORITY TIMEFRAME
Maximize the use of Nixle/AlertSCC and ensure that existing communication systems are fully utilized.	Priority 1 – within 2 years

Increase resident adoption of Town social media platforms and SCCFD Twitter feed	Priority 1 – within 2 years
Explore additional non-cell/internet reliant emergency communication systems e.g. siren system.	Priority 1 – within 2 years
Increase SCCFD Ready, Set, Go Programs in Town	Priority 1 – within 2 years
Explore adding electronic message boards in front of fire stations and possibly police station	Priority 1 – within 2 years

METRICS
<ul style="list-style-type: none"> • Percentage of residents opting into Alert SCC and Nixle • Percentage of residents signing up for Town/SCCFD social media platforms • Number of Alert SCC/Nixle promotions per year • Percentage of residents with secondary means of receiving communications • Number of residents receiving Ready, Set, Go trainings in Town per year

Emergency Evacuation

The majority of the Town’s WUI neighborhoods are served by Hillside Collector Streets which serve properties located in hillside areas, carrying traffic to arterial streets and additional neighborhood collectors. Many of these roadways are designed as one-way routes. During emergency events, both emergency responders and evacuees will be attempting to use the same roadways, thereby hindering access for both groups. Due to the critical importance of providing ingress for emergency vehicles and equipment to the fire area while simultaneously allowing egress to residents attempting to evacuate, the Town will evaluate the existing width, grade, and turning radius on these critical routes in order to improve access.

GOAL:

To the greatest extent feasible, create and maintain conditions necessary for efficient and effective evacuations.

ACTION ITEMS	PRIORITY TIMEFRAME
Identify and explore the development of roadside and other Temporary Refuge Areas (TRAs) throughout the WUI.	Priority 1 – within 2 years

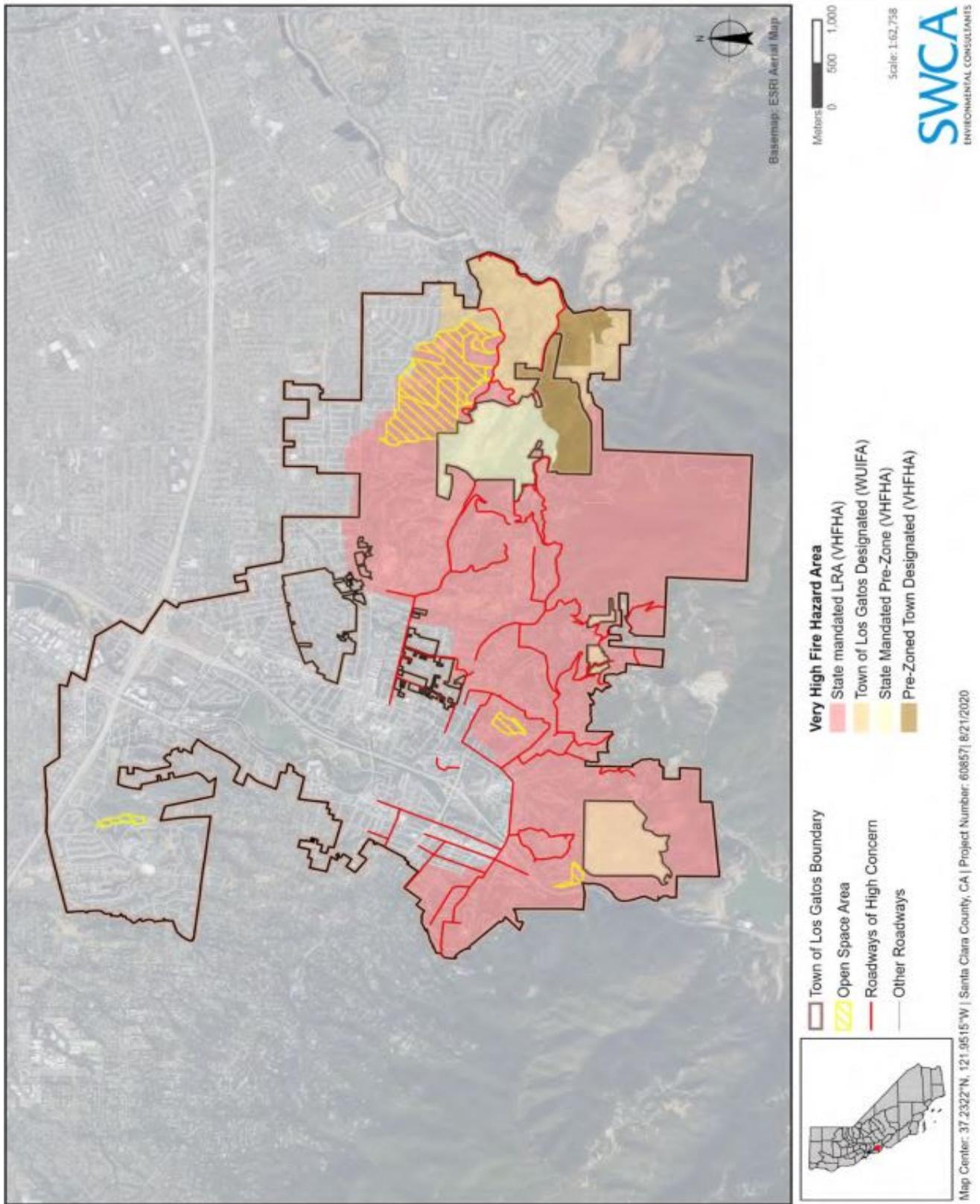
Assess and address evacuation feeder routes leading out of the WUI throughout Los Gatos.	Priority 1 – within 2 years
Examine elimination of on-street parking where appropriate	Priority 2 – within 3 to 5 years
Implement reflective home address signage throughout the WUI.	Priority 2 – within 3 to 5 years
Study/identify and develop alternate evacuation routes throughout the WUI.	Priority 2 – within 3 to 5 years
Identify potential road widening, turnout projects throughout the WUI. Develop a multi-year project to implement needed improvements.	Priority 2 – within 3 to 5 years
Develop plan to practice annually simulated evacuations in WUI neighborhoods.	Priority 2 – within 3 to 5 years
Leverage SCCFD Zone Haven GIS platform for the planning/implementation of evacuations.	Priority 2 – within 3 to 5 years

METRICS
<ul style="list-style-type: none"> • TRAs developed within each of the 7 CERT zones in the WUI • Percentage of WUI roadways with 20 ft of clear width • Percentage of identified WUI roadway improvement projects completed • Number of reflective home signs deployed per year • Number of residents participating in simulated evacuations per year

Roadside Fuel Reduction

Generally, roads are maintained to serve the transportation needs of the public; however, because roadsides are frequently the site of ignition for wildfires and evacuees may need to use the roadways to leave the area even if the vegetation on both sides of the road is on fire. Routes may also be blocked due to consequences associated with an incident including; fallen trees, spot fires, smoke, intense heat, long flame lengths, downed power lines, or vehicle accidents. The following map illustrates 31.09 miles of roadways of highest concern (colored red) for vegetation management.

Figure 2



GOAL:

Vegetation along primary hillside roadways should be maintained to achieve a clearance of 20 feet horizontally and 13 feet six inches vertically above roadways, as well as clearance of non-fire-resistant vegetation within 10 feet of the roads.

ACTION ITEMS	PRIORITY TIMEFRAME
Complete current 11-mile Fuel Reduction project by February 28, 2021.	Priority 1 – within 2 years
Develop a plan to ensure that the 31.09 miles of highest roadway concern identified in Exhibit 2 achieve a 6-year management cycle (5 miles per year).	Priority 1 – within 2 years
Identify/map all private roadways in the WUI.	Priority 1 – within 2 years
Work with residents to educate and implement vegetation management practices for these private properties.	Priority 2 – within 3 to 5 years

METRICS
<ul style="list-style-type: none">• Number of miles of new vegetation management performed per year• Number of continuous miles of vegetation management maintenance per year• Percentage of private roadways mapped• Percentage of private roadway residents contacted per year• Percentage of private roadway residents implementing vegetation management

Open Space and Residential Land Management

California Public Resources Code (PRC) Section 4291 mandates 100 feet of defensible space around structures in high fire severity zones, within which vegetation, debris, and other types of combustible fuels are treated, cleared, or reduced to slow the rate and intensity of potentially approaching wildfire or fire escaping from structures.

The creation of reasonable and adequate Defensible Space focuses on measures to modify and break up hazards created by continuity of available fire fuels, both horizontal (across the ground) and vertical (from the ground up into the crowns of brush and trees). Fuels that exhibit a large degree of both vertical and horizontal continuity are the most hazardous; in particular, when they are on slopes. Thus, mitigation of these fuel sources through clearing and treatment, while simultaneously addressing environmental concerns such as protection of native habitats and the potential for erosion, is

particularly important. In addition to the Defensible Space requirements around structures in the WUI, the Town and other public/private agencies are stewards of large open spaces and undeveloped parkland.

GOAL:

Ensure that all public and private property owners are maintaining the mandated defensible spaces.

ACTION ITEMS	PRIORITY TIMEFRAME
<p>Conduct annual defensible space inspections and enforce compliance with state and local fire codes.</p> <ul style="list-style-type: none"> • Develop strong neighborhood relationships to educate all property owners of their defensible space obligation. • Partner on a pilot Wildland Fire Specialist program to develop relationships with VHFHZ homeowners and drive compliance through education and inspection. • Educate residents about Home Ignition Zone (HIZ) inspection program. • Explore region partnership with SCCFD fuels crews (once developed) and defensible space inspectors. 	<p>Priority 1 – within 2 years</p> <p>Priority 1 – within 2 years</p> <p>Priority 1 – within 2 years</p> <p>Priority 2 – within 3 to 5 years</p>
<p>Explore SCCFD performing defensible space citation function.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop private driveway fuel reduction initiative</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop Eucalyptus eradication plan for Town property within the WUI.</p>	<p>Priority 1 – within 2 years</p>
<p>Develop incentive program (cost share) for residential Eucalyptus removal possibly utilizing tree replacement fund.</p>	<p>Priority 2 – within 3 to 5 years</p>
<p>Develop policy for prohibition of highly flammable plants for new construction within the WUI.</p>	<p>Priority 1 – within 2 years</p>
<p>Develop Community chipping program</p>	<p>Priority 2 – within 3 to 5 years</p>

METRICS

- Number of residential contacts performed by WFS per year
- Number of residential defensible space inspections coordinated by WFS per year
- Percentage of vegetation on Town owned Open Space maintained
- Percentage of WUI residents participating in HIZ trainings per year
- Number of SCCFD fuel crews (once developed) deployed in LG per year
- Number of SCCFD defensible space inspections conducted in LG per year
- Number of private driveways implementing vegetation management per year
- Number of Town Eucalyptus trees removed per year
- Number of residential eucalyptus trees removed per year
- Dollar amount of residential eucalyptus grants per year
- Number of tons community chipping removed per year

Emergency Partnerships

The nature of wildfire spread requires a regional approach to wildfire mitigation. A partial list of governmental and private entities with vegetation management responsibilities appears below. Additional regional partners which provide educational and other assistance in creating community resilience to wildfire are also listed.

Santa Clara County Fire District (SCCFD): Santa Clara County Fire Department is an all-risk fire department and provides fire suppression inclusive of structure and vegetation/wildland fire mitigation, technical rescue operations, emergency medical services (EMS), hazardous materials (HazMat) mitigation, fire prevention, community education and risk reduction services (CERRS), disaster preparedness, community emergency preparedness and service responses.

Pacific Gas & Electric (PG&E): PG&E provides electricity to the Town of Los Gatos, and controls rights-of-way necessary to maintain overhead transmission and distribution lines, many of which run through the WUI areas. The Town collaborates with PG&E to treat vegetation in the WUI along PG&E's electric transmission line right-of-way to increase power reliability and reduce ignition potential and resulting wildland fire hazard.

Santa Clara County Firesafe Council: The Town of Los Gatos supports and collaborates with the Santa Clara Firesafe Council. The Firesafe Council is a non-profit organization that provides resources to coordinate public and private landowners in Santa Clara County to reduce the threat of wildfire.

Santa Clara County Parks: Periodically, the Parks Department makes use of prescribed burns to manage non-native vegetation, reduce fuel loading, promote

biodiversity and native vegetation. The Department also provides training in conducting managed burns and in wildfire fighting techniques and principles.

West Valley Cities: The West Valley cities of Monte Sereno and Saratoga share with Los Gatos a large number of Very High Fire Severity Zones within their borders (see appendices). Because wildfire extends across community borders, an incident in one jurisdiction can be expected to spread to neighboring jurisdictions. Communication between West Valley cities and coordination of wildfire prevention strategies is therefore critical to the prevention of wildfire.

Mid-Peninsula Open Space District (Midpen): Midpen is an independent Special District that manages 26 Open Space Preserves, containing nearly 65,000 acres of public land. In Los Gatos, Midpen manages and maintains significant land holdings along the Town’s southern border (see Appendix). Wildland fire prevention, preparedness, and response are all critical components of Midpen’s ongoing land stewardship which is largely accomplished through the management of vegetation within its preserves in order to reduce the risk and severity of wildfire, with a focus on ecological health and wildland fire resilience.

County Roads, Valley Water, and CalTrans: These regional governmental partners each have properties and rights-of-way within and/or adjacent to the Town of Los Gatos. These agencies must meet a shared specification for roadside fuel reduction and support safety in general.

San Jose Water Company (SJW): San Jose Water is an investor-owned public utility, and is one of the largest urban water systems in the United States, serving over 1 million people in the greater San Jose metropolitan area. It maintains critical infrastructure in Town essential to fire suppression and manages watershed lands near Los Gatos.

GOAL:

Ensure all regional partners are implementing consistent land management practices to reduce wildfire risk on their properties and right-of ways.

ACTION ITEMS	PRIORITY TIMEFRAME
Work with neighboring cities of Monte Sereno and Saratoga to coordinate mitigation efforts and jointly advocate for the continuation and increased vegetation management among Town partners.	Priority 1 – within 2 years
Ensure timely communications between the Town and these entities regarding activities that may affect another partner’s land management.	Priority 1 – within 2 years

Explore regional projects outlined in CWPP for possible grant funding.	Priority 2 – within 3 to 5 years
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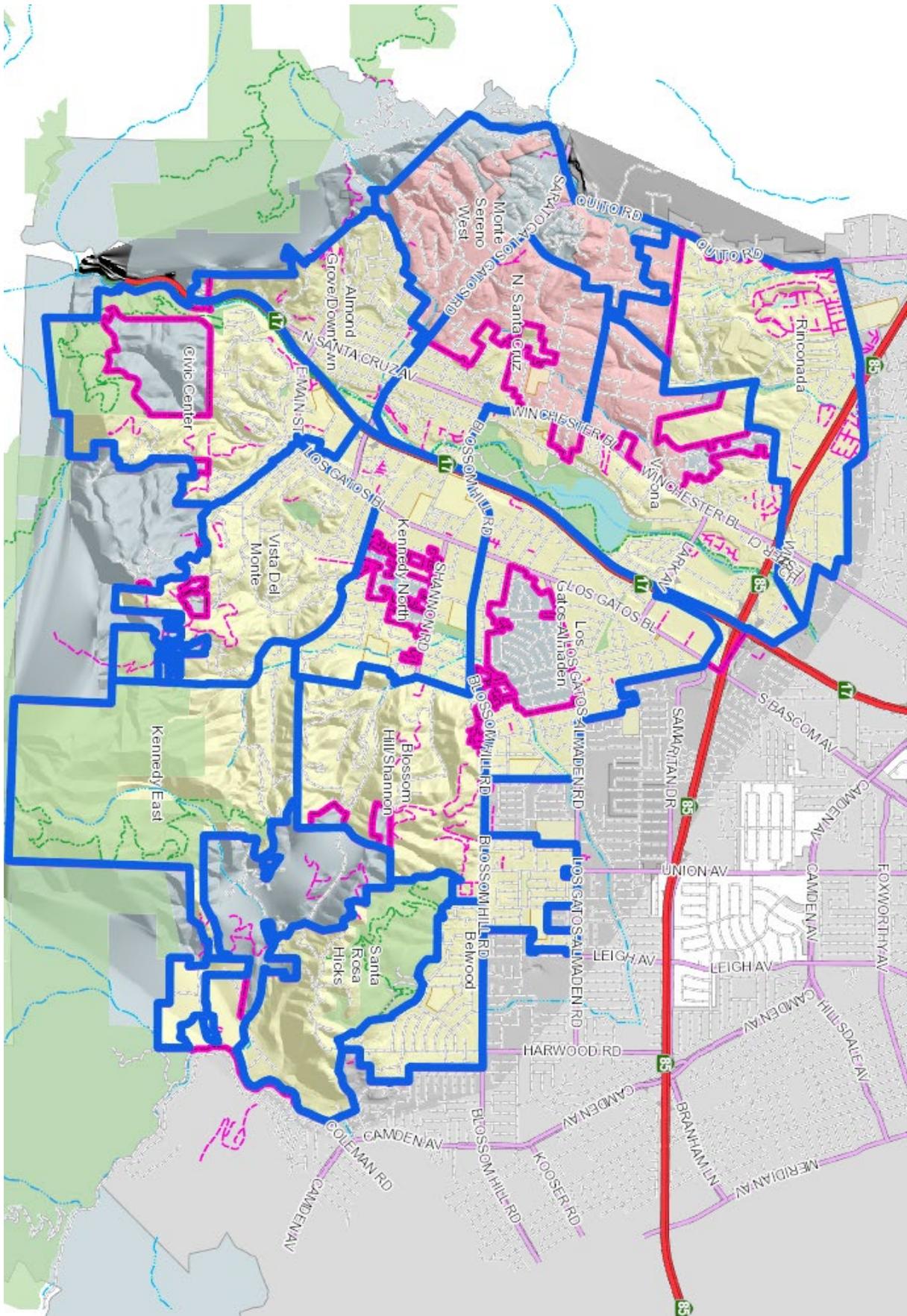
METRICS
<ul style="list-style-type: none"> • Number of coordination meetings per year • \$ amount of grants issued/received • Number of veg mgt miles performed by partner organizations per year

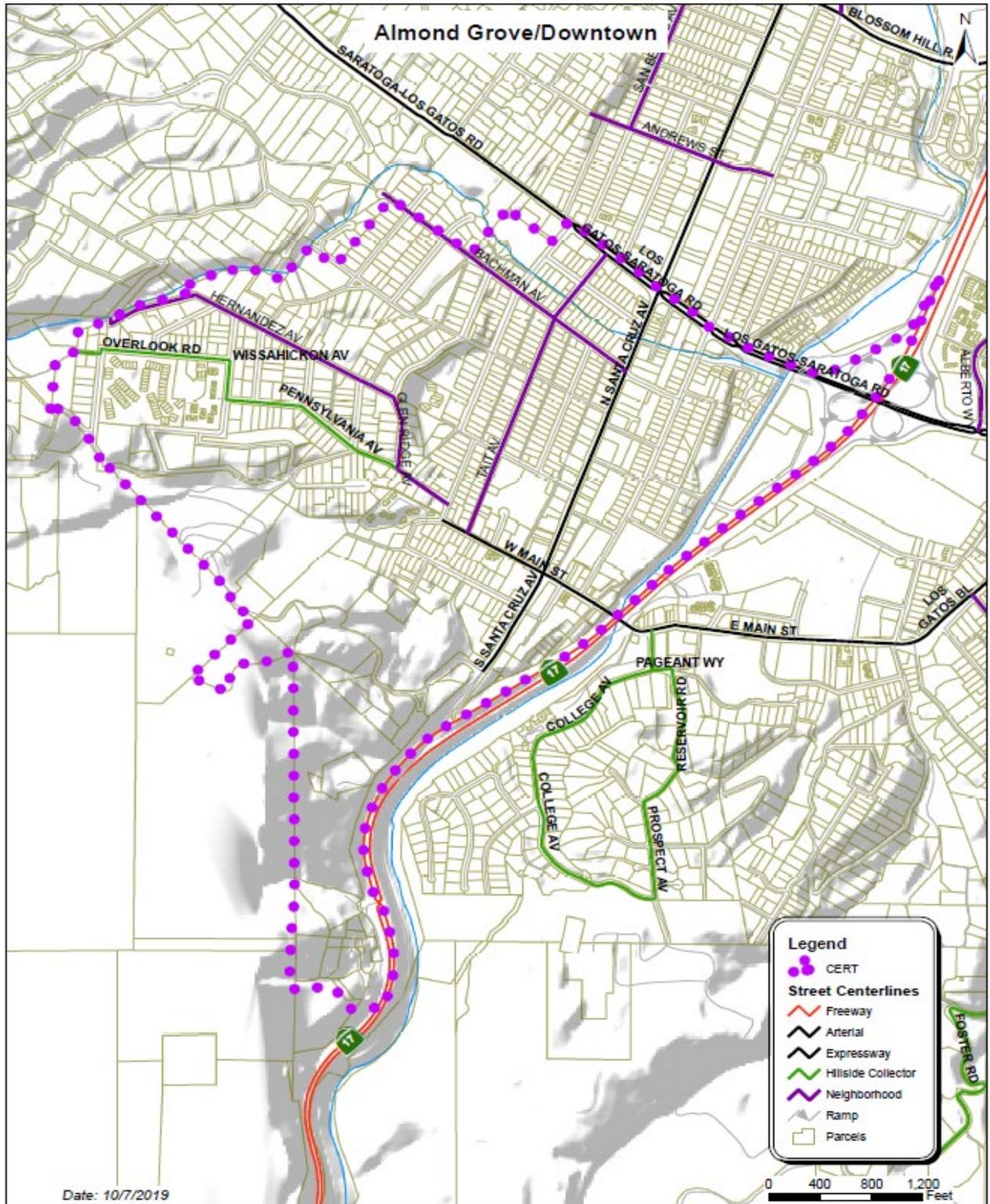
Additional Action Items

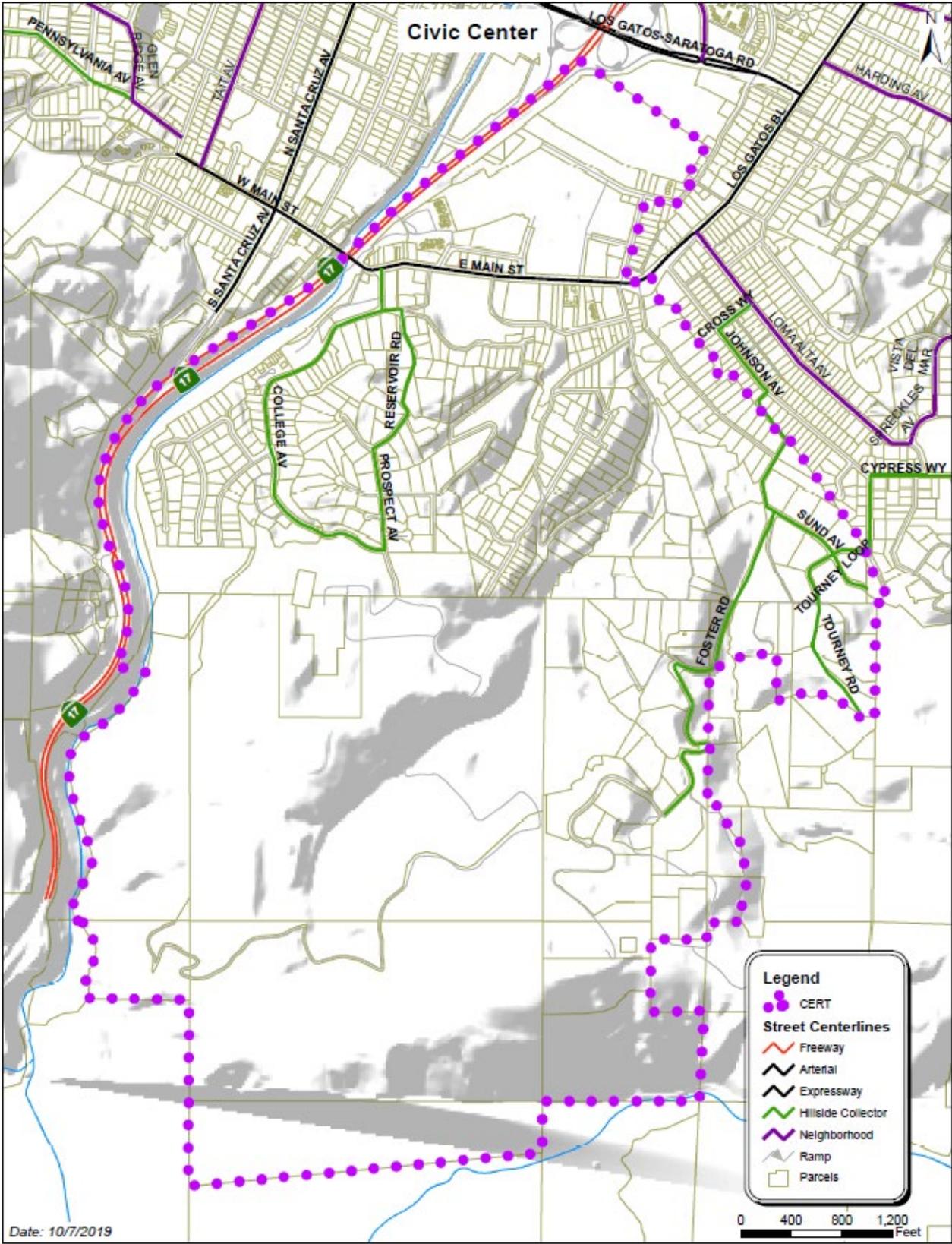
ACTION ITEMS	Priority Timeframe
Homeowners Insurance Availability <ul style="list-style-type: none"> • Advocate for legislative efforts toward the continuation of homeowner’s insurance in the WUI. • Pursue Firewise Community status for WUI hillside neighborhoods to satisfy homeowners Insurance requirements. 	Priority 1 – within 2 years Priority 1 – within 2 years
Address areas within the hillside that do not have public fire hydrant systems.	Priority 2 – within 3 to 5 years
Explore additional funding sources <ul style="list-style-type: none"> • Parcel Tax • Assessment Districts 	Priority 2 – within 3 to 5 years Priority 2 – within 3 to 5 years

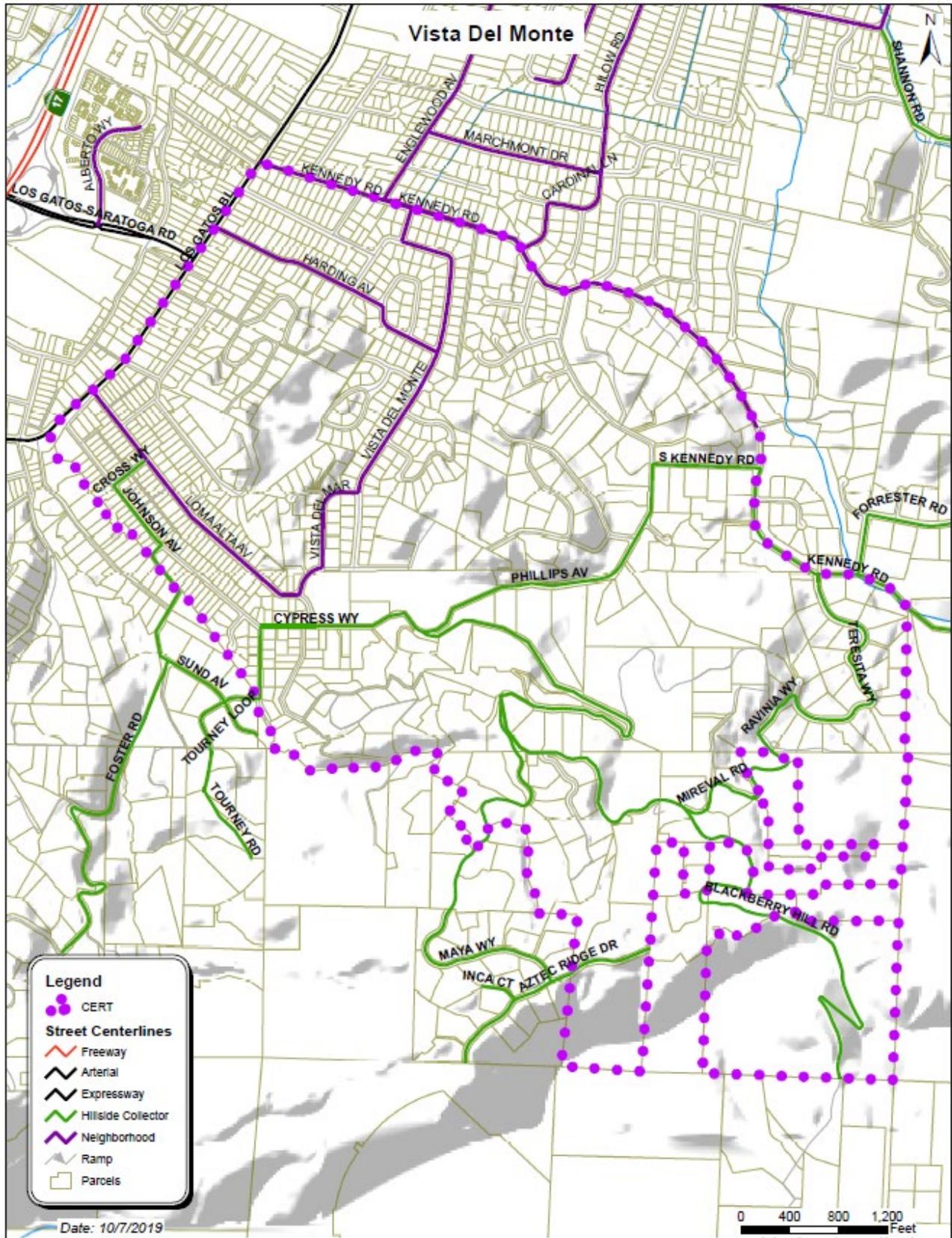
APPENDICES

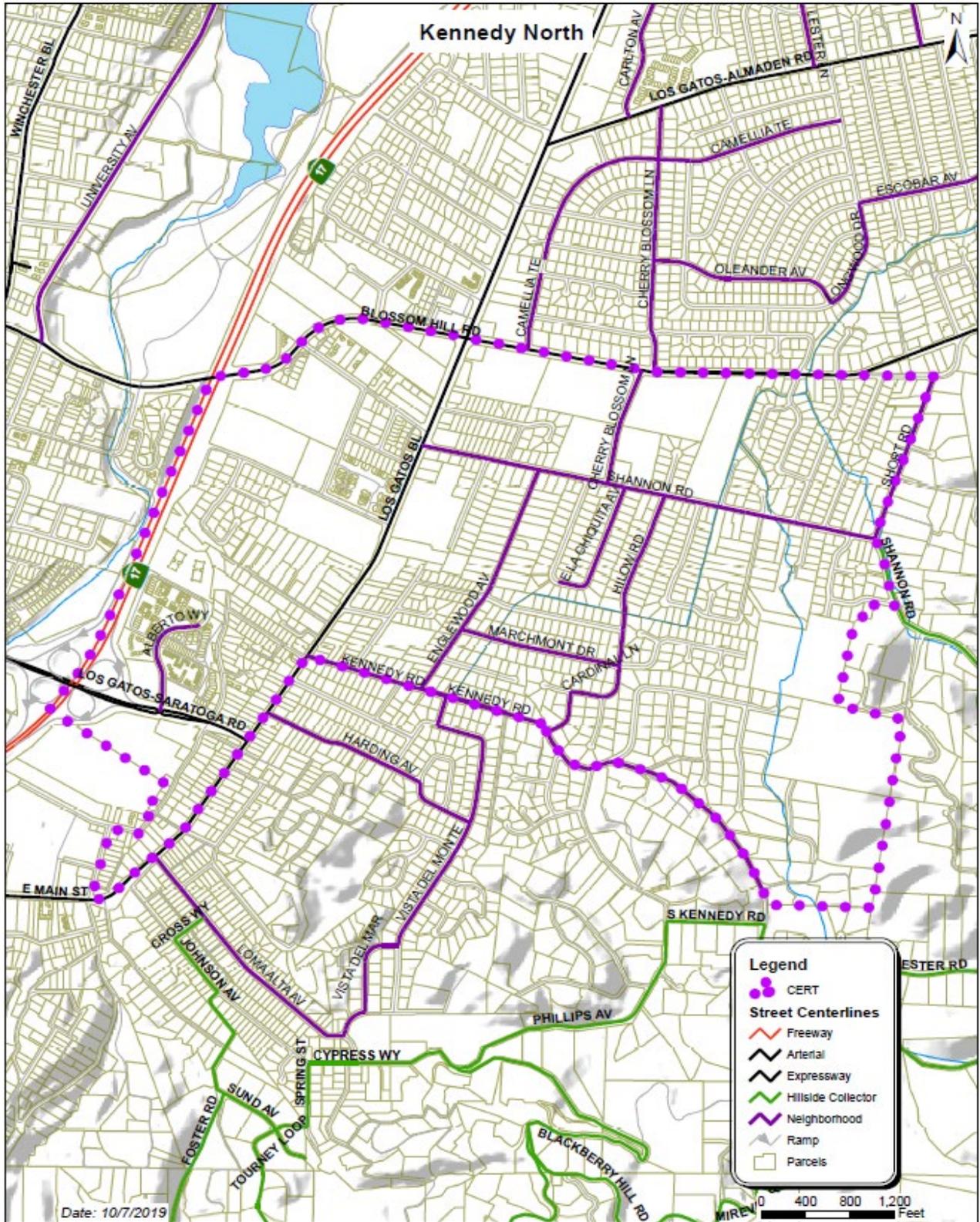
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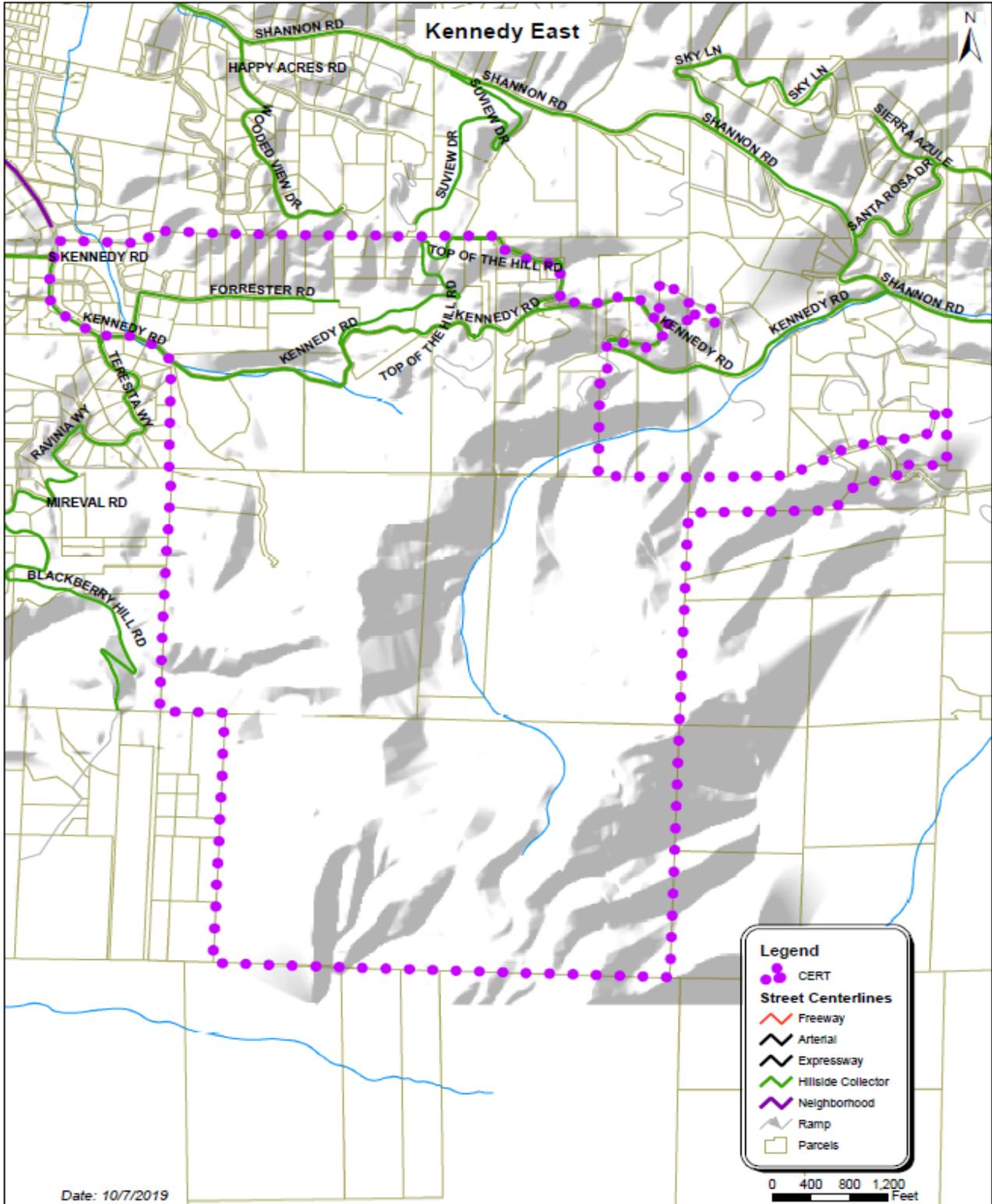


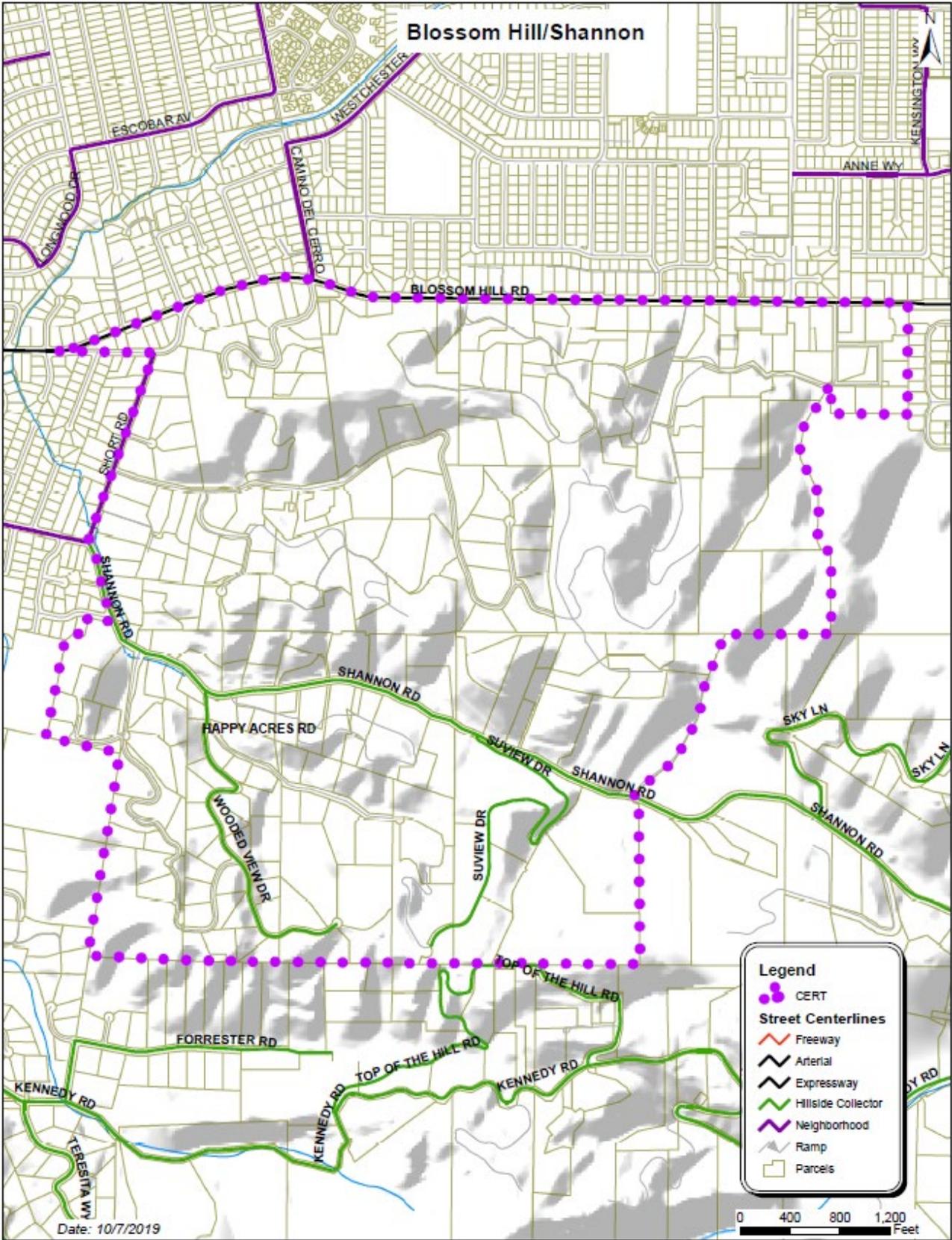


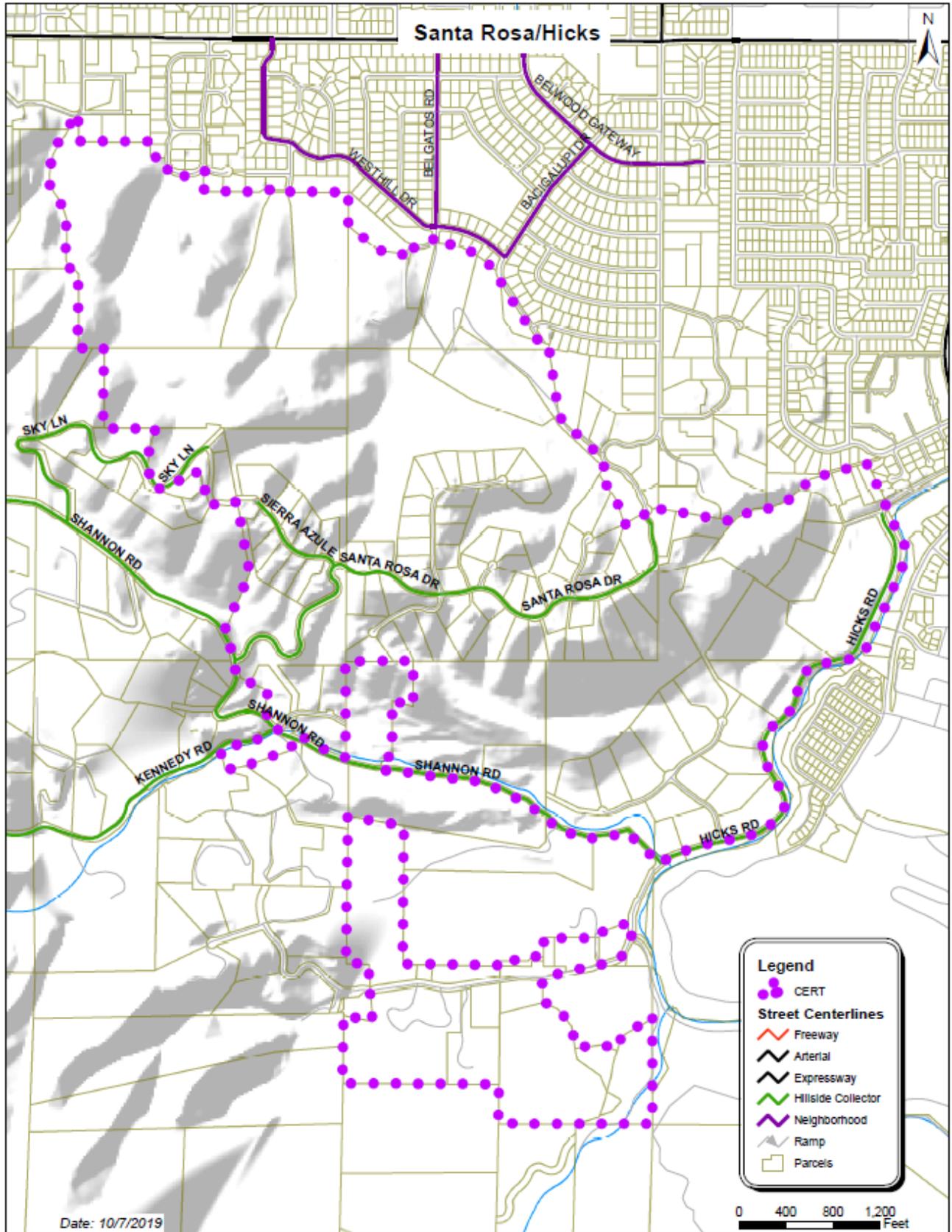








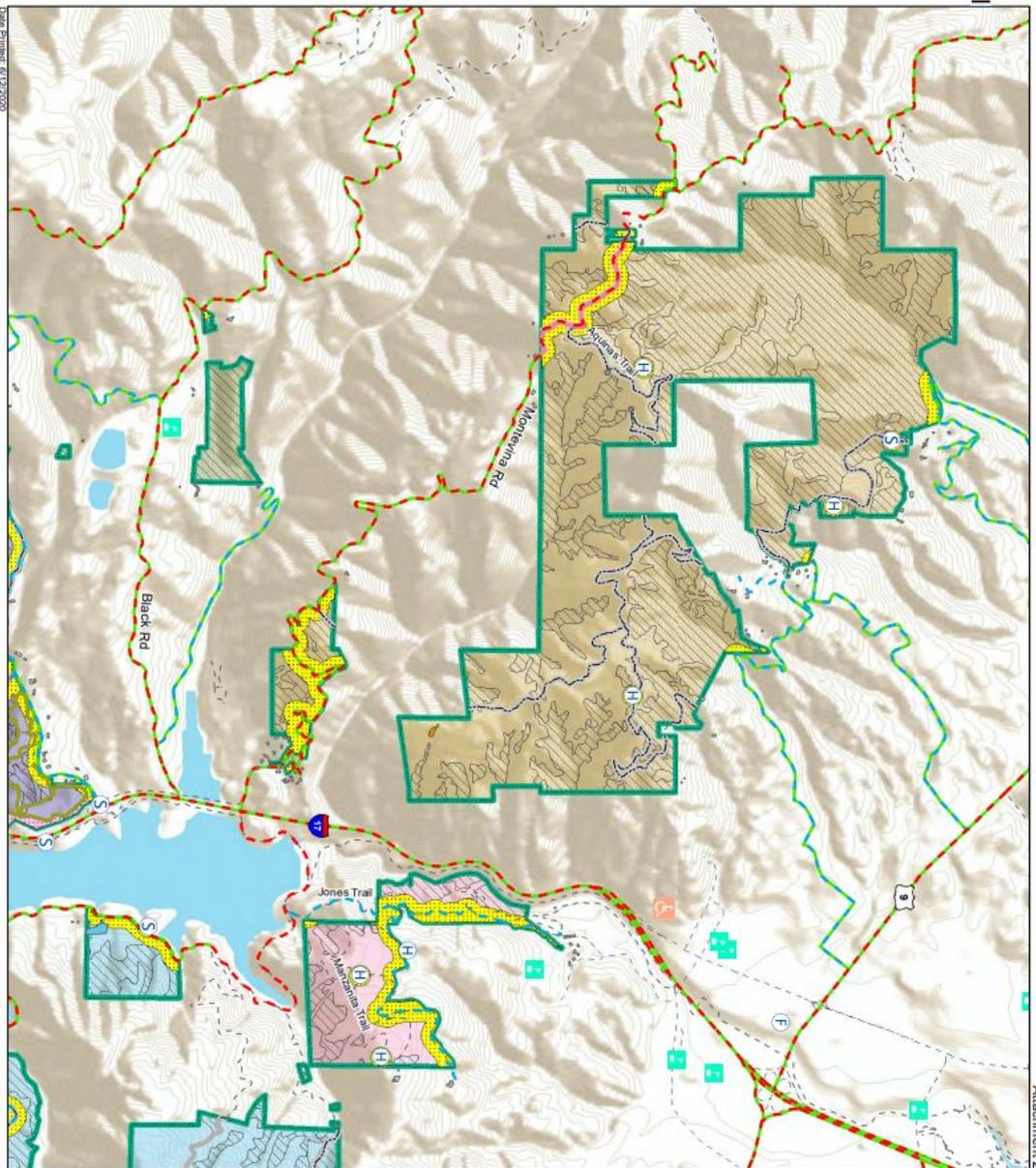
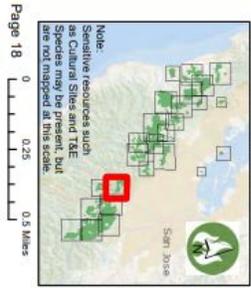




Existing and Potential Treatments El Sereno/Felton Station/St. Joseph's Hill

- | | | |
|--|----------------------------------|-------------------------------------|
| Existing Treatments | Critical Infrastructure | OSP & Managed Properties |
| Fuelbreak 200-knot | Primary Evacuation Route | Boundary |
| Non-Shaded Fuelbreak | Secondary Evacuation Route | Bear Creek Redwoods |
| Shaded Fuelbreak | Structure Type 1 (Tender) | El Sereno |
| Fuelbreak | Road or Trail | Felton Station |
| Wildland Type 3 Ingress/Egress | Fire Station | Sierra Azul |
| Potential Fuels Treatments | Target Hazards | St. Joseph's Hill |
| Fuelbreak 200-knot | Assisted Living Facility | |
| Eucalyptus and Acacia Removal | School/Day Care | |
| Shaded Fuelbreak | Fire Management Logistics | |
| Potential FRA for Ecosystem Resiliency | Helipoint | |
| Wildland Type 3 Ingress/Egress | Staging Area | |

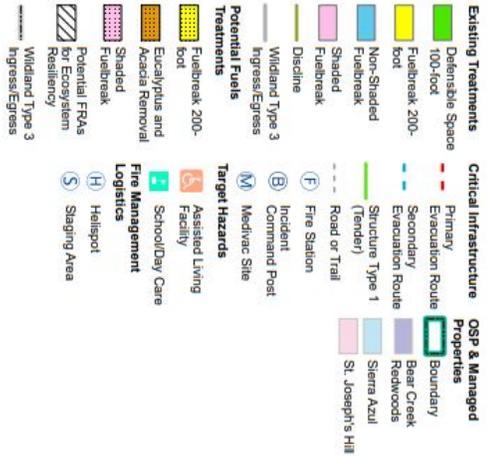
* See Table of Contents page for additional symbology.
 ** Fuel break widths are maximums. Fuelbreaks may be constructed at any width up to the maximum width.



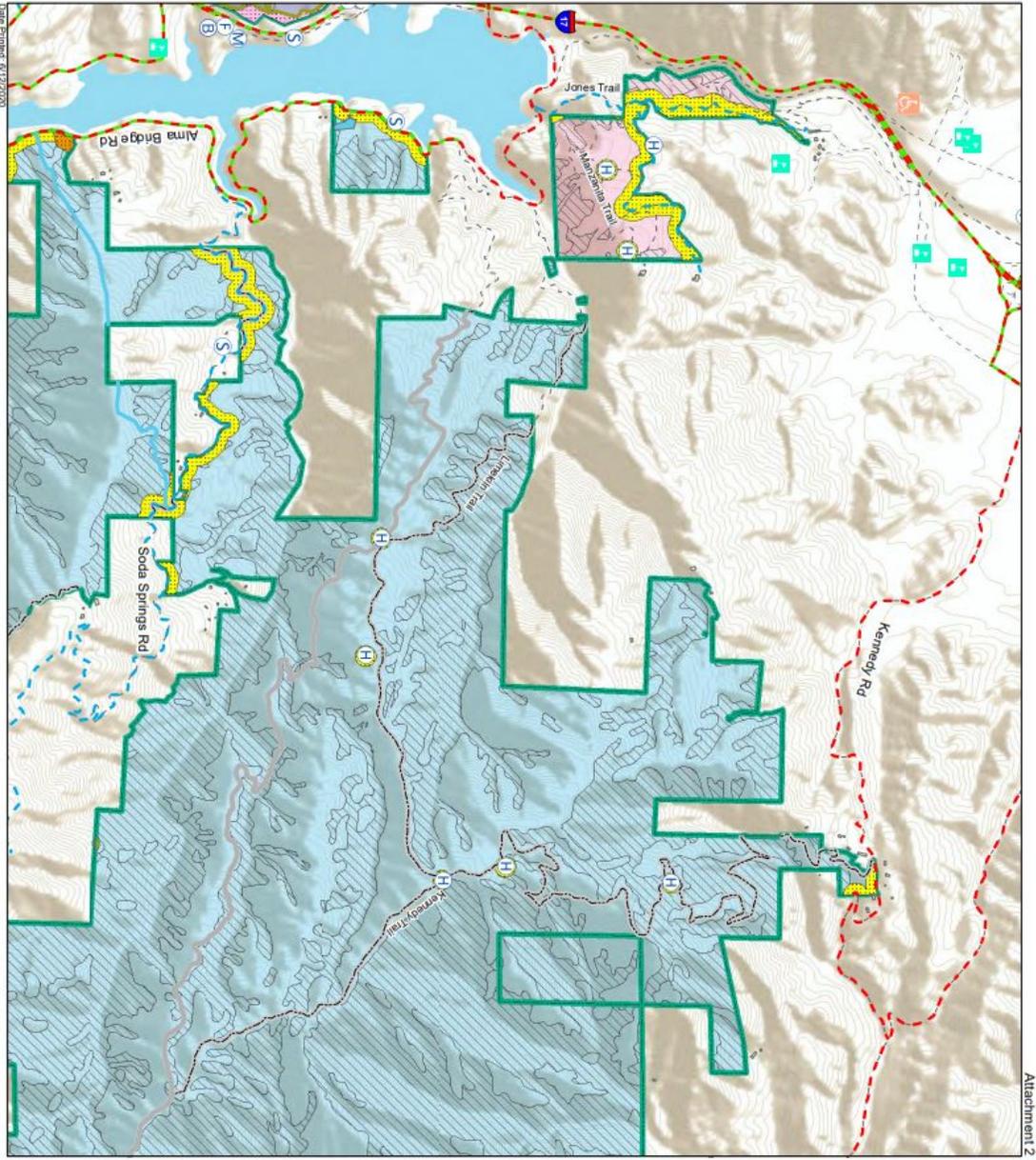
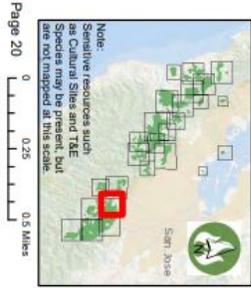
Attachment 2

Date Printed: 6/12/2020

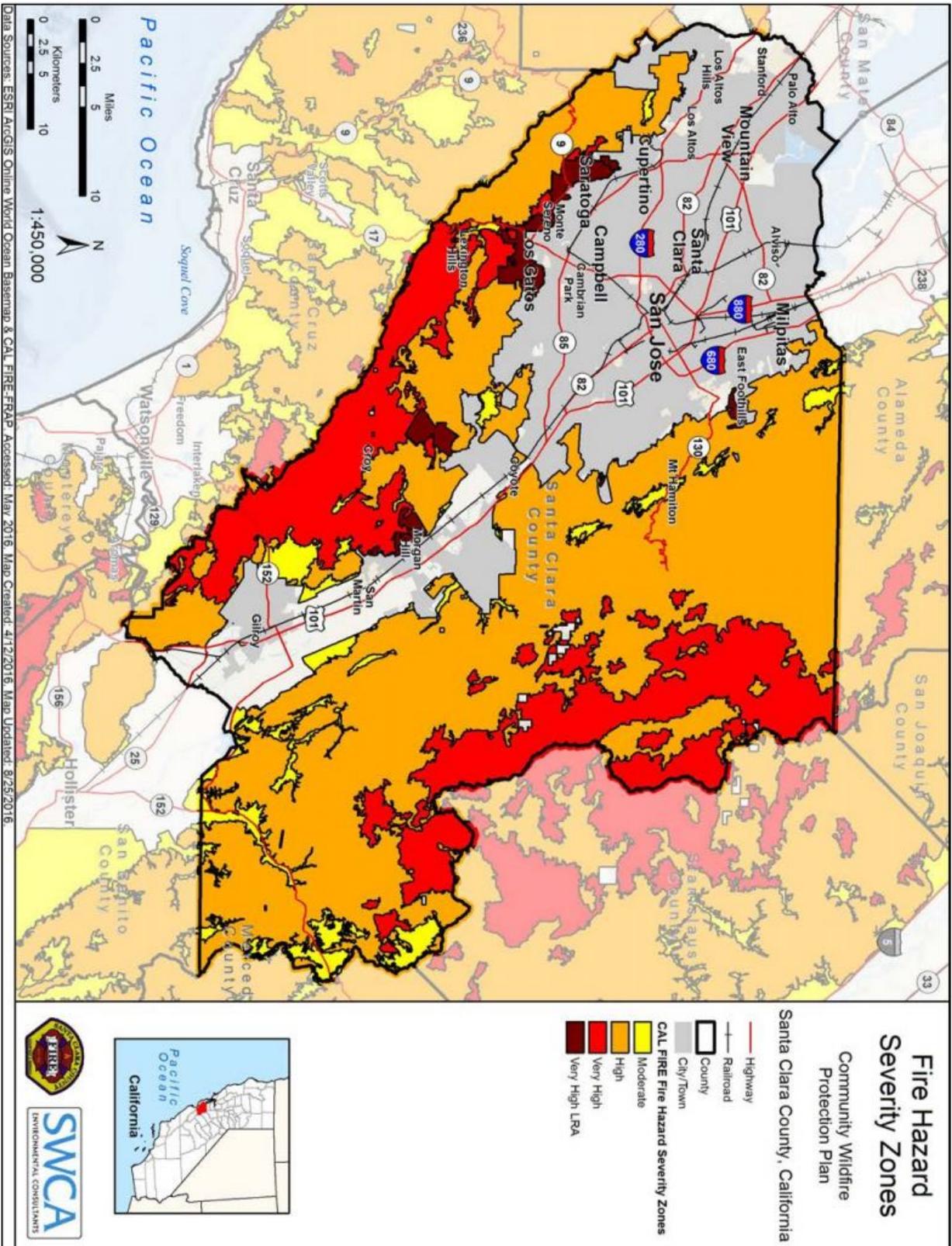
Existing and Potential Treatments Sierra Azul (1 of 5)



* See Table of Contents page for additional symbology.
 ** Fuel break widths are maximums. Fuelbreaks may be constructed at any width up to the maximum width.



Attachment 2



DRAFT



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 9

DATE: October 11, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Receive the Town Finance Commission Recommendation and Authorize the Town Manager to Issue a Request for Proposals (RFP) for Consultant Services to Evaluate and Recommend Modernization Options for the Town's Business License Tax Program.

RECOMMENDATION:

Receive the Town Finance Commission recommendation and authorize the Town Manager to issue a RFP for consultant services to evaluate and recommend modernization options for the Town's Business License Tax Program.

BACKGROUND:

On September 13, 2021, the Town Finance Commission reviewed the Town's Business License Tax Program. The Town's Business Tax Ordinance was last adopted on June 3, 1991 (Attachment 1). The Town Business License Tax program is governed by Chapter 14 of the Los Gatos Town Code: [Los Gatos Town Code - Business Licenses](#). The Articles I through III of the business license chapter are enacted solely to raise revenue for municipal purposes and are not intended for regulation. The Town currently has 2,557 businesses in active pay status and another 2,577 registered on the books of which it is estimated that a third may still be active in Town. This Tax, which is charged to business owners, currently generates approximately \$1.4 million annually.

DISCUSSION:

Having not been updated in over 30 years, the current rate structure does not take into account shifts in business models and delivery over the decades. In addition, the current ordinance does not contemplate inflation adjustments or other predetermined structural rate changes, therefore leaving the rates unchanged for 30 years.

PREPARED BY: Arn Andrews
Assistant Town Manager

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

DISCUSSION (continued):

The Town issues different types of business licenses based on the type of activity. The amount of business license tax paid by each business is also based on its business activity because the purpose of the tax is to cover municipal services and infrastructure utilized by the business, its employees, and customers. Fees for activities such as wholesales and manufacturing are charged on a sliding scale based on gross receipts, as is retail, with retail being capped at \$975. These gross receipt activities account for approximately 25% of annual business licenses, while the remaining 75% are flat fee businesses. While the Town Code list different license types, the most common ones are listed below with the appropriate business license tax and fees.

Typical Business License Taxes and Fees			
Business License Processing Fee (Annual)	\$40 at the Time of Establishment/ \$30 at Renewal - Located In Los Gatos \$20 - Not Located in Los Gatos		
Planning Fees - Businesses Located in Los Gatos (One-time)	\$161.20 Home Occupancy Permit - Home Based Businesses \$176.70 Change of Occupancy / \$262.20 Change of Use - Commercial Zoning		
State Mandated Fee (Annual)	\$4		
Type of Business License	Business License Tax - Without Penalty Minimum (Annual)	Business License Tax - Without Penalty Maximum (Annual)	Typical Businesses
Retail (Based on Gross Receipt)	\$75	\$975	Restaurant, Grocery Store , Gas Station, Hair Salon
Wholesale/Manufacturee/Wholesale/Ecommerce (Based on Gross Receipt)	\$150	Based on sliding scale \$4,837.50 for \$12,000,000 in gross receipt plus \$75 for each \$550,000 or fraction therfor in excess of \$12,000,000	Netflix, Manufacturers
Professional/Semiprofessional (per employee)	\$200	\$200	Medical Doctor, Attorney, Tutor, Massage Therapist, Broker
Support Staff - Professional/Semiprofessional (per employee)	\$15	\$15	Real Estate Agent
Service (per business)	\$100	\$100	Gardeners, Repair Service, Hair Stylist, Janitorial service
Contractor (per business)	\$224	\$224	Licensed California State Contractor

Most cities in the Bay Area and throughout California have either updated their tax structure through local ballot measures or enacted a tax if they previously didn't have one. In California, all taxes imposed by local governments are classified as either general or special taxes and must be put before voters as a local ballot measure for approval. Recent examples of general business tax ballot measures include:

- Daly City – Measure BB 2018 (approved 80.64%)
- Mountain View – Measure P 2018 (approved 71.05%)
- Sausalito – Measure M 2018 (approved 65.42%)
- Berkley – Measure U1 2016 (approved 74.93%)
- Monterey – Measure H 2016 (approved 73.86%)
- San Jose – Measure G 2016 (approved 65.59%)
- Foster City – Measure U 2013 (approved 73.2%)
- Campbell – Measure M 2010 (approved 69.59%)

PAGE 3 OF 3

SUBJECT: Business Tax Modernization

DATE: October 11, 2021

CONCLUSION:

The Finance Commission has recommended that the Town Council consider pursuing the modernization of the Business license Tax schedule adopted in 1991. To better understand the Town's Business License Tax program, the Council should authorize the Town Manager to issue a RFP for the review and recommendation of modernization options for the program.

COORDINATION:

This staff report was coordinated with the Town manager, Town Attorney, and Director of Finance.

FISCAL IMPACT:

There is no cost associated with issuing the RFP. Based on the results of the RFP, staff will return to Council with budget recommendations based on the successful RFP response.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. 1991 Business Tax Ordinance

ORDINANCE 1857

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 15, ARTICLE II OF THE TOWN CODE**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY ORDAIN:

SECTION I

Article II of Chapter 15 of the Town Code is hereby repealed in its entirety.

SECTION II

Article II of Chapter 15 of the Town Code is hereby enacted to read as follows:

ARTICLE II

SCHEDULE

Section 15-27. Gross Receipts Tax

Every person doing business in the Town, except those persons whose business is taxed under the terms of Section 15-28 shall pay an annual license tax based on the gross receipts of the business. The tax is levied according to one or both of the following schedules. When the business activities of one person, taxable under the provisions of this section, involve both retail and manufacturing, wholesaling or jobbing transactions, the total gross income is apportioned between the two schedules, according to its source.

Retailing

At Least	But Less Than	Tax
\$ 0	\$ 50,000	\$ 75.00
50,000	100,000	112.50
100,000	150,000	150.00
150,000	200,000	187.50
200,000	250,000	225.00
250,000	300,000	262.50
300,000	350,000	300.00
350,000	400,000	337.50
400,000	450,000	375.00
450,000	500,000	412.50
500,000	600,000	450.00
600,000	700,000	487.50
700,000	800,000	525.00
800,000	900,000	562.50
900,000	1,000,000	600.00
1,000,000	1,100,000	637.50
1,100,000	1,200,000	675.00
1,200,000	1,300,000	712.50
1,300,000	1,400,000	750.00
1,400,000	1,500,000	787.50
1,500,000	1,600,000	825.00
1,600,000	1,700,000	862.50
1,700,000	1,800,000	900.00
1,800,000	1,900,000	937.50
1,900,000	2,000,000	975.00
	(and above)	

Manufacturing, Wholesaling and Jobbing

At Least	But Less Than	Tax
\$ 0	\$ 200,000	\$ 150.00
200,000	300,000	187.50
300,000	400,000	262.50
400,000	500,000	337.50
500,000	600,000	450.00
600,000	800,000	562.50
800,000	1,000,000	675.00
1,000,000	1,200,000	787.50
1,200,000	1,400,000	900.00
1,400,000	1,600,000	1,012.50
1,600,000	1,800,000	1,125.00
1,800,000	2,000,000	1,237.50
2,000,000	2,500,000	1,350.00
2,500,000	3,000,000	1,462.50
3,000,000	3,500,000	1,575.00
3,500,000	4,000,000	1,687.50
4,000,000	4,500,000	1,800.00
4,500,000	5,000,000	1,912.50
5,000,000	5,500,000	2,025.00
5,500,000	6,000,000	2,137.50
6,000,000	6,500,000	2,250.00
6,500,000	7,000,000	2,362.50
7,000,000	7,500,000	2,475.00
7,500,000	8,000,000	2,587.50
8,000,000	8,500,000	2,700.00
8,500,000	9,000,000	2,812.50
9,000,000	9,500,000	2,925.00
9,500,000	10,000,000	3,037.50
10,000,000	10,500,000	4,500.00
10,500,000	11,000,000	4,612.50
11,000,000	11,500,000	4,725.00
11,500,000	12,000,000	4,837.50
12,000,000		4,837.50
		plus \$75.00
		for each \$550,000 or
		fraction thereof in
		excess of \$12,000,000

Section 15-28. License Taxes for Specified Businesses

Every person doing any of the kinds of business specified in the subdivisions of this Section 15-28 shall pay the business license tax specified in such subdivision. The fees are annual unless otherwise specified.

Sec. 15-28.02. Advertising Signs

Signposting and painting	420.00
--------------------------------	--------

Section 15-28.04. Amusements

Shows, concerts, et cetera (per day)	42.00
Circuses, menageries, et cetera:	
Less than 2,000 seating capacity	
First day	420.00
Each succeeding day	52.50
More than 2,000 seating capacity	
First day	630.00
Each succeeding day	105.00
Side shows (per day):	
Entrance fee not exceeding\$.10	21.00
Entrance fee exceeding \$.10	42.00
Circus procession or parade (each)	210.00
Carnivals (per day)	42.00
Ferris Wheels, merry-go-rounds, et cetera (per month)	210.00
Public dances (per dance)	21.00

Section 15-28.05. Apartment Rentals and Mobilehome Parks.

The term "apartment" includes all buildings or groups of buildings on the same premises, composed of a total of three or more dwelling units (per unit) 7.50

Section 15-28.06. Auctioneers 112.50

Section 15-28.08. Billiard and Pool Rooms (per table) 52.50

Section 15-28.10. Boardinghouses.

Boardinghouses licensed by the State or County as boardinghouses for pensioners, and who board pensioners exclusively, are exempt from the business license tax.

For first four boarders 21.00

For each person over four 4.50

Section 15-28.12. Cleaning and Dyeing Laundry Delivery.

Vehicles (annual, per vehicle) 168.00

The tax applies to those who have no fixed place of business in the Town.

Section 15-28.14. Contractors (annual).

A separate fee for each type of work activity, such as general engineering, building, plumbing, plastering, painting, masonry, termite, service, installation or other specialty, in addition to any sales or jobbing license fee 224.00

Section 15-28.15. Day Care Facilities.

Day Care Facilities provide day care for children under 18 years of age who are unrelated to the licensee.

Small Family Day Care Home - a facility providing day care for six (6) children or less. (Including resident children)	No Fee
Large Family Day Care Home - a facility providing day care for 7 to 12 children (including resident children)	No Fee
Nursery School - a facility providing day care for 13 or more children	No Fee

Section 15-28.16. Hospitals, Rest Homes, Etc

Annual, or	140.00
Per bed, if that is larger	10.00

Section 15-28.18. Hotels and Motels (annual, per guest room) 7.50

Business activities other than renting rooms, conducted in connection with a hotel, are taxed separately.

Section 15-28.20. House Movers.

Annual license	105.00
Additional per structure moved	84.00

Section 15-28.22. Itinerant Photographers (annual) 210.00

Section 15-28.24. Itinerant Vendors (daily) 105.00

The works "itinerant vendor" mean any person, both principal and agent, who engages in a temporary and transient business in the Town selling goods, wares and merchandise with the intention of continuing such business in the town for a period of not more than ninety days, and who, for the purpose of carrying on such business, hires, leases or occupies any room, building or structure for the exhibition or sale of such goods, wares, or merchandise, or from which room, building or structure the sales shall be made or business solicited by means of samples or delivery from house to house. The person so engaged is not relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting temporary or transient business in connection with, or as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The provisions of this section do not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries, by sample or otherwise, nor to hawkers on the street, nor peddlers from vehicles, nor to persons selling fruit, vegetables, butter, eggs, or other fruit or ranch products.

Section 15-28.28. Junk Dealers (annual) 420.00

"Junk dealer" means any person who has a fixed place of business in the Town, and who engages in or carries on the business of buying or selling, either at wholesale or retail, any old rages, sacks, bottles, cans, papers, metals or other articles of junk.

Section 15-28.30. Junk Collectors (annual, per vehicle) 84.00

"Junk collector" means any person who has not fixed place of business in the Town and who engages in or carries on the business of collecting, buying or selling any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

Section 15-28.36. Peddlers.

Peddlers of wares other than food, per person:

Daily 21.00

Peddlers of food, except lunch wagon operators:

Using a vehicle, per vehicle, annual 210.00
Not using a vehicle, carrying wares by hand 42.00
Lunch wagon operators (per vehicle, annual) 210.00

Peddlers engaged in the business of selling any personal property at a sale conducted by an organization exempt from the business license tax under the provisions of Section 15-5 of this chapter shall pay a license tax of seven dollars and fifty cents per day. This rule applies only when all fees, commissions or other remuneration of any kind paid by the peddler to the organization conducting, sponsoring or promoting the sale is devoted exclusively to the business license tax-exempt purposes of the organization and the organization has obtained prior approval from the Town Council to conduct the sale.

Daily 7.50

A "peddler" is every person not having a regularly established place of business in the Town who travels from place to place, or has a stand upon any public street, alley or other public place, doorway or any building, unenclosed or vacant lot, or parcel of land, who sells, offers for sale, any goods, wares or merchandise in his possession.

Section 15-28.38. Professional and Semiprofessional Occupations.

Per professional or semiprofessional person 200.00
Additional per employee 15.00

Professional or semiprofessional business or service occupations include, but are not limited to, the following:

- Accountant
- Advertising counsel
- Appraiser
- Architect
- Artist
- Assayer
- Attorney-at-law
- Auditor
- Bacteriologist
- Broker, stock or bond
- Chemist
- Chiropodist
- Chiropractor
- Dentist
- Designer or decorator

Detective or investigative personnel
 Draftsperson
 Drugless practitioner
 Electrologist
 Engineer: civil, mining, electrical, construction
 Engineer: structural, consulting, mechanical, hydraulic
 Engraver
 Feed, grain and fruit broker
 Geologist
 Illustrator or showcard writer
 Landscape architect
 Lapidary
 Lithographer
 Masseuse or masseur
 Oculist, optician or optometrist
 Osteopath
 Physician
 Real estate brokers
 Surgeon
 Surveyor
 Taxidermist
 Veterinarian
 X-ray, dental or medical laboratory

Section 15-28.40. Service Occupations 100.00

"Service occupations" means appliance, home furnishing or radio and television installation, maintenance and repair, janitorial and building maintenance, or landscape installation and maintenance.

Section 15-28.42. Shooting Galleries 105.00

Section 15-28.44. Solicitors (per business) 210.00

A "solicitor" is one who engages in the business of going from house to house, place to place or in or along the streets within the Town selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, advertising or other things of value for future delivery, or for services to be performed in the future.

Section 15-28.46. Taxicabs.

Per business 150.00

Additional per taxi 22.50

Section 15-28.48. Theaters and Concert Halls 105.00

Section 15-28.50. Trucking (annual)

Persons other than peddlers who sell or deliver food or any other goods by means of a vehicle, and who have no fixed place of business in Town, per vehicle 140.00

Persons who make no more than two deliveries or sales per quarter are exempt from the foregoing tax. All other motor vehicle delivery business, whether the business operates on a regular route or between fixed termini or not:

For one vehicle 45.00
For each additional vehicle 22.50

Section 15-29. Credit for Businesses in Business Improvement Area

a. Any business located and operating within a parking and business improvement area established pursuant to Streets and Highways Code §§ 36500 et seq. shall receive a credit on the annual license tax as set forth in this section.

b. Each person doing any of the kinds of business specified in subdivisions 15-28.14, 15-28.16, 15-28.38, 15-28.40, and 15-28.50 shall receive a credit equal to 50% (one-half) of the annual business license tax.

c. Every person doing any other kind of business shall receive a credit equal to 33-1/3% (one-third) of the annual business license tax.

SECTION III

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance shall be commenced within 120 days after adoption of this ordinance.

SECTION IV

A. This ordinance shall take effect July 1, 1991. Within 15 days after this ordinance is adopted the Town Clerk shall cause it to be published once in a newspaper of general circulation published and circulated in the Town.

B. In establishing the effective date, the Town Council finds that this ordinance relates to taxes for the usual and current expenses of the Town within the meaning of Government Code Section 36937, and must be effective July 1, 1991, so that business license fees will be paid at higher rates commencing with the beginning of the 1991-92 fiscal year.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on May 28, 1991 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on June 3, 1991.

regular mvc

COUNCIL MEMBERS:

AYES: Joanne Benjamin, Randy Attaway, Eric D. Carlson, Steven Blanton

NAYS: None

ABSENT: Mayor Brent N. Ventura

ABSTAIN:

SIGNED: 
VICE- MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 10

DATE: October 13, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Sean Mullin

RECOMMENDATION:

Consider a request for an exception to the Height Pole and Netting Policy (Policy) to allow an alternative to standard story pole installation to illustrate and provide notice of the proposed project on property zoned R:PD located at 110 Wood Road.

BACKGROUND:

Historically, story poles have been used for two purposes. The primary purpose is to help illustrate proposed building locations and heights for pending development applications. Additionally, the story poles help alert the community of development applications that are scheduled for consideration at a public hearing.

The existing Policy was approved by the Town Council on August 5, 2013 (Attachment 2). The existing Policy specifies the conditions and process for a possible story pole exception. Specifically, the Policy identifies that the applicant must clearly demonstrate to the Town that the installation of story poles would: (a) cause a threat to public health and safety; or (b) impair the use of existing structures or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. A Planned Development (PD) application with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request.

PREPARED BY: Sean Mullin, AICP
Associate Planner

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

BACKGROUND (continued):

The Policy requires that story poles be installed at the corners of all structures and that the rooflines of the proposed structures be represented by at least two-foot-wide orange woven plastic snow fencing (netting).

The Policy requires the Town Manager to determine if at least one of two criteria is met before the Council can consider requests for exceptions to the story pole installation requirements. As discussed below, the proposal meets the public health and safety criterion. The Council is the deciding body for story pole exceptions.

On January 19, 2021, the Council considered a request from the applicant for the following exceptions from the Policy requirements to minimize nuisance to the neighbors and damage to the existing structures:

1. To install story poles only at the corners of perimeter buildings for five of the proposed eight buildings that are visible from public views;
2. To install rope flags connecting the story poles, in lieu of netting;
3. To provide additional scale visualizations utilizing photo simulations of the proposed project from the following three locations: Broadway and Farwell Lane (secondary access road to the site off of Broadway), Wood Road and South Santa Cruz Avenue, and East Main Street and Church Street; and
4. To install the story poles for a maximum of 20 days from the completion of installation and circulation of additional scale visualizations.

The Council continued consideration of the request with direction to the applicant to provide better visualization, increase the number of story poles, and consider using the orange netting to ensure visibility from a distance. On March 5, 2021, the applicant withdrew the request citing feedback received from the neighbors.

DISCUSSION:

The subject site is an approximately 10.84-acre parcel at the intersection of Wood Road and South Santa Cruz Avenue (Attachment 1). The site has been occupied by the Los Gatos Meadows, a senior living community since 1971. In February 2019, the Los Gatos Meadows facility initiated a month's long closure and transition process to relocate all residents. By September 2019, the facility was vacant. While the property owner, Covia Communities, has completed the closure process, the property continues to be staffed to provide on-going maintenance and to ensure security of the property.

An application has been filed by Frank Rockwood requesting a new Planned Development zoning for the property for the purpose of rebuilding a new senior living community. The

DISCUSSION (continued):

existing zoning is Residential, Planned Development (R:PD) and the General Plan land use designation is Medium Density Residential.

On September 23, 2021, the applicant submitted a request for an exception to the Policy to install rope flags connecting the story poles, in lieu of the required two-foot-wide orange netting (Attachment 3). The applicant indicates that, given the number of poles and the spacing between the poles, the weight of the required netting would create a safety hazard, causing a threat to public health and safety. Attachment 3 includes the proposed story pole plan representing the height and mass of the buildings in the proposed senior living community. The Policy requires that story poles and project signage be installed prior to mailing public notice or advertising for a public hearing. The application for the new senior living community and the associated Environmental Impact Report will be considered by the Planning Commission at a future hearing date to be determined.

PUBLIC COMMENTS:

Pursuant to the Policy, notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property and agendas for the hearing were posted outside Town Hall and the Town Library. Notice was also published in the Los Gatos Weekly, posted under "What's New" on the Town's website, and posted on the Town's social media platforms. Lastly, the request for an exception from the policy and the proposed story pole plan was posted under "Pending Projects" on the Town's website. Public comments received by 11:00 a.m., October 15, 2021 are included in Attachment 4.

CONCLUSION:

Staff recommends approval of the proposed exception to install the story poles with rope flags in lieu of netting. If the Town Council determines that the story pole exception request is appropriate, staff recommends that the Town Council limit the approval to the proposed story pole exception request and plan in Attachment 3. Any new request to modify the proposed story pole plan would be required to return to the Town Council for consideration of a new story pole exception.

ALTERNATIVES:

1. Continue the request to a date certain with specific direction; or
2. Approve the request with modified requirements; or
3. Deny the request.

PAGE 4 OF 4

SUBJECT: 110 Wood Road/Story Pole Exception Request

DATE: October 13, 2021

COORDINATION:

The Community Development Department coordinated with the Town Manager's Office in the review of the requested exception.

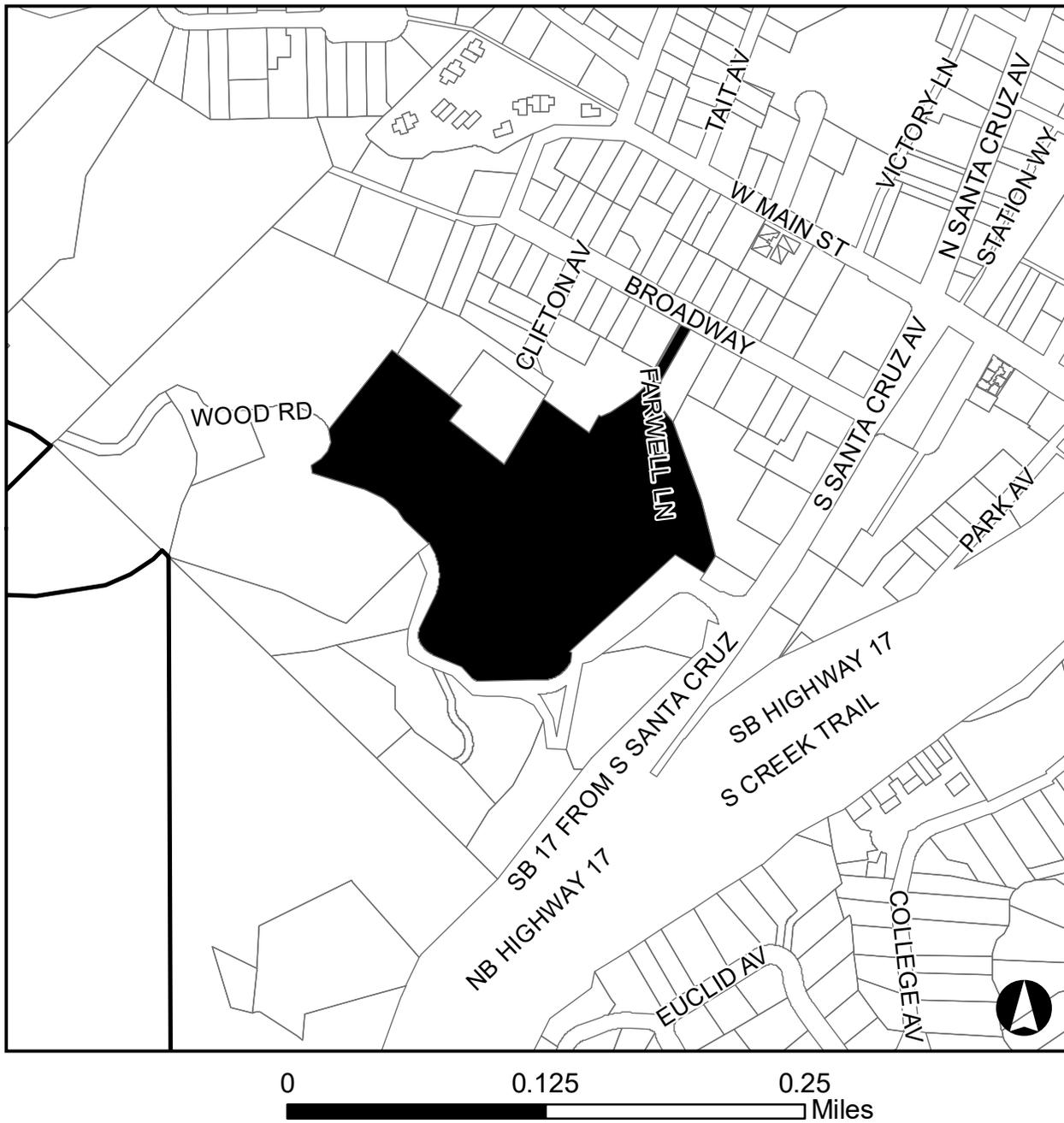
ENVIRONMENTAL REVIEW:

Action on the requested exception does not constitute a "project" as defined by section 15378 of the CEQA Guidelines because it is not an action which has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

1. Location Map
2. Height Pole and Netting Policy
3. Exception Request and Proposed Story Pole Plan from the Applicant, dated September 23, 2021
4. Public Comments received by 11:00 a.m., Thursday, October 14, 2021

110 Wood Road



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Height Pole and Netting Policy For Additions and New Construction

I. Purpose:

It is a policy of the Town of Los Gatos Town Council to have story poles and project identification signs installed on the sites of an active development application. The placement of story poles is extremely helpful and important during the course of Town's review of applications for new development. Proper and accurate placement of story poles demonstrates the planned rooflines and heights and provides some indication of the potential massing of the proposed structure. Story poles enhance understanding of the project for Town residents, staff, advisory bodies, and decision making bodies. Story poles also provide a visual notice to the community of a forthcoming land use public hearing.

Project identification signs present both written and graphical information that will further communicate the proposed project to the community as well as provide the public hearing dates for the development application.

This policy is for the benefit of the Town and community and is not intended to create a requirement under the California Environmental Quality Act (CEQA).

II. Height Poles and Netting:

Height story poles and netting shall be used for the following types of Community Development Department, Planning Division, land use applications:

- New residential (excluding single-story accessory structures) and non-residential buildings.
- Residential second story additions.
- Nonresidential additions exceeding 100 square feet.

The terms height poles and story poles are used interchangeably.

A. Procedure:

When it is determined that story poles are required, the applicant's engineer, architect or building designer may be required to prepare a "Story Pole Plan" to indicate the locations where the poles will be installed. The Story Pole Plan shall be approved by the project planner prior to the placement of the poles on the site. Once approved, the applicant shall inform the project planner when the placement of the story poles is complete and submit photographs showing installation. The story poles shall be installed consistent with the following requirements:

Residential: The height poles and netting shall be installed prior to the neighborhood notification process and shall remain in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

Projects that Require Planning Commission or Town Council Action: The height poles and netting shall be installed prior to the public noticing of the matter and shall be kept in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

B. Timing

Public notices will not be mailed and/or application(s) shall not be advertised until a Story Pole Plan has been approved by the project planner, the height poles and netting have been installed, and photographs have been submitted to the project planner, as required in Section II.A.

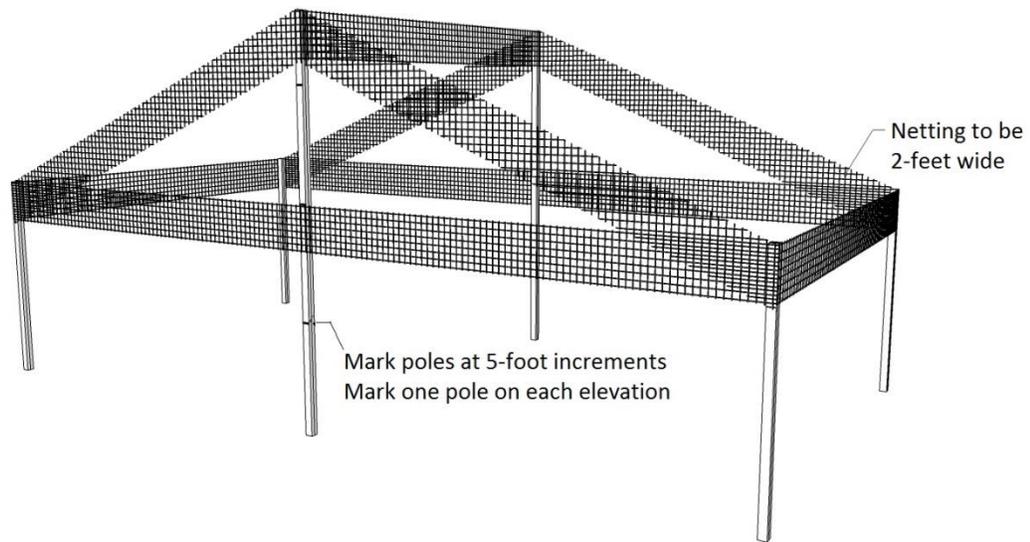
C. Location and Number:

The number of story poles may vary with each specific project. At the discretion of the project planner, story pole locations shall adequately demonstrate the height, mass, and bulk of the project requiring review. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the rooflines of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements not used for human activity or storage which are visible from the streetscape shall be represented by the story poles. Pursuant to Section 29.10.1005 of the Tree Protection Ordinance, the attachment of wires, signs, or ropes to any protected tree is prohibited. Trees may not be "flagged" or used as a substitute for the erection of story poles. After the placement of the story poles on-site, the applicant shall provide the project planner with photographs of the story poles taken from a variety of vantage points. The vantage point from where the photograph was taken shall be indicated on each photograph.

A licensed surveyor or civil engineer shall submit written verification that the height and position of the poles and netting accurately represents the height and location of the proposed structure(s) or addition.

D. Materials:

The material of the story poles shall be indicated on the Story Pole Plan. Story poles shall be constructed of 2"x4" lumber, metal poles, or other sturdy building material acceptable to the project planner. Telephone poles; mechanical equipment, such as cranes; or other materials may be acceptable for higher structures if the Community Development Director determines that the material will adequately portray the height, bulk, and mass of the proposed structure(s) or addition and withstand the wind and weather. At least two foot (2') wide orange woven plastic snow fencing (netting) must be erected to represent the rooflines of the proposed structure(s) or addition. Netting must be supported by height poles that are strong enough to accurately maintain the outlines and height of the structure(s). One of the height poles on each elevation must be clearly marked and labeled in five foot (5') increments measured from existing or finished grade, whichever creates a higher profile, and consistent with the approved Story Pole Plan on file at the Community Development Department.



E. Story Pole Plan and Public Safety:

All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. The Story Pole Plan shall include the methods used to secure the poles. Applicants shall sign an agreement that holds the Town harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the Town determines the story poles to be unsafe, they shall be repaired and reset immediately by the project applicant or, at the Town's discretion, removed. Depending on the scope of the poles, the applicant may be requested to verify with the Building Division of the Community Development Department that no permits and/or inspections are required for the poles.

F. Exceptions:

In the event there are justifiable reasons why story poles cannot be accommodated for all structures proposed to be constructed on the project site, the applicant shall submit a letter to the Community Development Director no later than 45 days prior to the required installation date, clearly articulating the reasons why an exception to the Story Pole requirement is warranted. Requests for an exception and alternative plan will only be considered if the applicant can clearly demonstrate to the Town, and the Town agrees, that the installation of the story poles would: (1) cause a threat to public health and safety or (2) would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project will be required, even if an exception is granted.

Planned Development applications with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request. The story poles shall be installed on all corner structures and the structures with the greatest height and mass. An exception to providing story poles for all structures in a Planned Development application with multiple commercial structures and/or residential units shall follow the same procedures as outlined below.

The Town Manager will review all justifiable requests for an exception to the Story Pole requirement within 14 days of receipt of the request and shall place the matter on the next available Town Council agenda for consideration by the Council. Written notice of the exception request shall be mailed to property owners and residents of properties within 300 feet of the project site. All requested and approved exceptions shall be posted on the Town's Web site under "What's New," in agenda posting locations at Town Hall and the Library, and in the online development activity report when established.

If an exception is approved, the applicant will be required to demonstrate the proposed structure height and mass using alternative means as outlined in Section II.H.

G. Alternatives: If an exception is granted to the Story Pole requirements, the applicant shall provide digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the Story Pole requirements. Simulations may either be prepared by the applicant for technical review by the Town's consultant or the applicant may elect to have the Town's consultant prepare the materials. In either case, the applicant shall be responsible for all technical review(s), materials and cost of the Town's evaluation and/or preparation process. To ensure accuracy, visual simulations shall comply with the following standards:

- Establishing accuracy of the visual simulation: The applicant shall demonstrate that the dimension and scale of the visual simulation and project setting are equivalent. This is accomplished by examining screen views of the model in plan and elevation views for accurate scaling. The visual simulation must also include reference objects corresponding to known objects in the simulated scene, such as buildings, curbs, utility poles, trees, or any other reference points visible in the simulated scene, whose location is known from surveys or, at a minimum aerial imagery. There shall be a minimum of two reference objects outside of the project in different parts of the photo frame.
- Establishing the equivalence of the virtual and actual camera focal setting: The camera lens focal setting or angle of view for each simulation base photo shall be stated. The camera model shall be provided since the angle of the focal view varies with different cameras. The preparer of the photo simulations shall provide the manufacturer specifications indicating the 35 mm film SLF lens correspondence, or other means to calculate the angle of view.
- Depict the accurate location of the photo and establish the correspondence of the virtual camera with the visual simulation: The photo location shall be indicated accurately on a map or aerial photo, and the correspondence within the visual simulation should be demonstrated. Simulated views should not employ cropping, or if they must, the original, uncropped rendered image shall be provided. Once the images are cropped, it is impossible to validate their accuracy.
- Other Information: The Town's consultant may require other information to assess the accuracy of the visual simulation.

H. Removal:

Once a final action has been taken and the appeal period is over, the height poles and netting shall be removed at the applicant's expense within 30 days. If not removed, the height poles and netting will be considered rubbish and will be in violation of Section 11.10.020 of the Town Code and the matter will be forwarded to Code Compliance for enforcement action.

III. Project Identification Signs:

All development applications that must comply with the story pole and netting requirements shall also provide project identification signs on the development site consistent with the following requirements.

A. Timing:

Public notices will not be mailed and/or application(s) shall not be advertised until project identification sign(s) have been installed. The location of the project identification sign(s) shall be shown on the Story Pole Plan. The applicant shall

submit a signed declaration confirming that the project identification sign(s) were installed. The applicant shall also submit a photo showing the on-site sign(s) installed on the subject property prior to the distribution of the public notices.

B. Size:

- New Residential Structures: One, 2'x2' sign placed on the street frontage. The top of the sign shall be five feet (5') from existing grade and visible from the main street frontage. The sign shall indicate the scheduled public hearing date and the availability of plans for review at the Community Development Department.
- Commercial/Industrial Remodels or New Construction: One 4'x8' sign on each of the property frontages that are visible to surrounding public right of ways, including pedestrian trails such as the Los Gatos Creek Trail. The top of the signs shall be six feet (6') from existing grade. The Community Development Director may require additional signs for development sites that have large frontages.
- Downtown (C-2 Zone) Remodels or New Commercial Development: One 2' by 3' vertical sign constructed of metal frame with water resistant plastic or laminated face. In cases where it is infeasible to install a free-standing sign, the posting of a durable, all weather sign on or inside the window of a building is permitted, provided the sign is visible from public locations outside the building. Requests for an exception to the free-standing sign requirements shall be made to the Community Development Department in writing no less than 30 days prior to the public hearing for the project.

C. Number and Placement of Signs:

With one exception, on-site signs shall be placed on each street frontage of the site. The exception is for permits related to an individual new single family dwelling. In this case, only one sign on the street frontage is required. The signs shall be oriented towards the street, within one foot (1') of the front property line or two feet (2') of the back of the sidewalk.

D. Materials:

Signs shall be constructed of durable materials, such as foam core or plywood, and shall be laminated during the rainy season (October through April). The sign colors shall be a white background with black printing, and color graphics (excluding single family, which may have black and white graphics). As noted under Section III.B., signs in the Downtown C-2 Zone shall be constructed of higher grade materials, including a metal frame and a plastic or laminated poster board face.

E. Sign Content:

Up to 75% of the overall sign area must be used to provide a general description of the project; including number of residential units or commercial buildings and square footage; a color perspective drawing, three-dimensional image or photographic simulation and the name and contact information of the project applicant. Single family remodel projects are not required to provide a rendering on the sign. The public notice portion of the sign message must constitute 25 percent of the overall sign area and notify the community of the public hearing date and time and contain the following message “For more information about this project, please contact the Town of Los Gatos Planning Division at 110 E. Main Street, Los Gatos, (408) 354-6872. The project address and application number shall be included on the notice.

F. Duration of Sign Posting:

Project identification signs shall be placed on site consistent with the timing of installation of the story poles (See Section II.B.) and shall be removed within 30 days of the final actions (See Section II.H.).

G. Maintenance:

The applicant is responsible for replacement of any missing, damaged or vandalized signs within five days of request by the Town. The Town may cease processing of the application if the signs are not replaced and/or maintained.

IV. Definitions:

Height: As defined by the Zoning Ordinance, height is determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar (refer to Section 29.10.020 of the Zoning Ordinance for definition of cellar), the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade.

Roofline or edge: The contour or shape of a roof.

This policy was adopted by Town Council on August 5, 2013 (Resolution 2013-032)

N:\DEV\RESOS\2013\Story Pole Policy Resolution.7-13-17. [EXHIBIT A].FINAL.docx

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** VIA EMAIL **

September 23, 2021

Joel Paulson, Community Development Director
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
email: jpaulson@losgatosca.gov

**Request for Minor Exception to Height Pole and Netting Policy for Rebuild of Los Gatos
Meadows Planned Development Application PD-20-001**

Dear Mr. Paulson:

Pursuant to a letter dated November 13, 2020, the applicant previously requested a minor modification to the Los Gatos Height Pole and Netting Policy ("HPNP"). In this prior request, among other changes, the applicant was requesting that the number of poles be reduced. Primarily due to feedback from our neighbors, this request was withdrawn. Subsequently, we submitted a story pole plan prepared by an experienced story pole installer that was based on our interpretation of the requirements of the HPNP. This plan proposed installing poles at the corners of all building. In a review of our submitted story pole plan, Planning Department staff has directed us to add 45 poles increasing the number of poles to 138.

The feedback we are receiving from experienced story pole installers is that the based on the number of poles and spacing between poles, the weight associated with the use of wide woven plastic snow fencing material ("netting") would result in a safety hazard, causing a threat to public health and safety. Accordingly, we seek an exception to the requirements in Section II.D of the HPNP to utilize netting and propose to utilize flags in lieu of netting.

The project team does not believe that the use of rope flags will undermine, minimize or otherwise compromise the intent of the current HPNP.

Sincerely,



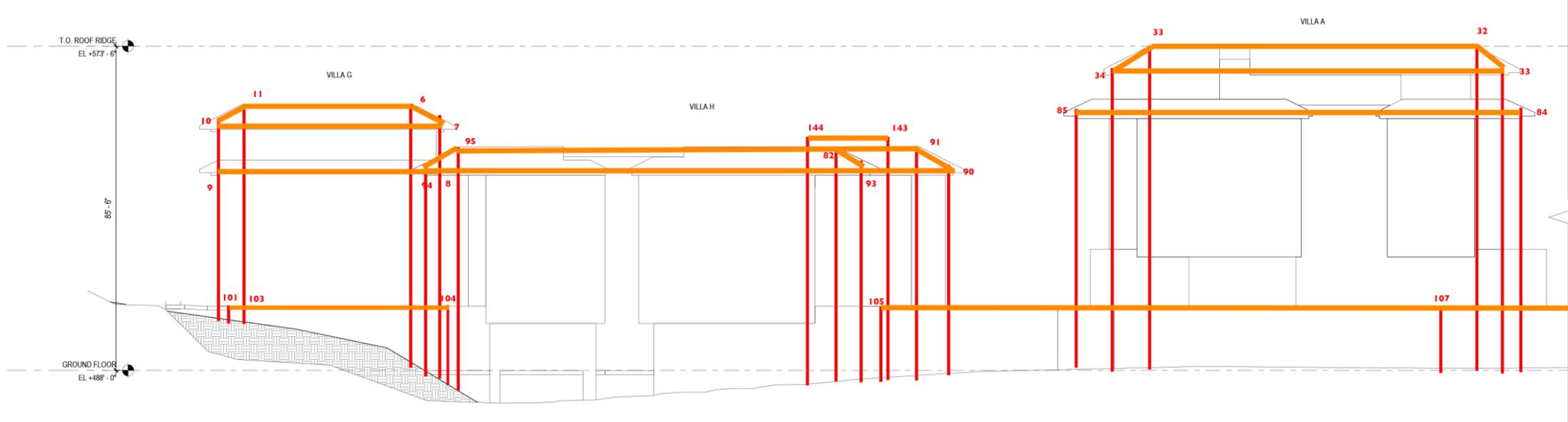
Frank J. Rockwood, President
Rockwood Pacific Inc. acting on behalf of Applicant

Attachments: Story Pole Submittal Set as of September 23, 2021

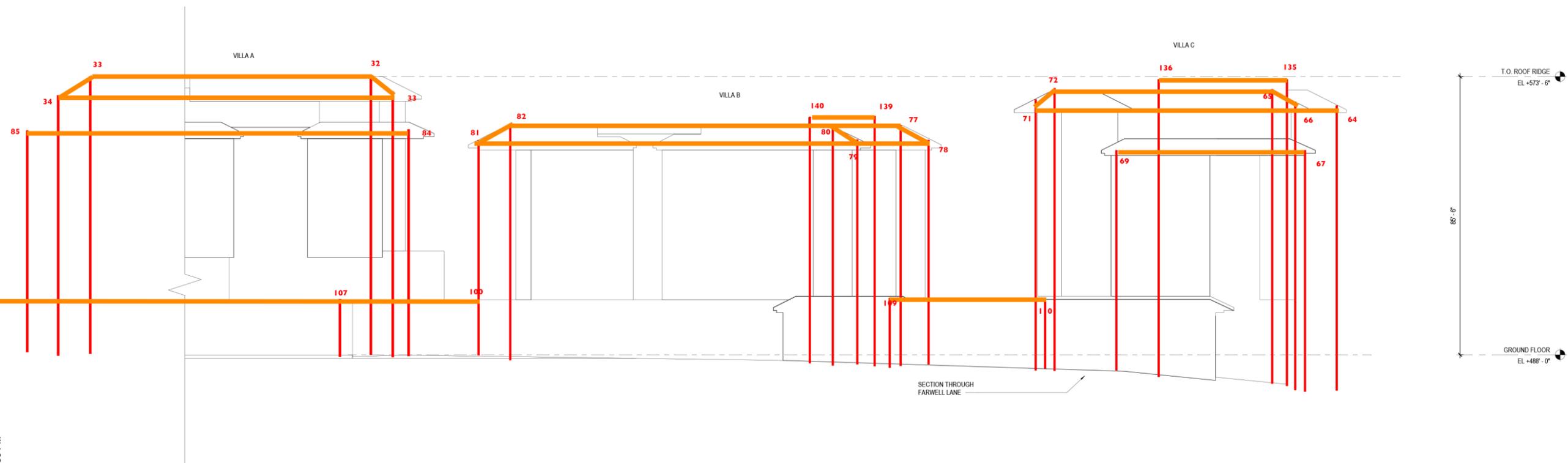
cc: Laurel Prevetti, Town of Los Gatos
Sean Mullin, Town of Los Gatos

NO.	DATE	ISSUE

LEGEND:
 **STORY POLE**
 **STRINGLINES WITH ORANGE PENNANT FLAGS**
 One pole on each elevation of each villa be marked at five foot increments



1 SOUTH-EAST ELEVATION
 1/16" = 1'-0"



2 SOUTH-EAST ELEVATION
 1/16" = 1'-0"

SEAL



PERKINS EASTMAN
 677 Washington Blvd.
 Suite 101
 Stamford, CT 06901
 T: +1 203 251 7400
 F: +1 203 251 7474

Owner:
COVIA
 2185 N CALIFORNIA BLVD, SUITE 215
 WALNUT CREEK, CA 94596
 (925) 956-7400
 Construction Manager:
CM NAME
 CM Address

Civil / Site:
KIMLEY-HORN
 4637 CHABOT DRIVE, SUITE 300
 PLEASANTON, CA 94588
 (925) 398-4840

Landscape:
GATES + ASSOCIATES
 2671 CROW CANYON RD
 SAN RAMON, CA 94583
 (925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
 45 FREMONT ST, 28TH FLOOR
 SAN FRANCISCO, CA 94105
 (415) 989-1004

Mechanical & Plumbing:
GLUMAC
 150 CALIFORNIA ST, 3RD FLOOR
 SAN FRANCISCO, CA 94111
 (415) 398-7667

PROJECT TITLE:
LOS GATOS MEADOWS

110 WOOD ROAD
 LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:
STORYPOLE SE ELEVATION

SCALE: 1/16" = 1'-0"

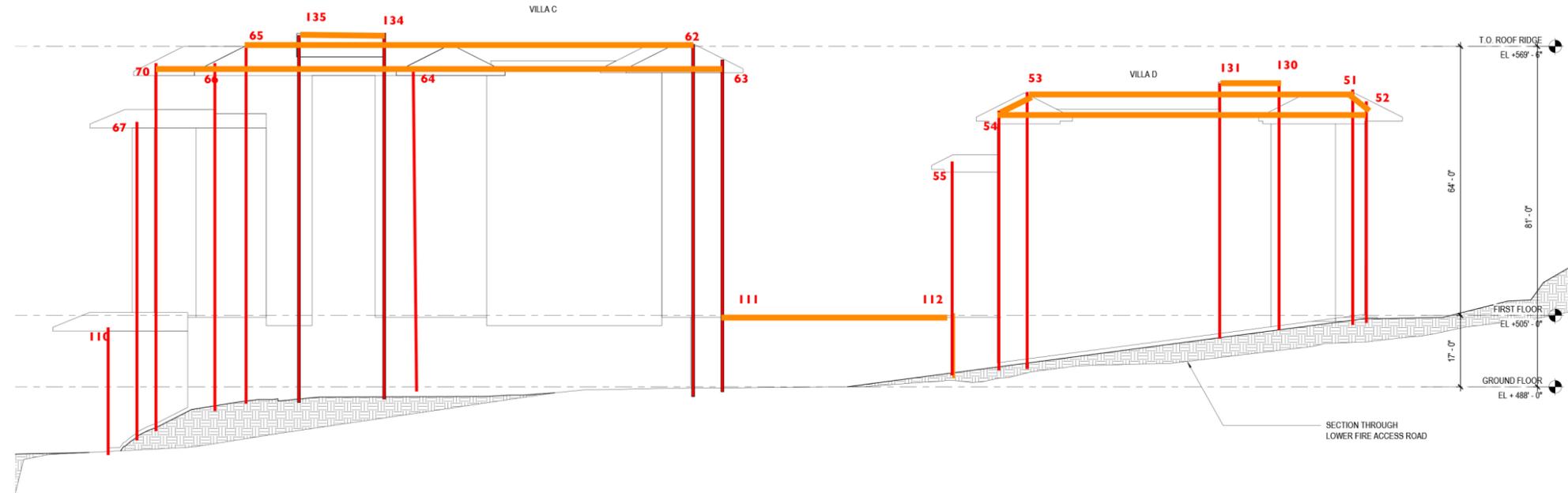
SK-A201

PLANNING SUBMITTAL

JANUARY 12, 2021

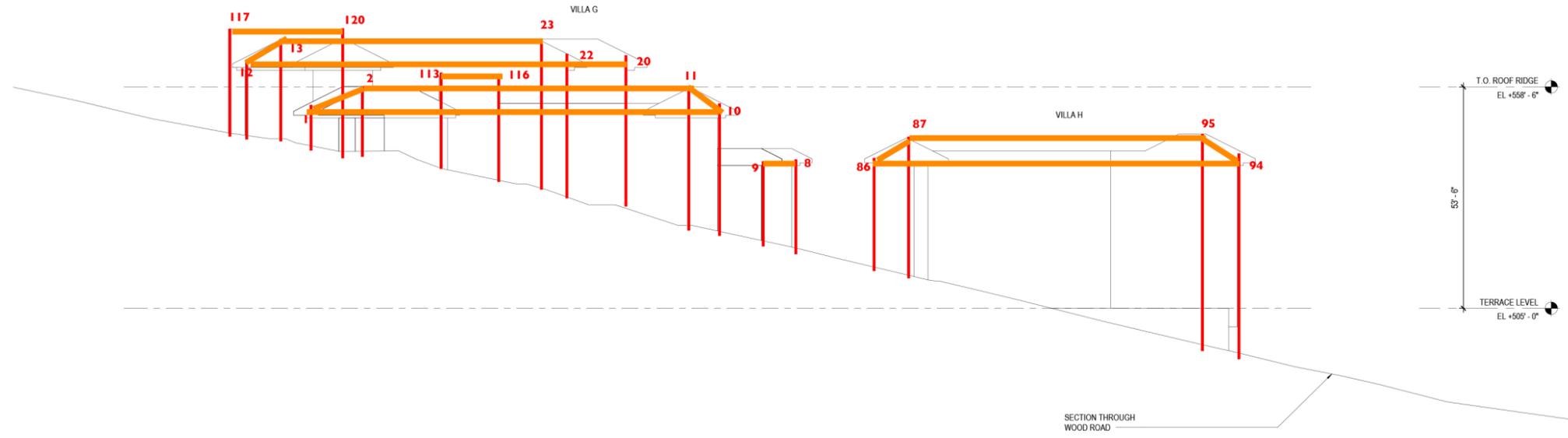
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NO.	DATE	ISSUE



1 NORTH-EAST ELEVATION
1/16" = 1'-0"

LEGEND:
 **STORY POLE**
 **STRINGLINES WITH ORANGE PENNANT FLAGS**
One pole on each elevation of each villa be marked at five foot increments



2 SOUTH-WEST ELEVATION
1/16" = 1'-0"

KEY PLAN

PERKINS — EASTMAN
677 Washington Blvd.
Suite 101
Stamford, CT 06901
T: +1 203 251 7400
F: +1 203 251 7474

Owner:
COVIA
 2185 N CALIFORNIA BLVD, SUITE 215
 WALNUT CREEK, CA 94596
 (925) 956-7400
 Construction Manager:
CM NAME
 CM Address

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 150 CALIFORNIA ST, 3RD FLOOR
 SAN FRANCISCO, CA 94111
 (415) 398-7667
 Electrical:

PROJECT TITLE:
LOS GATOS MEADOWS

110 WOOD ROAD
 LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:
STORYPOLE NE & SW ELEVATION

SCALE: 1/16" = 1'-0"

SK-A202

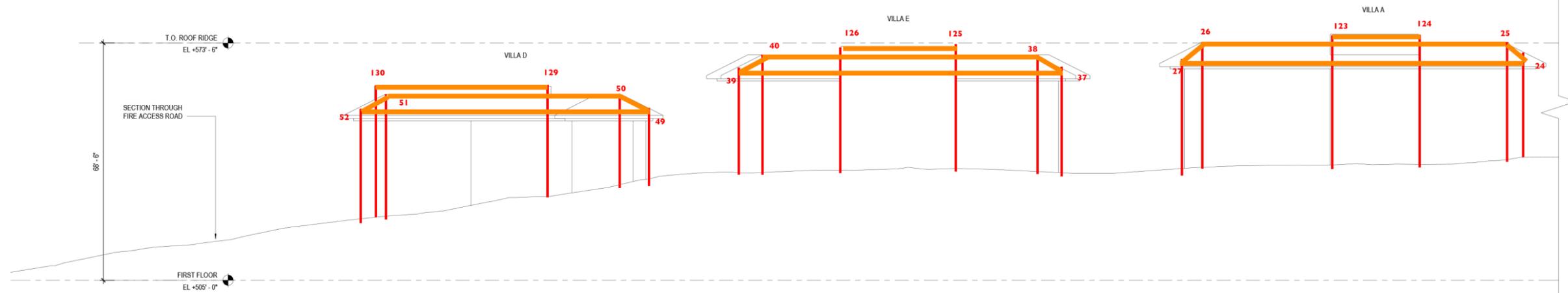
PLANNING SUBMITTAL

JANUARY 12, 2021

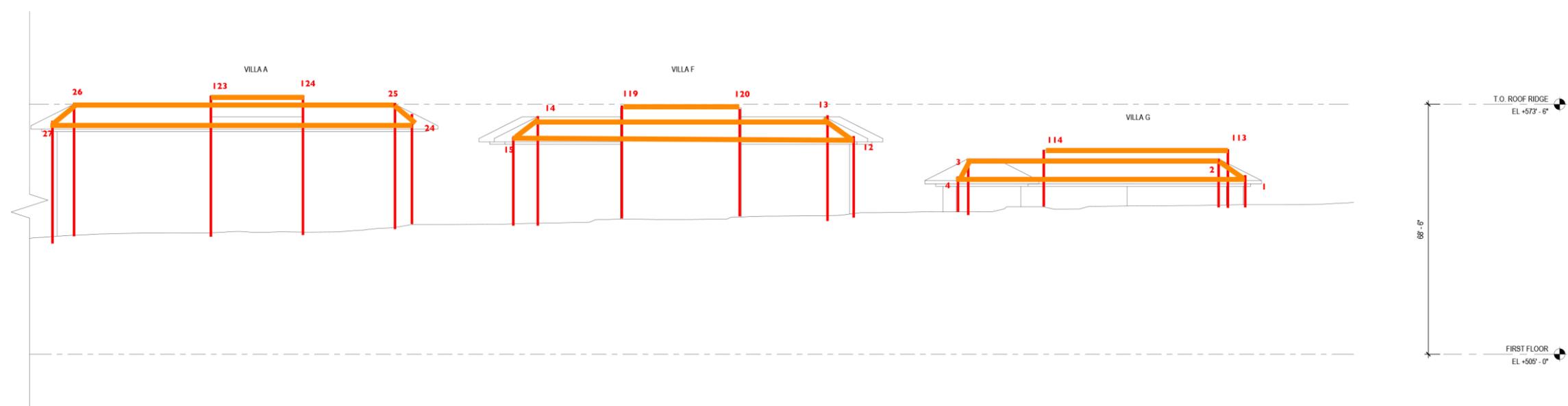
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NO.	DATE	ISSUE

LEGEND:
 **STORY POLE**
 **STRINGLINES WITH ORANGE PENNANT FLAGS**
One pole on each elevation of each villa be marked at five foot increments



1 NORTH-WEST ELEVATION
 1/16" = 1'-0"



2 NORTH-WEST ELEVATION
 1/16" = 1'-0"



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 677 Washington Blvd
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 Stamford, CT 06901
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Owner:
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 (925) 956-7400
 Construction Manager:
CM NAME
 CM Address

Civil / Site:
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Landscape:
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 SAN RAMON, CA 94583
 (925) 736-8176

Structural:
KPFF CONSULTING ENGINEERS
 45 FREMONT ST, 28TH FLOOR
 SAN FRANCISCO, CA 94105
 (415) 989-1004

Mechanical & Plumbing:
GLUMAC
 150 CALIFORNIA ST, 3RD FLOOR
 SAN FRANCISCO, CA 94111
 (415) 398-7667
 Electrical:

PROJECT TITLE:
LOS GATOS MEADOWS

110 WOOD ROAD
 LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:
STORYPOLE NW ELEVATION

SCALE: 1/16" = 1'-0"

SK-A203

PLANNING SUBMITTAL

JANUARY 12, 2021

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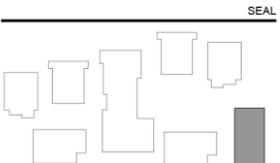
- STORY POLE
 - STRINGLINES WITH ORANGE PENNANT FLAGS
- One pole on each elevation of each villa be marked at five foot increments

MATERIAL LEGEND

- RF-1 ROOF - STANDING SEAM
- ST-1 STONE TILE
- MC-1 BRUSHED STAINLESS STEEL
- EX-1 CONCRETE PANEL SIDING
- EX-2 BALCONY FINISH
- MP-1 METAL PANEL SIDING
- MP-2 VERTICAL STANDING SEAM
- MP-3 CONCRETE PANEL SIDING

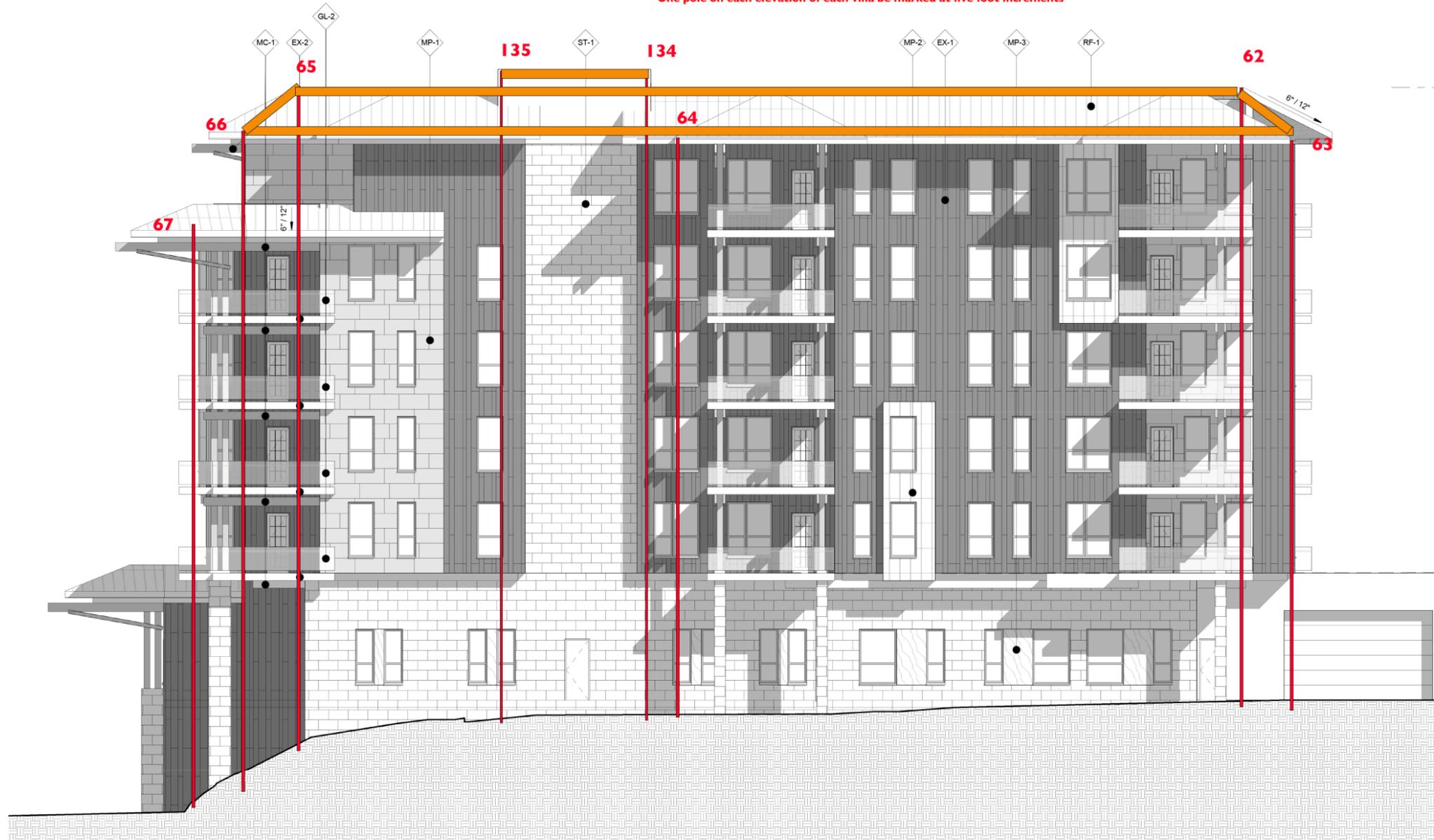
NO.	DATE	ISSUE

NOT FOR CONSTRUCTION



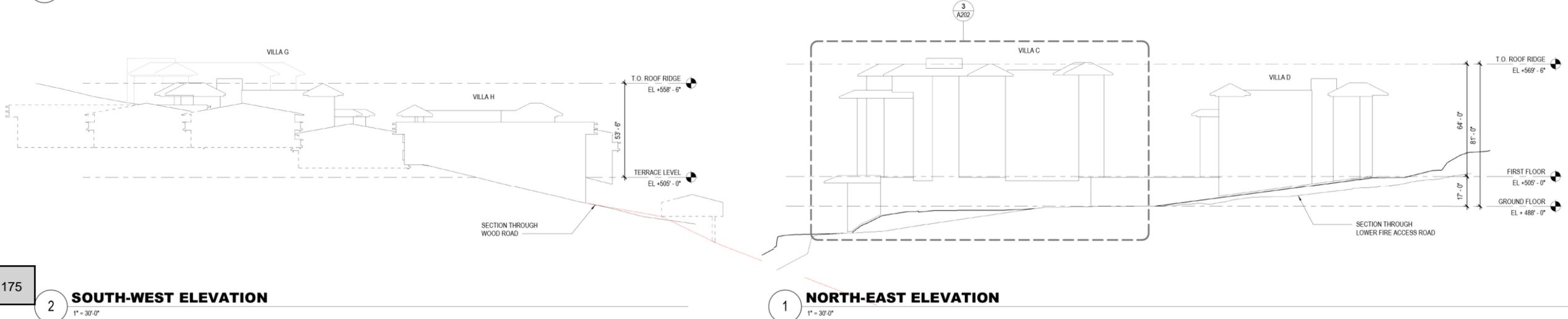
PERKINS EASTMAN
 100 Montgomery St., Suite 2300
 San Francisco, CA 94104
 T. +1 415 926 7900

- Applicant:
ROCKWOOD PACIFIC
 36 SOUTHWOOD DRIVE
 ORINDA, CA 94563
 (415) 816-7944
- Owner:
COVIA
 2185 N CALIFORNIA BLVD, SUITE 215
 WALNUT CREEK, CA 94596
 (925) 956-7400
- Civil / Site:
KIMLEY-HORN
 4637 CHABOT DRIVE, SUITE 300
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 SAN RAMON, CA 94583
 (925) 736-8176
- Structural:
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 45 FREMONT ST, 28TH FLOOR
 SAN FRANCISCO, CA 94105
 (415) 969-1004
- Mechanical, Electrical & Plumbing:
GLUMAC
 150 CALIFORNIA ST, 3RD FLOOR
 SAN FRANCISCO, CA 94111
 (415) 398-7667
- General Contractor:
DEVCON CONSTRUCTION INC
 650 GIBRALTAR DRIVE
 MILPITAS, CA 95035
 (408) 942-8200



NOTE: SEE SHEET A204 FOR MATERIAL BOARD

3 VILLA C NORTH-EAST ELEVATION
 1/8" = 1'-0"



1 NORTH-EAST ELEVATION
 1" = 30'-0"

2 SOUTH-WEST ELEVATION
 1" = 30'-0"

PROJECT TITLE:
LOS GATOS MEADOWS

110 WOOD ROAD
 LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:
EXTERIOR ELEVATIONS NE & SW

SCALE: As Indicated

A202

PLANNING SUBMITTAL

MARCH 24, 2021

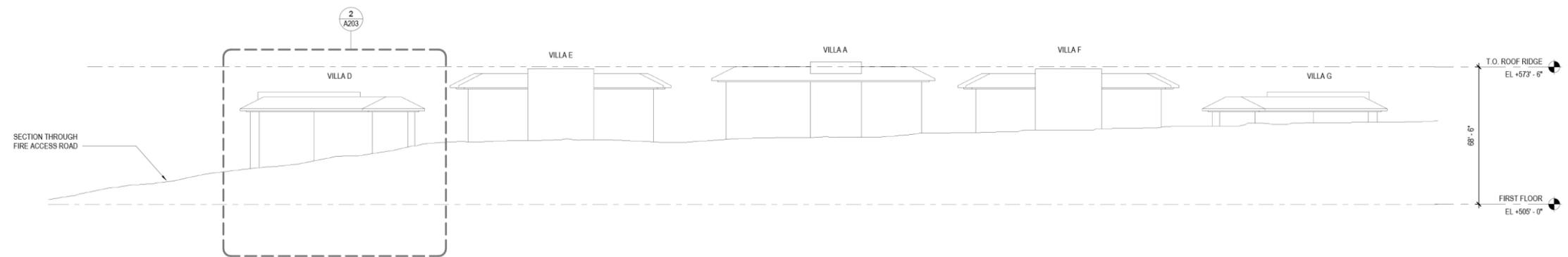
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LEGEND:
 — STORY POLE
 — STRINGLINES WITH ORANGE PENNANT FLAGS
 One pole on each elevation of each villa be marked at five foot increments



NOTE: SEE SHEET A204 FOR MATERIAL BOARD

2 **VILLA D NORTH-WEST ELEVATION**
 1/8" = 1'-0"



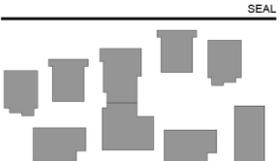
1 **NORTH-WEST ELEVATION**
 1" = 30'-0"

MATERIAL LEGEND

RF-1		ROOF - STANDING SEAM
ST-1		STONE TILE
MC-1		BRUSHED STAINLESS STEEL
EX-1		CONCRETE PANEL SIDING
EX-2		BALCONY FINISH
MP-1		METAL PANEL SIDING
MP-2		VERTICAL STANDING SEAM
MP-3		CONCRETE PANEL SIDING

NO.	DATE	ISSUE

NOT FOR CONSTRUCTION



PERKINS EASTMAN
 100 Montgomery St., Suite 2300
 San Francisco, CA 94104
 T. +1 415 926 7900

Applicant:
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 36 SOUTHWOOD DRIVE
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 SAN RAMON, CA 94583
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 45 FREMONT ST, 28TH FLOOR
 SAN FRANCISCO, CA 94105
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 SAN FRANCISCO, CA 94111
 (415) 398-7667

General Contractor:
DEVCON CONSTRUCTION INC
 650 GIBRALTAR DRIVE
 MILPITAS, CA 95035
 (408) 942-8200

PROJECT TITLE:
LOS GATOS MEADOWS

110 WOOD ROAD
 LOS GATOS, CA 95030

PROJECT No: 70581.00

DRAWING TITLE:
EXTERIOR ELEVATIONS NW

SCALE: As Indicated

A203

PLANNING SUBMITTAL

MARCH 24, 2021

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From: Andrew Ghofrani <[REDACTED]>
Sent: Monday, October 11, 2021 9:52 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Andrew Ghofrani <[REDACTED]>; Julie Southern <[REDACTED]>; Bernd Neudecker <[REDACTED]>
Subject: 110 Wood Rd LG

EXTERNAL SENDER

Dear Sean,

It has come to my attention that the developer is asking for an exception about putting up the complete story poles for full visualization. In a joint zoom meeting in early June, I was assured that they fully intend to install story poles & orange netting in early October.

I want to be on record again about my objection to a waiver of this requirement as i have previously stated as well. The only way to truly realized the full visual impact of this massive project is to see the story poles and orange netting.

The story poles are needed for full transparency and any waiver to that will not be the right approach.

Please acknowledge the receipt of this email and adding my objection to the record.

Thank you,

Andy Ghofrani

[REDACTED]

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 10

ADDENDUM

DATE: October 18, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Sean Mullin

REMARKS:

Attachment 5 includes additional public comments received between 11:01 a.m., Thursday, October 14, 2021, and 11:00 a.m., Monday, October 18, 2021.

ATTACHMENTS:

Previously received with the October 19, 2021 Staff Report:

1. Location Map
2. Height Pole and Netting Policy
3. Exception Request and Proposed Story Pole Plan from the Applicant, dated September 23, 2021
4. Public Comments received by 11:00 a.m., Thursday, October 14, 2021

Received with this Addendum:

5. Public comments received between 11:01 a.m., Thursday, October 14, 2001 and 11:00 a.m., Monday, October 18, 2021

PREPARED BY: Sean Mullin, AICP
Associate Planner

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

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From: Julie Southern [REDACTED]
Sent: Monday, October 18, 2021 8:55 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Meadows and story poles rev 2

EXTERNAL SENDER

Hello Sean

This note is in reference to the limit / exemption of story poles for the Meadows project.

The Meadows sent out a letter to its neighbors. If I understand correctly, the exception is for the material of the flags, not the number of poles. As long as we can see the impact of the buildings - height, width, etc.- I see no issue.

But I do feel that all poles should be put up in accordance with the town rules.

Thank you

Julie Southern
[REDACTED]

ATTACHMENT 5

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 10

DESK ITEM

DATE: October 19, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R:PD Located at 110 Wood Road. APN 510-47-038. Applicant: Frank Rockwood. Property Owner: Covia Communities. Project Planner: Sean Mullin

REMARKS:

Attachment 6 includes additional public comments received between 11:01 a.m., Monday, October 18, 2021, and 11:00 a.m., Tuesday, October 19, 2021.

ATTACHMENTS:

Previously received with the October 19, 2021 Staff Report:

1. Location Map
2. Height Pole and Netting Policy
3. Exception Request and Proposed Story Pole Plan from the Applicant, dated September 23, 2021
4. Public Comments received by 11:00 a.m., Thursday, October 14, 2021

Previously received with the October 19, 2021 Addendum:

5. Public comments received between 11:01 a.m., Thursday, October 14, 2001 and 11:00 a.m., Monday, October 18, 2021

Received with this Desk Item:

6. Public comments received between 11:01 a.m., Monday, October 18, 2001 and 11:00 a.m., Tuesday, October 19, 2021

PREPARED BY: Sean Mullin, AICP
Associate Planner

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

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From: Andrew Ghofrani <[REDACTED]>
Sent: Monday, October 11, 2021 9:52 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Andrew Ghofrani <[REDACTED]>; Julie Southern <[REDACTED]>; Bernd Neudecker <[REDACTED]>
Subject: 110 Wood Rd LG

EXTERNAL SENDER

Dear Sean,

It has come to my attention that the developer is asking for an exception about putting up the complete story poles for full visualization. In a joint zoom meeting in early June, I was assured that they fully intend to install story poles & orange netting in early October.

I want to be on record again about my objection to a waiver of this requirement as i have previously stated as well. The only way to truly realized the full visual impact of this massive project is to see the story poles and orange netting.

The story poles are needed for full transparency and any waiver to that will not be the right approach.

Please acknowledge the receipt of this email and adding my objection to the record.

Thank you,

Andy Ghofrani

[REDACTED]

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/19/2021

ITEM NO: 11

DATE: October 18, 2021
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Consider Adoption of an Urgency Ordinance of the Town of Los Gatos Amending Section 18.50.100 of the Town Code to Prohibit Targeted Residential Picketing

RECOMMENDATION:

It is recommended that the Town Council adopt an Urgency Ordinance of the Town Council of the Town of Los Gatos amending Town Code Section 18.50.100 to prohibit targeted picketing in residential areas.

BACKGROUND:

The Mayor has requested that the Town Council consider the adoption of an ordinance prohibiting targeted picketing within 300 feet of the residence of a particular person. Targeted picketing is defined as picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling. Picketing activity that is targeted at a particular residence may harass and intimidate such occupants, is inherently and unreasonably offensive to and intrusive upon the right to privacy in the home, and may cause the occupants of such home to experience great emotional distress. Such unwelcome and targeted picketing activity creates a 'captive audience' situation because the occupants of a residence or household cannot readily move to another residence or household in order to avoid the unwelcome picketing activity being directed at them.

DISCUSSION:

The ordinance, as amended, is narrowly tailored to protect the safety and tranquility of residents while leaving open ample alternative channels of communication. The ordinance is content neutral and merely restricts the time, place and manner of picketing. Adopting this ordinance will protect residents from being individually targeted while not prohibiting other lawful demonstrations. Ordinances similar to this have been adopted by many cities in the State of California and around the country and have withstood legal challenge.

Reviewed by: Town Manager and Assistant Town Manager

PAGE 2 OF 2

SUBJECT: Adopt an Urgency Ordinance Related to Prohibiting Picketing in Residential Areas

DATE: October 18, 2021

CONCLUSION:

It is recommended that the Town Council adopt an Urgency Ordinance of the Town Council of the Town of Los Gatos amending Town Code Section 18.50.100 to prohibit targeted picketing in residential areas.

COORDINATION:

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

FISCAL IMPACT:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Urgency Ordinance

ORDINANCE -

**AN INTERIM URGENCY ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING SECTION 18.50.100 OF THE TOWN CODE TO PROHIBIT
TARGETED RESIDENTIAL PICKETING**

WHEREAS, pursuant to the Town’s police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the Town and its residents; and

WHEREAS, California Government Code Section 36937 authorizes the Town Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least 4/5 affirmative votes; and

WHEREAS, California Government Code Section 65858 sets forth a separate procedure for zoning urgency ordinances, and this procedure does not apply to this urgency ordinance because it is not a zoning regulation; and

WHEREAS, picketing activity that is targeted at a particular residence or household whose occupants do not welcome such activity may harass and intimidate such occupants, is inherently and unreasonably offensive to and intrusive upon the right to privacy in the home and may cause the occupants of such home to experience great emotional distress; and

WHEREAS, such unwelcome and targeted picketing activity creates a ‘captive audience’ situation because the occupants of a residence or household cannot readily move to another residence or household in order to avoid the unwelcome picketing activity being directed at them; and

WHEREAS, the purpose of this ordinance is to reasonably regulate the time, place and manner of picketing activity targeted at a particular residential dwelling. The regulations are content neutral and are intended to protect against the devastating effect of targeted picketing on the quiet enjoyment of the home; and

WHEREAS, this ordinance is not intended to and do not restrict the rights of free speech or alternative channels of communication. The ordinance leaves ample room for dissemination of ideas in a general way through marches, demonstrations, and placards employed in residential neighborhoods and other places, provided individuals are not targeted within 300 feet of their home; and

WHEREAS, in developing this ordinance, the Town Council has been mindful of legal principles relating to the regulations of targeted residential picketing. The Town Council has considered decisions of the United States Supreme Court, including but not limited to: *Frisby vs Schultz* (1988) 487 U.S. 474, and *Village of Belle Terre vs Boraas* (1974) 416 U.S. 1, 9; several California

ATTACHMENT 1

cases, including but not limited to: City of San Jose vs Superior Court (1995) 32 Cal.App.4th 330; Sundance Saloon, Inc. vs City of San Diego (1989) 213 Cal.App.3d 807; and, Concerned Citizens of Murphys vs Jackson (1977) 72 Cal.App.3d 1021; and

WHEREAS, the California Appellate Court decision in the City of San Jose vs Superior Court, referenced above, supports the language of this chapter on its face and in its application as a content neutral time, place and manner restriction. Consistent with the City of San Jose decision, the Town Council has reasonably chosen this 300 foot buffer zone to provide a minimum degree of protection to the residents of targeted homes.

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

SECTION 1. Section 18.50.100 of the Los Gatos Town Code is amended to read as follows:

Sec. 18.50.100. - Targeted residential picketing prohibited.

- A. No person shall engage in picketing activity that is targeted at and is within three hundred feet of a residential dwelling.
- B. For purposes of this chapter, the term "residential dwelling" means any permanent building being used by its occupants solely for non-transient residential uses.
- C. For purposes of this chapter, the term "targeted" picketing means picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.
- D. This chapter does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling.

Sec. 18.50.110. - Picketing before or about a residential dwelling prohibited.

- A. It is unlawful for any person to engage in picketing before or about a residential dwelling of any individual in the Town of Los Gatos.
- B. Enforcement of this section shall be limited to those situations where the picketing proceeds on a definite course or route in front of a residential dwelling and is directed at that residential dwelling.
- C. This section does not and shall not be interpreted to preclude general marching through residential neighborhoods.

Sec. 18.50.120. - Private right of action.

- A. Any person who is aggrieved by an act prohibited by this Chapter may bring an action for damages, injunctive and/or declaratory relief, as appropriate, in a court of competent jurisdiction against any person who has violated, has conspired to violate, or proposes to violate the provisions of this chapter.
- B. Any aggrieved person who prevails in such an action shall be entitled to recover from the violator those damages, costs, attorneys' fees and such other relief as determined by the court. In addition to all other damages or relief, the court may award to the aggrieved person a civil penalty of up to one thousand dollars for each violation of this chapter.
- C. The remedies provided by this chapter are in addition to any other legal or equitable remedies the aggrieved person may have and are not intended to be exclusive.

Sec. 18.50.130 - Penalty.

In addition to any civil remedy created herein, the violation of any provision of Sections 18.50.100 or 18.50.110 shall constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of those sections. In addition to the foregoing, any violation of Sections 18.50.100 or 18.50.110 shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

SECTION 2. For a period of forty five (45) days, commencing on the date of the adoption of this urgency interim ordinance, or until such time as this urgency interim ordinance may expire subject to any extension of this urgency interim ordinance that the Town Council may adopt and approve pursuant to Government Code section 65858.

SECTION 3. This Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the Town Council of the Town of Los Gatos by Government Code Sections 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the Town Council as if and to the same extent that such Ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 4. In adopting this Interim Urgency Ordinance, the Town Council finds and determines that each of the recitals contained in this Ordinance are true and correct, and that

the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health and welfare, as those terms are defined in Government Code Section 65858(a) because demonstrators have increasingly picketed at the homes of elected officials. More recently, the threat of intimidation and violence directed at personal residences has become more concrete and imminent. There is, therefore, an urgent need to protect public officials from threatened intimidation and possible violence at their residences.

SECTION 5. The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This ordinance imposes a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the ordinance is not a "project" within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the Town would undertake the required CEQA review for that project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

SECTION 6. This Interim Urgency Ordinance shall be of no further force or effect forty-five (45) days from and after the date of its adoption, unless the same is extended pursuant to the authority conferred upon the Town Council by Government Code Section 65858(a).

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of October 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

ATTACHMENT 1

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

ATTACHMENT 1

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