



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA
JANUARY 21, 2025
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
7:00 PM**

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

IMPORTANT NOTICE

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

HOW TO PARTICIPATE

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

- **Zoom Webinar (Online):** Join from a PC, Mac, iPad, iPhone or Android device. Please use this URL to join: <https://losgatosca.gov.zoom.us/j/85481444677?pwd=561kip53XZTmhrTCwGDoNCvDTWQnwJ.1>
Passcode: 535103. You can also type in 854 8144 4677 in the “Join a Meeting” page on the Zoom website at www.zoom.us and use passcode 535103.
 - When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Telephone:** Please dial (877) 336-1839 for US Toll-free or (636) 651-0008 for US Toll. (Conference code: 1052180)
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** Please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

- NOTES:** (1) Comments will be limited to three (3) minutes or less at the Mayor’s discretion.
(2) If you are unable to participate in real-time, you may email Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment).
(3) Deadlines to submit written comments are:
11:00 a.m. the Thursday before the Council meeting for inclusion in the agenda packet.
11:00 a.m. the Monday before the Council meeting for inclusion in an addendum.
11:00 a.m. on the day of the Council meeting for inclusion in a desk item.
(4) Persons wishing to make an audio/visual presentation may do so only on agenda items and must submit the presentation electronically to Clerk@losgatosca.gov no later than 3:00 p.m. on the day of the Council meeting.

CALL MEETING TO ORDER

ROLL CALL

APPROVE REMOTE PARTICIPATION *(This item is listed on the agenda in the event there is an emergency circumstance requiring a Council Member to participate remotely under AB 2449 (Government Code 54953)).*

PLEDGE OF ALLEGIANCE

PRESENTATIONS

- i. Recognize Outgoing Town Board, Commission, and Committee Members.

CONSENT ITEMS *(Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 1 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

1. Approve the Minutes of the December 10, 2024 Special Town Council Meeting.
2. Approve the Minutes of the December 16, 2024 Special Town Council Meeting.
3. Approve the Minutes of the December 17, 2024 Closed Session Town Council Meeting.
4. Approve the Minutes of the December 17, 2024 Town Council Meeting.
5. Receive the Monthly Financial and Investment Report for November 2024.
6. Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for Construction of a Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8 and Remanding the Decision to the Planning Commission with Specific Direction. **Located at 15411 National Avenue.** APN 424-12-140. Architecture and Site Application S-23-033. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owners: Vyankatesh and Ramya Muddada. Applicant: Jose Rama. Appellant: Hellen Martinez. Project Planner: Erin Walters.
7. Adopt An Ordinance Amending Section 06.20.020 (Buildings and Building Regulations) to Add the Definition of Qualifying Alterations.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Adding a Section 06.20.020, "Qualifying Alterations," to Article II, "Administration of Codes," of Chapter 6, "Buildings And Building Regulations," of the Town Code to Add a Definition for "Qualifying Alterations."
8. Accept Grant Funding From the Town's Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) and Authorize Revenue and Expenditure Allocation to the Grant Program "4818" for Fiscal Year 2024/25.
9. Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with Sequoia Ecological Consulting Inc. to Increase the Contract Amount by \$6,440 for an Adjusted Contract Amount Not to Exceed \$237,795 for Vegetation Management – Townwide Open Spaces Project (CIP No. 832-4508).
10. Authorize the Town Manager to Execute a Third Amendment to the Agreement for Services with Traffic Management, Inc. to Extend the Contract Term to August 29, 2025.

11. Authorize the Town Manager to Execute a Pass-Through Agreement with CSG, Inc. for Review and Inspection of Encroachment Permit Applications Related to Comcast Infrastructure; and Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$200,000 to Recognize the Comcast Deposit Revenue and Associated Expenditure for CSG Review Services.

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

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes 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 for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

12. Weed Abatement Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2025 Weed Abatement Program Commencement Report and Order the Abatement.
13. Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof.
14. Consider a Recommendation by the Planning Commission to Approve a Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD; Adopt a Resolution Approving the Subdivision, and Architecture and Site Applications; and Introduce an Ordinance to Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone . **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owners: Marty and Penny McFarland. Applicant: Terence J. Szewczyk (M-20-011 and PD-20-002). Applicant: Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1412 Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone.
15. Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements, Pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment.

Town Code Amendment Application A-24-008. Project Location: Town Wide. Applicant: Town of Los Gatos.

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," of the Town Code to Amend Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements.

16. Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Parking Standards Pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment. Town Code Amendment Application A-24-009. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," of the Town Code Regarding Parking Standards, Pursuant to Implementation Program AA of the 2023-2031 Housing Element.

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

17. Receive the Information Provided in the Police Services Report: July – December 2024.
18. Discussion, Consideration, and Approval to Add a Full-Time Emergency Manager (Classification: Division Manager) Position to the FY 2024-25 Budget and Approve an Expenditure Budget Adjustment of \$1,000,000 for Emergency Management Efforts from the Available Special/Capital Projects Reserve.
19. Resolution Declaring Town-Owned Property at 4 Tait to be Exempt Surplus Land Pursuant to the State Surplus Land Act [Gov. Code Section 54221(f)(1)(B)] and Authorizing Town Manager to Pursue Disposal of the Property and Make Recommendations to the Town Council.

COUNCIL / MANAGER MATTERS

CLOSED SESSION REPORT

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

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104].

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 1

ITEM NO. 1.

**DRAFT
Minutes of the Town Council Special Meeting
Tuesday, December 10, 2024
7:00 P.M.**

The Town Council of the Town of Los Gatos conducted a special meeting in-person and via teleconference.

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

ROLL CALL

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

Absent: None

Mayor Badame recognized distinguished guests in the audience.

VERBAL COMMUNICATIONS

Karla Albright

- Provided comments in support of the appointment of Rob Moore as the Vice Mayor.

Nick Struthers

- Thanked the Council for their service, commented in support of appointing Vice Mayor Hudes as Mayor, and on concerns with new developments.

Stephanie Brown

- Provided comments in support of the appointment of Rob Moore as the Vice Mayor.

Alex Kobayashi, Senator Josh Becker

- Congratulated Council Members Hudes and Ristow on their appointments and commended Mayor Mary Badame for her service as Mayor.

OTHER BUSINESS

1. Reorganization of the Town Council:
 - a. Acknowledge the Appointments of Council Members Matthew K. Hudes and Maria L. Ristow;
 - b. Recognize Outgoing Mayor Badame; and
 - c. Appoint the Mayor and Vice Mayor.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Town Council Meeting of December 10, 2024

DATE: December 11, 2024

Mayor Badame recognized the appointments of Matthew Hudes and Maria Ristow to the office of Council Member for a full term of four years each and acknowledged the official commencement of their terms of office.

Chris Constantin, Town Manager, presented a video commemorating Mayor Badame's year as Mayor and presented the Mayor with a commemorative plaque.

Mayor Badame commented on the key accomplishments of the Town during her year as Mayor.

Council Members thanked Mayor Badame for her leadership.

MOTION: Motion by Mayor Badame to nominate Vice Mayor Hudes as Mayor. Seconded by Council Member Rennie.

VOTE: Motion passed unanimously.

Mayor-Elect Hudes commented on his upcoming Mayoral year and thanked his family and the community.

MOTION: Motion by Mayor-Elect Hudes to nominate Council Member Moore as Vice Mayor. Seconded by Council Member Ristow.

VOTE: Motion passed unanimously.

Vice Mayor-Elect Moore provided brief comments on his upcoming Vice Mayoral year.

Mayor-Elect Hudes introduced former Mayor and Council Member Sandy Decker who then administered the Oath of Office to Mayor-Elect Hudes, Vice Mayor-Elect Moore, and newly appointed Council Member Ristow.

Mayor Hudes accepted the gavel and made closing comments.

ADJOURNMENT

The meeting adjourned at 7:49 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2024

ITEM NO: 2

ITEM NO. 2.

**DRAFT
Minutes of the Town Council Special Meeting – Commissioner Interviews
Monday, December 16, 2024
5:15 P.M.**

The Town Council of the Town of Los Gatos conducted this special meeting in-person and utilizing teleconferencing means.

MEETING CALLED TO ORDER AT 5:16 P.M.

Mayor Hudes welcomed applicants and provided introductory comments.

ROLL CALL

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

Absent: None.

VERBAL COMMUNICATIONS

No one spoke.

OTHER BUSINESS

1. Interview Applicants and Make Appointments to Town Boards, Committees, and Commissions.

Mayor Hudes provided comments to explain the interview process that will be used for the meeting.

Council interviewed the following applicants for the vacant positions on Town Boards, Commissions, and Committees.

- **Library Board**
 - Steve Curry
 - Helena Fontenelle
 - Gayle Gordon
 - Deborah Lowe
 - Katharine Vieceli

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SUBJECT: Draft Minutes of the Town Council Special Meeting of December 16, 2024 –
Commissioner Interviews

DATE: December 18, 2024

- **Planning Commission**
 - Kyle Bohigian
 - Kendra Burch
 - Rasha Lashin (did not interview)
 - Salma Mojaddidi (did not interview)
 - Rob Stump

- **Arts and Culture Commission**
 - Shantik Azima-Taylor
 - Danielle Hinsche (did not interview)
 - Rebecca Navid
 - Thomas Spilsbury (did not interview, submitted a letter requesting reappointment)
 - Janet Wolf

- **Historic Preservation Committee**
 - Susan Branch
 - Alan Feinberg

- **Parks and Sustainability Commission**
 - Brant Corenson
 - Malcolm Gordon
 - Suresh Mohan
 - Reza Navid
 - Kim Vrijen

- **Complete Streets and Transportation Commission**
 - Pradeep Khanal
 - Alice Miano
 - Elisabeth Tabinski

Mayor Hudes called a recess at 7:19 p.m.

The meeting reconvened at 7:32 p.m.

- **Diversity, Equity, and Inclusion Commission**
 - Tooba Ahmed (non-profit employee, qualifies as LG business employee)
 - Folake Phillips (non-profit employee)
 - Nora Rousso (resident)
 - Gordon Yamate (resident)

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SUBJECT: Draft Minutes of the Town Council Special Meeting of December 16, 2024 –
Commissioner Interviews

DATE: December 18, 2024

- **Community Health and Senior Services Commission**
 - Gregory Gentile
 - Becky Gore (did not interview)
 - Eleanor Yick

Ballots were distributed to each Council Member and the Town Clerk stated that in order for a candidate to be appointed, a majority vote of three or more must occur. The Council Members completed written ballots and provided them to the Town Clerk. Town Clerk Wood read the votes and appointments as follows (applicants not listed did not receive a vote):

- **Library Board**
 - Gayle Gordon received one vote (Moore).
 - Deborah Lowe received a unanimous vote.
 - Katharine Vieceli received four votes (Rennie, Ristow, Badame, Hudes).

Deborah Lowe and Katharine Vieceli were appointed to the Library Board.

- **Planning Commission**
 - Kyle Bohigian received two votes (Moore and Ristow).
 - Kendra Burch received a unanimous vote.
 - Rob Stump received three votes (Badame, Hudes, Rennie).

Kendra Burch and Rob Stump were appointed to the Planning Commission.

- **Arts and Culture Commission**
 - Shantik Azima-Taylor received one vote (Moore).
 - Rebecca Navid received a unanimous vote.
 - Thomas Spilsbury received four votes (Badame, Hudes, Rennie, Ristow).
 - Janet Wolf received a unanimous vote.

Rebecca Navid, Thomas Spilsbury, and Janet Wolf were appointed to the Arts and Culture Commission.

- **Historic Preservation Committee**
 - Susan Branch received one vote (Rennie).
 - Alan Feinberg received four votes (Badame, Hudes, Moore, Ristow).

Alan Feinberg was appointed to the Historic Preservation Committee.

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SUBJECT: Draft Minutes of the Town Council Special Meeting of December 16, 2024 –
Commissioner Interviews

DATE: December 18, 2024

- **Parks and Sustainability Commission**

- Brant Corenson received three votes (Badame, Hudes, Ristow).
- Malcolm Gordon received two votes (Hudes, Rennie).
- Reza Navid received two votes (Badame, Moore).
- Kimberly “Kim” Vrijen received three votes (Moore, Rennie, Ristow).

Brant Corenson and Kimberly Vrijen were appointed to the Park and Sustainability Commission.

- **Complete Streets and Transportation Commission**

- Pradeep Khanal received a unanimous vote.
- Alice Miano received a unanimous vote.
- Elisabeth Tabinski received a unanimous vote.

Pradeep Khanal, Alice Miano, and Elisabeth Tabinski were appointed to Complete Streets and Transportation Commission.

- **Diversity, Equity, and Inclusion Commission**

- Tooba Ahmed received a unanimous vote for the Los Gatos Business Owner or Employee seat.
- Folake Phillips received a unanimous vote for the Non-Profit Employee seat.
- Nora Rousso received one vote for the Resident seat (Hudes).
- Gordon Yamate received four votes for the Resident seat (Badame, Moore, Rennie, Ristow).

Tooba Ahmed was appointed to the Diversity, Equity, and Inclusion Commission for the seat of Los Gatos Business Owner or Employee; Folake Phillips was appointed to the Diversity, Equity, and Inclusion Commission for the seat of Non-Profit Employee; and Gordon Yamate was appointed to the Diversity, Equity, and Inclusion Commission for the seat of Resident.

- **Community Health and Senior Services Commission**

- Gregory Gentile received a unanimous vote.
- Eleanor Yick received a unanimous vote.

Gregory Gentile and Eleanor Yick were appointed to the Community Health and Senior Services Commission.

ADJOURNMENT

The meeting adjourned at 8:38 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL CLOSED SESSION MINUTES**

MEETING DATE: 01/21/2025

ITEM NO. 3.

ITEM NO: 3

**DRAFT
Minutes of the Town Council Special Meeting – Closed Session
Tuesday, December 17, 2024
5:15 P.M.**

The Town Council of the Town of Los Gatos conducted a special meeting in-person to hold a Closed Session.

MEETING CALLED TO ORDER AT 5:15 P.M.

ROLL CALL

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

Absent: None.

VERBAL COMMUNICATIONS (ONLY ON ITEMS ON THE AGENDA)

Rich Stevens

- Commented on concerns with proposed projects and the displacement of businesses.

THE TOWN MOVED TO CLOSED SESSION ON THE FOLLOWING ITEMS:

1. EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957(b)(1)
Title: Town Manager
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): 1 case.

The Town Council reconvened in open session. The discussion of the Employee Performance Evaluation of the Town Manager will be continued to a date uncertain. There was no reportable action.

ADJOURNMENT

The meeting adjourned at approximately 6:10 p.m.

Attest:

Submitted by:

Jenna De Long, Deputy Town Clerk

Chris Constantin, Town Manager



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 4

ITEM NO. 4.

**DRAFT
Minutes of the Town Council Meeting
Tuesday, December 17, 2024
7:00 P.M.**

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

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

ROLL CALL

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

Absent: None

PLEDGE OF ALLEGIANCE

Girl Scouts Sophia, Audrey, and Nishka led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

- i. AARP provided a Presentation to the Town of Los Gatos on Acceptance into the AARP Network of Age-Friendly States and Communities.

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

1. Approve Closed Session Minutes of the December 3, 2024 Town Council Meeting.
2. Approve the Minutes of the December 3, 2024 Town Council Meeting.
3. Adopt An Ordinance to Repeal Town Code Sections 6.120.060, 6.120.070, and 6.120.080 (All Electric Construction Requirements). **ORDINANCE 2365**
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing Section 6.120.060, "All Electric Construction Definitions," Section 6.120.070, "Residential All Electric Construction," and Section 6.120.080, "Nonresidential All Electric Construction" of the Town Code.
4. Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding State Mandated Density Bonuses, Pursuant to Implementation Program R of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65915 and Following. Town Code Amendment Application A-24-005. **Project Location: Town Wide.** Applicant: Town of Los Gatos. **ORDINANCE 2366**

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code to Update the Town's Density Bonus Ordinance to Reflect Changes Made in State Law.

5. Adopt an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code to Add Low Barrier Navigation Centers as a By-Right Use in Mixed-Use and Nonresidential Zones, Pursuant to Implementation Program AD of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65660 - 65668. Town Code Amendment Application A-24-006.

Project Location: Town Wide. Applicant: Town of Los Gatos. **ORDINANCE 2367**

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos to Add Division 11, "Low Barrier Navigation Centers," to Article I, "General" of Chapter 29, "Zoning Regulations," of the Town Code.

6. Adopt a Replacement Units Ordinance Pursuant to Implementation Program AU of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to State Law. Town Code Amendment Application A-24-007. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

ORDINANCE 2368

Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code, to Add Division 12, "Replacement Housing Units," to Article I, "General."

7. Consider the Following Actions for the Property Location: 653 Blossom Hill Road. APN 529-65-002. Property Owner: Natalie Ladd. **RESOLUTION 2024-053**
 - a. Adopt a Resolution Approving a Purchase and Sale Agreement for the Re-Purchase of an Affordable Housing Unit Subject to an Existing Below Market Price (BMP) First Right of Refusal Option; and
 - b. Authorize the Town Manager to Negotiate and Execute all Agreements and Documents Necessary and Appropriate to Effectuate the Preservation of the Affordable Housing Unit; and
 - c. Authorize an Expenditure Budget Adjustment in the Amount of \$476,154 from Available BMP Housing In-Lieu Fee Fund to Purchase, Make Any Necessary Repairs, and Pay Any Past Due Fees and Taxes of the Property Prior to Resale; and
 - d. Authorize a Revenue Budget Adjustment in the Amount of \$476,154 to Redeposit the Sales Proceeds to the BMP Fund after Reselling the Unit.
8. Authorize the Town Manager to Execute a Five-Year Agreement for Services with Buringrud & Reyes Electric Inc. for Maintenance of Downtown Decorative Tree Lighting for a Total Agreement Amount Not to Exceed \$304,425.
9. Adopt a Resolution to Designate the Traffic Sergeant or Police Department Staff Member as Designated by the Chief of Police to the Board of Directors of the Los Gatos-Monte Sereno Safe Routes to School Organization. **RESOLUTION 2024-054**

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SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

10. Authorize the Town Manager to Execute a Use Agreement with California Farmers' Markets Association for Farmers' Market Operation Services for a Three-Year Term with Two Three-Year Options to Extend the Term.
11. Adopt Council Committee Appointments Effective January 1, 2025.
12. Approve a Side Letter that Amends the Town Employees Association (TEA) Salary Schedule to Establish a New Classification Title and Salary Range for Project Analyst I/II.
13. Receive the Monthly Financial and Investment Report for October 2024.
14. Receive Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2024, and Adopt a Resolution Confirming June 30, 2024 Fund Balances in Accordance with Fiscal Year 2023/24 Final Audit and Town Council General Fund Reserve Policy. **RESOLUTION 2024-055**
15. Adopt the Town of Los Gatos Community Wildfire Protection Plan (Annex 9 of the Countywide Community Wildfire Protection Plan).
16. Receive a Fiscal Year (FY) 2023/24 Status Report on Receipt and Use of Development Impact Fees.

Mayor Hudes opened public comment.

Carin Yamamoto

- Requested clarification on items 3, 4, 5, and 6, and commented concerns on item 15.

Mayor Hudes closed public comment.

MOTION: Motion by Council Member Ristow to approve consent items one through sixteen. Seconded by Vice Mayor Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Michael Kane

- Commented on a newspaper article, Senate Bill 54, a Town Resolution from 2017 (Resolution 2017-024), and on item 22.

Lynley Hogan

- Congratulated Mayor Hudes and commented on America's 250th anniversary.

Gus Who

- Congratulated Mayor Hudes and Vice Mayor Moore; commented on concerns with policies and recent events; and acknowledged Council Member Mayor Badame's service as Mayor.

Tom Picraux, Los Gatos Thrives Foundation President

- Commended the Town for joining the AARP Age-Friendly Network.

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

PUBLIC HEARINGS

- 17. Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof.

Gabrielle Whelan, Town Attorney, stated this item has been rescheduled to January 21, 2025.

- 18. Consider an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for Construction of a Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. **Located at 15411 National Avenue.** APN 424-12-140. Architecture and Site Application S-23-033. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owners: Vyankatesh and Ramya Muddada. Applicant: Jose Rama. Appellant: Hellen Martinez. Project Planner: Erin Walters.

Erin Walters, Senior Planner, presented the staff report.

Christian Urricariet and Hellen Martinez, Appellants

- Provided a presentation for the appeal.

Vyankatesh and Ramya Muddada, Property Owner/Applicant

- Provided a presentation of the proposed project.

Mayor Hudes opened public comment.

Venicat Vuppunutula

- Commented on concerns with privacy and massing.

Dearath

- Commented on concerns with privacy and massing.

Mayor Hudes closed public comment.

Vyankatesh and Ramya Muddada, Property Owners, and Jose Rama, Applicant

- Provided closing comments and answered Council questions.

Christian Urricariet and Hellen Martinez, Appellants

- Provided closing comments.

Council provided disclosures that each member has visited the site of the proposed project.

Council discussed the item.

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

MOTION: Motion by Council Member Badame To provide direction to staff to prepare a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction, that direction being: reduce the square footage of the residence to an amount not exceeding the largest in the immediate neighborhood, reduce the square footage of the garage to an amount not to exceed the largest in the immediate neighborhood, adopt the remaining two recommendations of the Town architect which is number one and number five [which is to] provide an under the eave entry in lieu of the proposed stone tower and provide projecting trim at the second-floor line around all sides of the home. The neighbors shall mutually agree upon the number, and location, and species of the privacy trees; work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts to the neighbors; and use obscure glass to address privacy at impacted locations. **Seconded by Vice Mayor Moore.**

Council Member Badame withdrew the motion.

After discussion, the following motion was made:

MOTION: Motion by Council Member Badame to provide direction to staff to prepare a resolution granting the appeal and remanding the application back to the Planning Commission with specific direction: reduce second floor massing, the number and location and species of the privacy trees shall be mutually agreed upon by the neighbors, work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts to the neighbors, and use of obscured glass to address privacy at impacted locations. Include the findings as just stated [the decision was not supported by substantial evidence in the record, the residential design guidelines were not met, staff’s recommendation of denial, and Commissioner Barnett’s quoting of section 2.1 of the residential design guidelines]. **Seconded by Vice Mayor Moore.**

VOTE: Motion passed 4-1. Council Member Ristow voted no.

Mayor Hudes called a recess at 9:22 p.m.

The meeting reconvened at 9:34 p.m.

OTHER BUSINESS

19. Introduce an Ordinance Amending Section 06.20.020 (Buildings and Building Regulations) to Add the Definition of Qualifying Alterations; and Consider Introducing an Ordinance Establishing Air Quality and NOx Emissions Regulations.

Ordinance Titles: An Ordinance of the Town Council of the Town of Los Gatos Adding a Section 06.20.020, “Qualifying Alterations,” to Article II, “Administration Of Codes,” of Chapter 6, “Buildings And Building Regulations,” of the Town Code to Add a Definition for “Qualifying Alterations”; and An Ordinance of the Town Council of the Town of Los Gatos Adding Article V, “Air Quality” to Chapter 13, “Health and Safety” of the Town Code to

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

Establish Air Quality and NOx Emissions Regulations, and Amending Section 29.20.720, “Administration And Enforcement” to Add the Implementation of the Air Quality Ordinance, and Amending Section 29.20.720 to Add Implementation to Duties of the Building Official.

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Ristow to introduce an ordinance amending section 06.20.020 (Buildings and Building Regulations) to add the definition of qualifying alterations in Attachment 1. **Seconded by Council Member Badame.**

VOTE: Motion passed unanimously.

After discussion, the following motion was made:

MOTION: Motion by Council Member Rennie to continue this item and look at what other cities are doing. **Seconded by Council Member Ristow.**

VOTE: Motion passed unanimously.

20. Discuss Options for a New Annual Town Event for Fall 2025 and Provide Direction.

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

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item and provided direction to staff to return to the Council with a breakdown of staff resources for the different events; look at a scale of both Sunday and Saturday as options; options for an event at Town Plaza Park alongside the Farmer’s Market and as a standalone event, options to include the costs of staff time, road closures, and non-road closures; provide a better estimate on the number of attendees.

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SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

21. Approve a Third Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney and Authorize the Mayor to Execute the Amendment; Modify the Management Salary Schedule; and Authorize a Budget Adjustment in the Amount of \$22,017.61 from Available General Fund Capital/Special Projects Reserve.

Cheryl Parkman, Human Resources Director, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Badame to approve a Third Amendment to the Employment Agreement between the Town of Los Gatos and the Town Attorney and authorize the Mayor to execute the amendment; modify the Management Salary Schedule; and authorize a budget adjustment in the amount of \$22,017.61 from available General Fund Capital/Special Projects Reserve. **Seconded by Vice Mayor Moore.**

VOTE: Motion passed unanimously.

22. Approve the Proposed Modifications to Town Council Policy 2-11 "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum" as Recommended by the Council Policy Committee. **POLICY 2-11**

Wendy Wood, Town Clerk, presented the staff report.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Moore to approve the proposed modifications to Town Council Policy 2-11 "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum" as recommended by the Council Policy Committee with the amendment of striking immediate family and the definition of immediate family, and replacing it with family member or loved one. **Seconded by Council Member Rennie.**

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

VOTE: Motion passed unanimously.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie stated he attended a Valley Transportation Authority (VTA) Board meeting; met with John Callen from El Camino Hospital District; attended the Los Gatos in Lights event, the Children’s Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday Gathering; met with incoming Saratoga Mayor; attended a Finance Commission meeting, a Silicon Valley Clean Energy Authority (SVCEA) Holiday Mixer and Panel Discussion, a SVCEA Board meeting; and met with a prospective Planning Commissioner.
- Vice Mayor Moore stated he attended the Los Gatos in Lights event, the Children’s Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday event; held his monthly Council Member Community Coffee; attended the swearing-in of new Assemblymember Patric Ahrens, a West Valley Sanitation District Board meeting and Holiday Luncheon; met with community members, John Callen from El Camino Hospital District, a Los Gatos student, and a business owner.
- Council Member Ristow stated she attended the Tomorrow’s City/County Manager Forum, the Los Gatos in Lights event, the Children’s Holiday/Christmas Parade, the Santa Clara County Cities Association Holiday event; attended a Wreaths Across America event; met with residents and Council Members from Saratoga, Monte Sereno, and Cupertino.
- Council Member Badame stated she attended the West Valley Mayors and Managers monthly meeting; met with the Executive Director of the West Valley Solid Waste Management Authority, the Town Manager and Parks and Public Works Director Nicolle Burnham; participated in a Ribbon Cutting for the 25th Anniversary of the Spa of Los Gatos, a Ribbon Cutting for La Vie MD Med Spa; participated in the Los Gatos in Lights event, Children’s Christmas Parade; met with John Callen from El Camino Hospital District; attended a Ribbon Cutting for Santa’s Workshop.
- Mayor Hudes stated he participated in all of the holiday events that were mentioned, a Finance Commission meeting, a Ribbon Cutting at Santa’s Workshop; observed the Diversity, Equity, and Inclusion (DEI) Commission meeting; attended a Wreaths Across America event; met with Assembly Member Gail Pellerin; commented on Commission appointments.

Town Manager Matters

- Announced the season of events has been completed; commended staff, volunteers, and partners for the Los Gatos in Lights and Christmas/Holiday Parade.
- Announced Town Administrative Offices will be closed from December 24 – January 1.
- Announced the Library will be closed December 23-25, December 30- January 1.
- Announced Police and Emergency Response will be operating 24 hours a day.

SUBJECT: Draft Minutes of the Town Council Meeting of December 17, 2024

DATE: December 17, 2024

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss an appointee performance evaluation and anticipated litigation and there is no reportable action. The appointee performance evaluation will be continued to a date uncertain in January.

ADJOURNMENT

The meeting adjourned at 11:14 p.m.

Respectfully Submitted:

Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO. 5.

ITEM NO: 5

DATE: January 14, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Receive the Monthly Financial and Investment Report for November 2024

RECOMMENDATION:

Receive the monthly Financial and Investment Report for November 2024.

BACKGROUND:

California Government Code Section 41004 requires that the Town Treasurer submit to the Town Clerk and the legislative body a written report and accounting of all receipts, disbursements, and fund balances. The Finance Director assumes the Town Treasurer role. Attachment 1 contains the November 2024 monthly Financial and Investment Report which fulfills this requirement.

The November 2024 Monthly Financial and Investment Report was received by the Finance Commission at its January 13, 2025, special meeting.

DISCUSSION:

The November 2024 Monthly Financial and Investment Report includes a Fund Balance Schedule, representing estimated funding available for all funds at the beginning of the fiscal year and at the end of the respective month.

As operations fluctuate month to month, there are differences between balances in one month to balances in another. Such differences may be significant due to the type of activity in those months and the timing of any estimates used in the presentation based on the information available. This is demonstrated by the attached November 30, 2024, fund balance report.

PREPARED BY: Eric Lemon
Finance and Accounting Manager

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

In the case that the differences are extraordinary and unanticipated, we will ensure we present more information to explain the differences.

The November 30, 2024, estimated fund balances differ from the October 31, 2024 estimated fund balances due to the normal day-to-day activity where revenue and expenditure activity in one month have a larger shift in one month from the other.

Please note that the amount in the Fund Schedule differs from the Portfolio Allocation and Treasurer’s Cash Fund Balances Summary schedule because assets and liabilities are components of the Fund Balance.

As illustrated in the summary below, Total Cash is adjusted by adding Total Assets less the amount of Total Liabilities to arrive at the Ending Fund Balance – which represents the actual amount of funds available.

Reconciling Cash to Fund Balance - November 30, 2024		
Total Cash	\$	69,393,525
Plus: Assets	\$	16,844,751
Less: Liabilities	\$	(29,200,656)
Estimated Fund Balance	\$	57,037,620

As of November 30, 2024, the Town’s financial position (Assets \$86.24M, Liabilities \$29.20M, and Fund Equity \$57.04M) remains strong and the Town has sufficient funds to meet the cash demands for the next six months.

As of November 30, 2024, the Town’s weighted portfolio yield for investments under management was 4.45% which was 3 basis points below the Local Agency Investment Fund (LAIF) yield of 4.48% for the same reporting period. As of October 31, 2024, the LAIF portfolio’s weighted average maturity (WAM) is 257 days versus the Town’s longer WAM of 676 days on November 30, 2024. The longer WAM for Town assets under management reflects the Town’s strategy to take advantage of higher yields associated with longer maturities balanced with shorter-term yields available on investments held with the State’s LAIF. The Town’s weighted average rate of return on investments under management of 4.45% at the close of November remained flat when compared to the October 31, 2024, investment report.

Since November 2023, LAIF yields have climbed from 384 basis points (3.84%) to 448 basis points (4.48%) through the end of November 2024. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

After the rate change back in July of 2023, the Federal Open Market Committee (FOMC) did not change rates again until their September 18, 2024, meeting when they approved a 1/2

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SUBJECT: Monthly Financial and Investment Report for November 2024

DATE: January 14, 2025

percentage basis point decrease from 5.5% to 5.0%. Furthermore, on November 7, 2024, the Federal Reserve voted to approve an additional 1/4 basis point decrease from 5.0% to 4.75%. The most recent change was at their December 2024 meeting when the Federal Reserve voted to approve another 1/4 basis point decrease from 4.75% to 4.50%. These changes support the Federal Open Market Committee's goal to support maximum employment and bring year-to-year inflation to its targeted level of 2%.

The economy added only 12,000 jobs in October, less than the 100,000 the market expected and lowest since December 2020. However, the figure was significantly impacted by hurricanes Helene and Milton as well as industrial strikes. The unemployment rate remained at 4.1% and the labor force participation rate remained at 63%. Wage growth rose from 3.9% to 4%.

The Town's investments are in compliance with the Town's Investment Policy dated February 21, 2023, and are also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

CONCLUSION:

Receive the Monthly Financial and Investment Report for November 2024.

Attachments:

1. Financial and Investment Report (November 2024)

**Town of Los Gatos
Summary Investment Information
November 30, 2024**

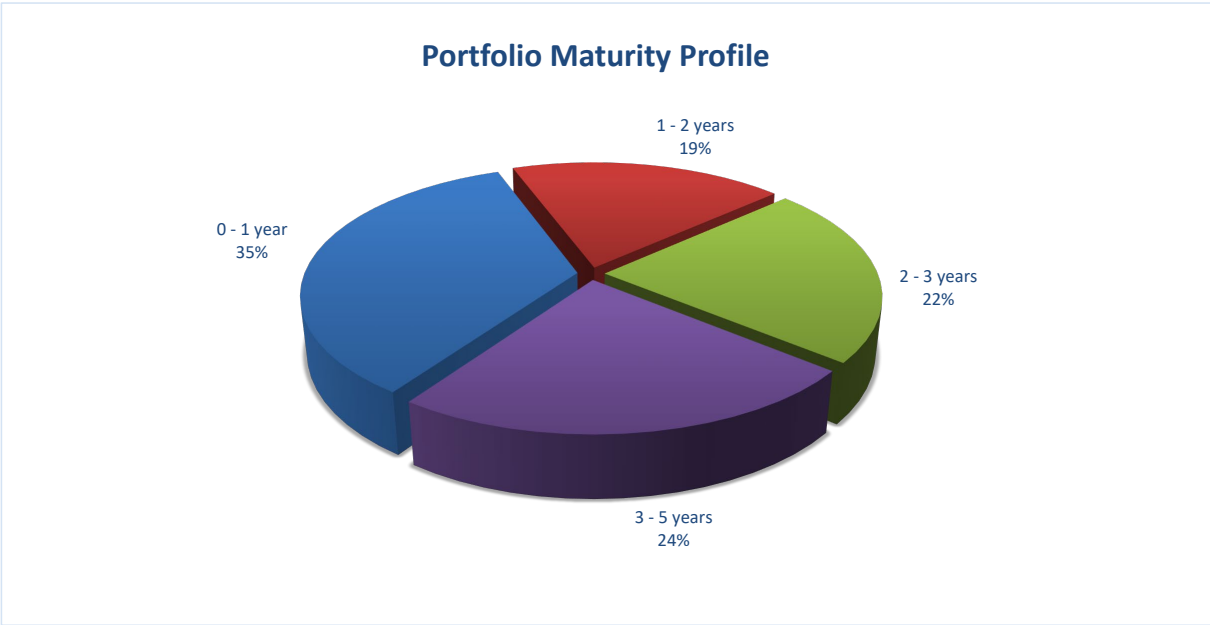
Weighted Average YTM Portfolio Yield on Investments under Management **4.45%**

Weighted Average Maturity (days) **676**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
Portfolio Allocation & Treasurer's Cash Balances	\$69,393,525	\$68,118,481	\$65,687,227
Managed Investments	\$50,337,771		
Local Agency Investment Fund	\$11,874,049		
Reconciled Demand Deposit Balances	\$7,181,705		
Portfolio Allocation & Treasurer's Cash Balances	<u><u>\$69,393,525</u></u>		

Benchmarks/ References:

Town's Average Yield	4.45%	4.45%	4.20%
LAIF Yield for month	4.48%	4.52%	3.84%
3 mo. Treasury	4.49%	4.54%	5.40%
6 mo. Treasury	4.44%	4.46%	5.41%
2 yr. Treasury	4.15%	4.17%	4.68%
5 yr. Treasury (most recent)	4.05%	4.16%	4.27%
10 Yr. Treasury	4.17%	4.28%	4.33%

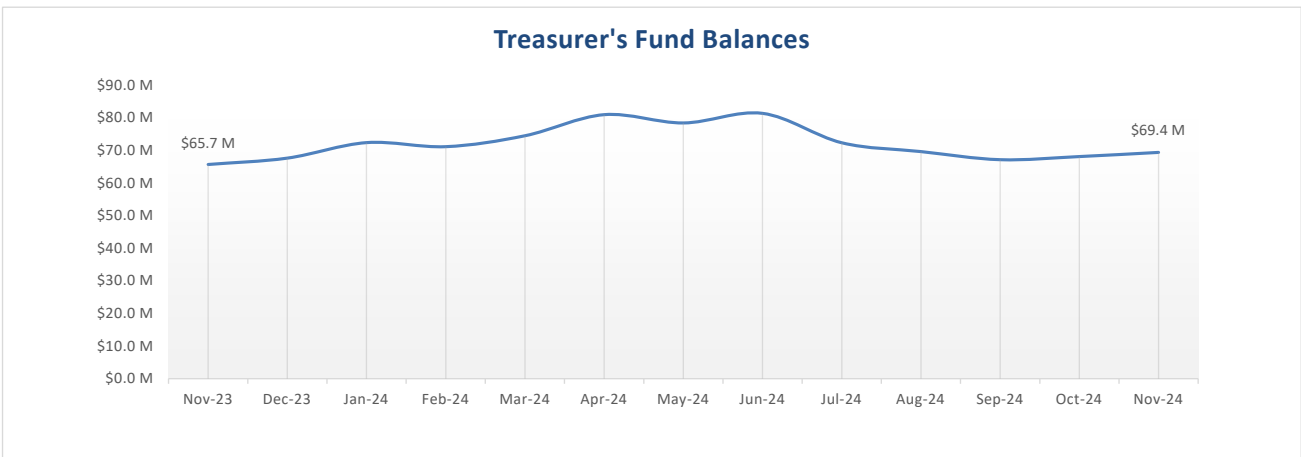
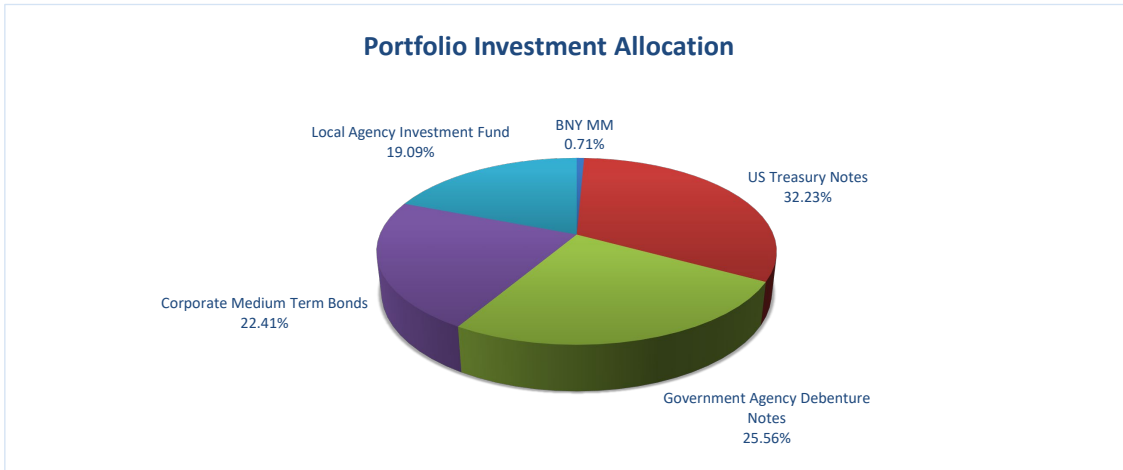


Compliance: The Town's investments are in compliance with the Town's investment policy dated February 21, 2023, and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

**Town of Los Gatos
Portfolio Allocation & Treasurer's Cash Balances
November 30, 2024**

	Month	YTD
Cash & Investment Balances - Beginning of Month/Period	\$ 68,118,481.28	\$ 81,368,409.88
Receipts	6,060,311.07	27,373,744.06
Disbursements	(4,785,267.59)	(39,348,629.18)
Cash & Investment Balances - End of Month/Period	<u>\$69,393,524.76</u>	<u>\$69,393,524.76</u>

Portfolio Allocation	Amount	% of Portfolio	Max. % or \$ Allowed per State Law or Policy
BNY MM	\$438,736.64	0.71%	20% of Town Portfolio
US Treasury Notes	\$20,054,713.77	32.23%	No Max. on US Treasuries
Government Agency Debenture Notes	\$15,904,019.60	25.56%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$13,940,300.50	22.41%	30% of Town Portfolio
Local Agency Investment Fund	\$11,874,049.16	19.09%	\$75 M per State Law
Subtotal - Investments	<u>62,211,819.67</u>	<u>100.00%</u>	
Reconciled Demand Deposit Balances	<u>7,181,705.09</u>		
Total Portfolio Allocation & Treasurer's Cash Balances	<u>\$69,393,524.76</u>		



Town of Los Gatos
Non-Treasury Restricted Fund Balances
November 30, 2024

	Beginning Balance	November 2024 Deposits Realized Gain/Adj.	November 2024 Interest/ Earnings	November 2024 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Ser A Reserve Fund	\$ 694,631.85	\$ -	\$ 2,555.66	\$ -	\$ 697,187.51	Note 1
Cert. of Participation 2010 Ser Lease Payment Fund	972.95	-	3.93	-	976.88	Note 2
Cert. of Participation 2002 Ser A Lease Payment Fund	17,455.59	-	64.25	-	17,519.84	Note 1
Cert. of Participation 2010 Ser Reserve Fund	1,412,837.13	-	5,681.67	-	1,418,518.80	Note 2
Total Restricted Funds:	<u>\$ 2,125,897.52</u>	<u>\$ -</u>	<u>\$ 8,305.51</u>	<u>\$ -</u>	<u>\$ 2,134,203.03</u>	
CEPPT IRS Section 115 Trust	2,267,568.84	-	40,212.73	-	\$ 2,307,781.57	Note 3
Grand Total COP's and CEPPT Trust	<u>\$ 4,393,466.36</u>	<u>\$ -</u>	<u>\$ 48,518.24</u>	<u>\$ -</u>	<u>\$ 4,441,984.60</u>	

These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.

Note 1: The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

Note 2: The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

Note 3: The CEPPT IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

Town of Los Gatos
Statement of Interest Earned
November 30, 2024

July 2024	\$	247,221.75
August 2024	\$	212,684.25
September 2024	\$	265,151.31
October 2024	\$	234,237.63
November 2024	\$	227,312.31
December 2024	\$	-
January 2025	\$	-
February 2025	\$	-
March 2025	\$	-
April 2025	\$	-
May 2025	\$	-
June 2025	\$	-
	\$	<u>1,186,607.25</u>

Town of Los Gatos
Investment Transaction Detail
November 30, 2024

Date	Cusip/Id	Description	Transaction Type	Settlement Date	Par	Coupon	Maturity Date	Price	Principal	Interest	Transaction Total
11/4/2024	Cash-USD	Cash-USD	SHORT TERM INVESTMENT FUND INCOME	11/4/2024	1,159.84	0.00%		100.00	-	-	1,159.84
11/7/2024	3135G06G3	FANNIE MAE 0.5% 07NOV2025	BOND INTEREST	11/7/2024	500,000.00	0.50%	11/7/2025	-	-	1,250.00	1,250.00
11/12/2024	89236TKL8	TOYOTA MOTOR CREDIT CORP 5.45% 10NOV2027	BOND INTEREST	11/12/2024	1,600,000.00	5.45%	11/10/2027	-	-	43,600.00	43,600.00
11/15/2024	91282CHB0	USA TREASURY 3.625% 15MAY2026	BOND INTEREST	11/15/2024	1,175,000.00	3.63%	5/15/2026	-	-	21,296.88	21,296.88
11/15/2024	9128285M8	USA TREASURY 3.125% 15NOV2028	BOND INTEREST	11/15/2024	1,200,000.00	3.13%	11/15/2028	-	-	18,750.00	18,750.00

Town of Los Gatos								
Insight ESG Ratings as of November 30, 2024								
Security Description	Maturity Date	Par/Shares	S&P Rating	Moody Rating	Insight ESG Rating	Environment	Social	Governance
AMERICAN HONDA FINANCE 4.95% 09JAN2026	1/9/2026	\$ 1,000,000	A-	A3	3	3	3	3
PEPSICO INC 2.85% 24FEB2026 (CALLABLE 24NOV25)	2/24/2026	\$ 1,000,000	A+	A1	2	2	2	3
HOME DEPOT INC. 3% 01APR2026 (CALLABLE 01JAN2026)	46113	\$ 1,000,000	A	A2	3	3	2	3
JPMORGAN CHASE & CO 3.2 15JUN2026 (CALLABLE 15MAR26)	46188	\$ 500,000	A	A1	3	1	3	4
APPLE INC. 2.9% 12SEP2027 (CALLABLE 12JUN27)	9/12/2027	\$ 1,300,000	AA+	Aaa	5	1	4	5
TOYOTA MOTOR CREDIT CORP 5.45% 10NOV2027	11/10/2027	\$ 1,600,000	A+	A1	3	2	3	4
AMERICAN HONDA FINANCE 4.7% 12JAN2028	1/12/2028	\$ 600,000	A-	A3	3	3	3	3
PNC BANK NA 3.25% 22JAN2028 (CALLABLE 01 FEB28)	1/22/2028	\$ 1,000,000	A	A2	3	2	3	3
COLGATE-PALMOLIVE CO 4.6% 01MAR2028 (CALLABLE 01FEB28)	3/1/2028	\$ 500,000	A+	Aa3	3	2	3	3
US BANCORP 4.548% 22JUL2028 (CALLABLE 22JUL27)	7/22/2028	\$ 1,000,000	A	A3	4	3	4	4
JPMORGAN CHASE & CO 4.851% 25JUL2028 (CALLABLE 25JUL28)	7/25/2028	\$ 1,400,000	A	A1	3	1	3	4
CISCO INC. 4.85% 26FEB2029 (CALLABLE 26JAN2029)	2/26/2029	\$ 1,000,000	AA-	A1	2	1	4	3
HOME DEPOT INC. 4.9% 15APR2029 (CALLABLE 15MAR2029)	47223	\$ 1,000,000	A	A2	3	3	2	3
CITIBANK 4.838% 06AUG2029 (CALLABLE 06JUL2029)	8/6/2029	\$ 1,250,000	A+	Aa3	3	1	3	4
Total/Average		\$ 14,150,000			3.1	2.0	3.0	3.5

*ESG ratings are from 1 to 5, with 1 as the highest rating and 5 as the lowest. All ratings are weighted by industry rankings, based on the importance of the category within the individual industry.

Fund Schedule

ITEM NO. 5.

Fund Number	Fund Description	Prior Year Carryforward 7/1/2024*	Increase/ (Decrease) July - October	November 2024				Estimated Fund Balance 11/30/2024*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	GENERAL FUND							
	Non-Spendable:							
	Loans Receivable	159,000	-	-	-	-	-	159,000
	Restricted Fund Balances:							
	Pension	2,188,659	-	-	-	-	-	2,188,659
	Land Held for Resale	344,338	-	-	-	-	-	344,338
	Committed Fund Balances:							
	Budget Stabilization	6,736,781	-	-	-	-	-	6,736,781
	Catastrophic	6,736,781	-	-	-	-	-	6,736,781
	Pension/OPEB	300,000	-	-	-	-	-	300,000
	Measure G District Sales Tax	590,581	-	-	-	-	-	590,581
	Assigned Fund Balances:							
	Open Space	410,000	-	-	-	-	-	410,000
	Sustainability	140,553	-	-	-	-	-	140,553
	Capital/Special Projects	8,651,059	-	-	-	-	-	8,651,059
	Carryover Encumbrances	85,861	-	-	-	-	-	85,861
	Compensated Absences	1,555,478	-	-	-	-	-	1,555,478
	ERAF Risk Reserve	1,430,054	-	-	-	-	-	1,430,054
	Market Fluctuations	1,712,246	-	-	-	-	-	1,712,246
	Council Priorities - Economic Recovery	20,684	-	-	-	-	-	20,684
	Unassigned Fund Balances:							
111	Other Unassigned Fund Balance Reserve (Pre YE distribution)	-	(2,754,488)	5,233,166	(4,882,479)	-	-	(2,403,801)
	General Fund Total	31,062,075	(2,754,488)	5,233,166	(4,882,479)	-	-	28,658,274

* Interfund transfers and Council Priorities/Economic Recovery funding allocation to be performed as part of the fiscal year end closing entries.

Fund Schedule

ITEM NO. 5.

Fund Number	Fund Description	Prior Year Carryforward 7/1/2024*	Increase/ (Decrease) July - October	November 2024				Estimated Fund Balance 11/30/2024*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
SPECIAL REVENUE								
211/212	CDBG	166,653	-	-	-	-	-	166,653
222	Urban Runoff (NPDES)	754,134	(27,477)	13,641	(29,455)	-	-	710,843
231-236	Landscape & Lighting Districts	182,625	(5,176)	-	(4,577)	-	-	172,872
251	Los Gatos Theatre	171,035	118,177	9,922	(13,810)	-	-	285,324
711-716	Library Trusts	556,849	50,216	-	(7,381)	-	-	599,684
Special Revenue Total		1,831,296	135,740	23,563	(55,223)	-	-	1,935,376
CAPITAL PROJECTS								
411	GFAR - General Fund Appropriated Reserve	20,253,300	(12,163)	92,974	(333,184)	-	-	20,000,927
412	Community Center Development	866,281	-	-	-	-	-	866,281
421	Grant Funded Projects	(2,563,503)	137,377	(3,903)	(293,285)	-	-	(2,723,314)
461-463	Storm Basin Projects	3,531,248	16,607	6,340	-	-	-	3,554,195
471	Traffic Mitigation Projects	509,491	-	-	-	-	-	509,491
472	Utility Undergrounding Projects	3,584,251	4,557	-	-	-	-	3,588,808
481	Gas Tax Projects	1,928,167	418,418	164,433	-	-	-	2,511,018
Capital Projects Total		28,109,235	564,796	259,844	(626,469)	-	-	28,307,406
INTERNAL SERVICE FUNDS								
611	Town General Liability	177,876	(1,326,978)	-	(165)	-	-	(1,149,267)
612	Workers Compensation	586,246	(570,836)	4,060	-	-	-	19,470
621	Information Technology	2,523,347	(379,764)	5,602	(102,748)	-	-	2,046,437
631	Vehicle & Equipment Replacement	3,287,527	(192,327)	-	(181,027)	-	-	2,914,173
633	Facility Maintenance	960,526	(210,837)	24,836	(121,063)	-	-	653,462
Internal Service Funds Total		7,535,522	(2,680,742)	34,498	(405,003)	-	-	4,484,275
Trust/Agency								
942	RDA Successor Agency	(4,632,040)	(1,713,620)	-	(2,051)	-	-	(6,347,711)
Trust/Agency Fund Total		(4,632,040)	(1,713,620)	-	(2,051)	-	-	(6,347,711)
Total Town		63,906,088	(6,448,314)	5,551,071	(5,971,225)	-	-	57,037,620

* Interfund transfers and Council Priorities/Economic Recovery funding allocation to be performed as part of the fiscal year end closing entries.

Deposit Accounts of Interest:

- 111-23541 General Plan Update deposit account balance \$433,010.56
- 111-23521 BMP Housing deposit account balance \$4,039,055.78



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO. 6.

ITEM NO: 6

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for Construction of a Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8 and Remanding the Decision to the Planning Commission with Specific Direction. **Located at 15411 National Avenue.** APN 424-12-140. Architecture and Site Application S-23-033. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owners: Vyankatesh and Ramya Muddada. Applicant: Jose Rama. Appellant: Hellen Martinez. Project Planner: Erin Walters.

RECOMMENDATION:

Adopt a resolution (Attachment 1) granting an appeal of a Planning Commission decision to approve an Architecture and Site Application for the construction of a single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8 and remanding the decision to the Planning Commission with specific direction.

DISCUSSION:

On December 17, 2024, the Town Council directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission and remanding the application back to the Planning Commission with specific direction, including the following:

1. Reduce the second floor massing;
2. The number, location, and species of the privacy trees shall be mutually agreed upon by the neighbors;
3. Work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts on the neighbors; and
4. Use obscure glass to address privacy at impacted locations.

PREPARED BY: Erin M. Walters
Senior Planner

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

PAGE 2 OF 2

SUBJECT: 15411 National Avenue/S-23-033

DATE: January 16, 2025

The Council made the findings in accordance with Town Code section 29.20.275, that there was an error or abuse of discretion by the Planning Commission in approving the Architecture and Site application, because:

- a. The Planning Commission's decision was not supported by substantial evidence;
- b. The application does not comply with the Residential Design Guidelines, including Section 2.1 of the Residential Design Guidelines, which states residential development shall be similar in mass, bulk, and scale to the immediate neighborhood and consideration will be given to the existing FARs, residential square footages and lot size in the neighborhood, as described by Commissioner Barnett at the November 13, 2024, Planning Commission public hearing; and
- c. Staff's recommended denial of the application.

The Council directed staff to return to the Town Council with an updated resolution.

Adoption of the attached resolution (Attachment 1) would finalize that decision.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to CEQA Guidelines Section 15303: New Construction.

FISCAL IMPACT:

None.

Attachments:

1. Draft Resolution Granting the Appeal and Remand the Application Back to the Planning Commission with Specific Direction

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVING A REQUEST FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE
AND SITE IMPROVEMENTS REQUIRING A GRADING PERMIT
ON VACANT PROPERTY ZONED R-1:8 AND
REMANDING THE APPLICATION BACK TO PLANNING COMMISSION
WITH SPECIFIC DIRECTION**

**APN 424-12-140
ARCHITECTURE AND SITE APPLICATION: S-23-033
PROPERTY LOCATION: 15411 NATIONAL AVENUE
APPELLANT: HELLEN MARTINEZ
PROPERTY OWNERS: VYANKATESH AND RAMYA MUDDADA
APPLICANT: JOSE RAMA**

WHEREAS, on November 13, 2024, the Planning Commission held a public hearing and considered a request to construct a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8. The Planning Commission approved the Architecture and Site application subject to modified conditions of approval;

WHEREAS, on November 25, 2024, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8;

WHEREAS, this matter came before the Town Council for a public hearing on December 17, 2024, and was regularly noticed in conformance with State and Town law; and

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on December 17, 2024, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission and remanding the application back to the Planning Commission with specific direction including the following:

- 1. Reduce the second floor massing;

ATTACHMENT 1

2. The number, location, and species of the privacy trees shall be mutually agreed upon by the neighbors;
3. Work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts on the neighbors; and
4. Use obscure glass to address privacy at impacted locations.

WHEREAS, the Town Council directed staff to return to the Town Council with an updated resolution.

NOW, THEREFORE, BE IT RESOLVED:

In accordance with Town Code Section 29.20.275, the Town Council finds that:

1. There was an error or abuse of discretion by the Planning Commission in approving the Architecture and Site application, because:
 - a. The Planning Commission's decision was not supported by substantial evidence;
 - b. The application does not comply with the Residential Design Guidelines, including Section 2.1 of the Residential Design Guidelines, which states residential development shall be similar in mass, bulk, and scale to the immediate neighborhood and consideration will be given to the existing FARs, residential square footages and lot size in the neighborhood, as described by Commissioner Barnett at the November 13, 2024, Planning Commission public hearing; and
 - c. Staff's recommended denial of the application.
2. The appeal of the decision of the Planning Commission approval of a request for construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8 is granted and the application has been remanded back to the Planning Commission with specific direction.
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by Section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of January 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 7

ITEM NO. 7.

DATE: January 9, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Adopt An Ordinance Amending Section 06.20.020 (Buildings and Building Regulations) to Add the Definition of Qualifying Alterations.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Adding a Section 06.20.020, "Qualifying Alterations," to Article II, "Administration of Codes," of Chapter 6, "Buildings And Building Regulations," of the Town Code to Add a Definition for "Qualifying Alterations."

RECOMMENDATION:

Adopt an ordinance amending section 06.20.020 (buildings and building regulations) to add the definition of qualifying alterations.

BACKGROUND:

At the regular meeting of December 17, 2024, the Town Council held a public hearing to consider the introduction of an ordinance amending section 06.20.020 (buildings and building regulations) to add the definition of qualifying alterations. The Town Council voted unanimously to approve the introduction of the ordinance.

This ordinance is returning to the Town Council for final adoption. The ordinance will take effect 30 days after its adoption.

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office in the preparation of this report.

PREPARED BY: Bridgette Falconio
Administrative Technician

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

PAGE 2 OF 2

SUBJECT: Adopt Definition of Qualifying Alterations

DATE: January 9, 2025

FISCAL IMPACT:

The adoption of the ordinance defining “qualifying alterations” is not expected to have a significant fiscal impact. However, future implementation of NOx regulations may require additional resources for enforcement and compliance monitoring.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Draft Ordinance Adding Definition of Qualifying Alterations

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADDING A SECTION 06.20.020, “QUALIFYING ALTERATIONS,” TO ARTICLE II, “ADMINISTRATION OF CODES,” OF CHAPTER 6, “BUILDINGS AND BUILDING REGULATIONS,” OF THE TOWN CODE TO ADD A DEFINITION FOR “QUALIFYING ALTERATIONS”

WHEREAS, the subject Ordinance will amend Section 06.20.020, “Building and Building Regulations,” of the Los Gatos Town Code to add a definition for “qualifying alterations” that are subject to new state Building Codes;

WHEREAS, this meeting was publicly noticed; and

WHEREAS, the proposed Ordinance is exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the Town’s Municipal Code may have a significant effect on the environment;

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

SECTION I. Section 6.20.020, “Buildings and Building Regulations,” is added to Article II, “Administration of Codes,” of Chapter 6, “Buildings and Building Regulations,” to read as follows:

Chapter 6 – Buildings and Building Regulations

Article II – Administration of Codes

Section 6.20.020 – Qualifying Alterations.

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

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or

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

SECTION III. CEQA.

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

SECTION IV. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO. 8.

ITEM NO: 8

DATE: January 9, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Accept Grant Funding From the Town’s Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) and Authorize Revenue and Expenditure Allocation to the Grant Program “4818” for Fiscal Year 2024/25

RECOMMENDATION:

Accept grant funding from the Town’s Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) and authorize revenue and expenditure allocation to the Grant Program “4818” for Fiscal Year 2024/25.

BACKGROUND:

In 1996, California legislation (Assembly Bill 3229) created the Citizens Options for Public Safety (COPS) program allocating \$100,000,000 to local governments yearly for front-line law enforcement. These funds are to be distributed through an established local Supplemental Law Enforcement Services Fund (SLESF). State General Fund distribution to local law enforcement agencies is specifically intended for “front-line municipal police services.” COPS funds must be spent on personnel, equipment, or supplies and are not approved for public safety capital improvement or construction projects.

Other COPS funds requirements and restrictions include:

- COPS funds shall be used to supplement, not supplant existing funding for law enforcement services.
- COPS funds will be accounted for separately from other department funding.
- The Town Council shall approve the appropriation of COPS funds which authorizes that such funds can be expended by staff.

In addition, pursuant to AB 3229, the City of Monte Sereno also receives a share of the state

PREPARED BY: Heather St. John
Senior Administrative Analyst

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

PAGE 2 OF 3

SUBJECT: Accept grant funding from the Town's Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) and authorize revenue and expenditure allocation for Fiscal Year 2024/25

DATE: January 9, 2025

SLESF funds (\$100,000). The City of Monte Sereno is required by contractual agreement for law enforcement services to transfer those funds to the Town of Los Gatos within 30 days of receipt of the monies from the State of California. The contract stipulates that the Los Gatos-Monte Sereno Police Department will provide additional hours of traffic enforcement within the city limits of Monte Sereno in exchange for its portion of SLESF funds.

DISCUSSION:

This report recommends the use of SLESF funds continue in the spirit of the COPS program. Staff recommends FY 2024/25 approval and allocation of SLESF funds to Grant Program "4818." The department intends to utilize the funding for the following purposes:

- \$100,000 of SLESF funds are intended to provide supplementing training for frontline law enforcement officers: A portion of the funds will be used to enhance the training of police officers who are directly involved in day-to-day law enforcement activities. The remaining funds will be directed to purchasing equipment for technology integration specific to crime prevention and investigation: This includes software, applications, and possibly subscription services that enhance operational efficiency, improve communication, and enable enhanced data analysis, crime deterrent measures, or case management. The goal is to leverage equipment integration of modern technology that can improve public safety and overall service delivery.
- \$100,000 of SLESF funds will be directed toward the contractually required traffic enforcement within the city limits of Monte Sereno

FISCAL IMPACT:

If Council approves the proposed recommendation, the Town will continue to receive a combined total of \$200,000 in SLESF funding. Per contract stipulation with the City of Monte Sereno, \$100,000 of SLESF funds will be directed toward additional traffic enforcement within the city limits of Monte Sereno. The remaining \$100,000 of Town SLESF funds will be redirected toward frontline police operations and services as described above.

The allocation of SLESF funds will be maintained in an annual grant program in the FY 2024/25 Police Department Operating Budget with a corresponding revenue and expenditure line to manage the funds. This ensures the funds are appropriately tracked, with the revenue deposited into the COPS/SLESF grant program. The current grant program allocates an annual minimum of \$100,000 for front-line law enforcement operations.

SUBJECT: Accept grant funding from the Town’s Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) and authorize revenue and expenditure allocation for Fiscal Year 2024/25

DATE: January 9, 2025

After the initial disbursement of funds to participating jurisdictions, any additional growth funds are distributed by the County of Santa Clara to participating jurisdictions. The Town has an unencumbered carryover balance of additional growth disbursement payments of approximately \$86,158 from FY 2023/24, which must be expended within two fiscal years. The funds are currently in Pass-Through Program “4999” but will be reclassified into Grant Program “4818”.

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO. 9.

ITEM NO: 9

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Second Amendment to the Agreement for Services with Sequoia Ecological Consulting Inc. to Increase the Contract Amount by \$6,440 for an Adjusted Contract Amount Not to Exceed \$237,795 for Vegetation Management – Townwide Open Spaces Project (CIP No. 832-4508)

RECOMMENDATION:

Authorize the Town Manager to execute a Second Amendment (Attachment 1) to the Agreement for Services with Sequoia Ecological Consulting, Inc. (Sequoia) to increase the Contract Amount by \$6,440 for an adjusted contract amount not to exceed \$237,795 for Vegetation Management – Townwide Open Spaces Project (CIP No. 832-4508).

BACKGROUND:

On August 6, 2024, the Town Council authorized the Town Manager to execute an agreement with Sequoia in the amount of \$181,165 to provide environmental management and compliance services for vegetation management in Town owned open space areas.

On October 15, 2024, the Town Council authorized the Town Manager to execute the First Amendment to the agreement to amend the scope of services and increase the compensation to \$231,355.

DISCUSSION:

Sequoia continues to support staff in addressing the extensive environmental requirements associated with wildfire risk reduction in town open spaces. As work has progressed, additional requirements of the California Department of Fish and Wildlife (CDFW) have been identified. This second contract amendment documents the scope of services associated with addressing

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

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

PAGE 2 OF 3

SUBJECT: Authorize Second Amendment to Agreement for Services with Sequoia Ecological Inc.

DATE: January 16, 2025

the CDFW comments and increases the contract amount by \$6,440 to cover the cost of the additional services.

CONCLUSION:

Approving this amendment will allow Sequoia to support staff in implementing the open space vegetation management/wildfire risk reduction work that is planned for spring 2025.

FISCAL IMPACT:

The fiscal table below reflects the budget for Phase 2 of this project, including the requested FEMA Hazard Mitigation Grant Program funds.

Vegetation Management - Town-wide CIP No. 832-4508		
	Budget	Costs
Phase 2 - Source of Funds		
GFAR	\$ 530,448	
FEMA Hazard Mitigation Grant	\$ 1,627,320	
Total Budget	\$ 2,157,768	
		Costs
Phase 2 - Expenditures		
Previously Authorized Consultant Services Agreement with Sequoia Ecological Consulting		\$ 231,355
Second Amendment to Consultant Services Agreement with Sequoia Ecological Consulting (Requested with this Staff Report)		\$ 6,440
Contractor Services for Vegetation Management (Authorized 10-15-24)		\$ 1,513,712
Contractor Services 20% Contingency for Vegetation Management (Authorized on 10-15-24)		\$ 302,742
Total Expenditures		\$ 2,054,249
Total Project Balance		\$ 103,518

PAGE 3 OF 3

SUBJECT: Authorize Second Amendment to Agreement for Services with Sequoia Ecological Inc.

DATE: January 16, 2025

ENVIRONMENTAL ASSESSMENT:

The Project Specific Analysis and Addendum concluded that all the effects of the proposed project: (a) have been covered in the CalVTP PEIR; and (b) all applicable Standard Project Requirements and mitigation measures identified in the CalVTP PEIR will be implemented. The proposed project is, therefore, within the scope of the CalVTP PEIR. A Notice of Determination has been submitted to the County of Santa Clara.

Attachments:

1. Second Amendment to Agreement for Consulting Services with Sequoia Ecological Consulting Inc., including Exhibit A – Additional Services Scope, and Exhibit B – First Amendment plus Original Agreement and Scope of Services

AMENDMENT TO AGREEMENT

This SECOND AMENDMENT TO AGREEMENT is dated for identification this 21st day of January 2025 and amends that certain First Amendment to Agreement for Consultant Services dated October 15, 2024, made by and between the Town of Los Gatos, ("Town,") and the Sequoia Ecological Consulting, Inc. ("Consultant") identified as an S Corporation and whose address is 1342 Creekside Drive Walnut Creek, CA 94596.

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on August 6, 2024, ("Agreement"), a First Amendment to Agreement for Consultant Services on October 15, 2024, copies of which is attached hereto and incorporated by reference as Exhibit B to this Amendment.
- B. Town desires to amend the Agreement to provide additional services and to add to the compensation as described in Exhibit A of this amendment.

AMENDMENT

1. Section 2.1 Scope of Services is amended to add the services in Exhibit A of this amendment.
2. Section 2.6 Compensation is amended to increase by \$6,440 for a total amount not to exceed \$237, 795, inclusive of all costs.
Payment shall be based upon Town approval of each task based on Exhibit A.
3. All other terms and conditions of the Agreement remain in full force and effect.

Date: December 23, 2024

To: Nicolle Burnham
Parks and Public Works Director
Town of Los Gatos
110 E. Main St.
Los Gatos, CA 95030

From: Kyle Verblaauw | Biologist – Project Manager
Tel. (201) 787-1738 | kverblaauw@sequoiaeco.com
Sequoia Ecological Consulting, Inc.
DIR #1000022497 | DBE #40492 (CUCP/CA DOT) | SBE #1790596 (CA DGS)

RE: Scope of Work and Cost Estimate for California Department of Fish Wildlife
Consultation Memorandum for the Los Gatos Vegetation Management Project

Section 1. Cost Estimate

Sequoia anticipates providing services on a time and material (T&M) cost basis. The estimated costs for the scope of work and assumptions provided in Sections 2 and 3 below.

TASK 1. CDFW COMMENT MEMORANDUM PREPARATION

Task	Cost Type	Bid Item Total Cost
1. CDFW Comment Memorandum Preparation	T&M	\$6,440

Section 2. General Assumptions

- Assumes one round of client edits.
- Cost estimate does not include coordination or communication with any regulatory agencies, outside consultants, or other entities. These services can be provided under an amended scope as requested.
- Sequoia will not edit or provide any addenda to the Project Specific Analysis (PSA) document.



Section 3. Scope of Work

Sequoia will continue to support the Los Gatos Vegetation Management Project by developing a memorandum addressing the comments provided by the California Department of Fish and Wildlife (CDFW) during the PSA review process. Sequoia will prepare the memorandum directly acknowledging and/or addressing all CDFW comments and provide a draft to the Town of Los Gatos for review and comments prior to submittal to the California Board of Forestry for filing. Development of the memorandum may include additional research and/or mapping to adequately address CDFW comments.

Closing

Sequoia carries commercial auto, general liability, workers compensation, and professional liability insurance, and can provide a waiver of subrogation.

If you have any questions regarding our scope of work and cost estimate, or if we may be of further assistance, please do not hesitate to contact me directly. We look forward to supporting you on this project.

Sincerely,

Kyle Verblauw | Biologist, Project Manager

Sequoia Ecological Consulting, Inc.

Mobile: 201.787.1738 | Main: 925.855.5500 | Fax: 510.439.1104

kverblauw@sequoiaeco.com

www.sequoiaeco.com

SEQUOIA ECOLOGICAL CONSULTING, INC. 2024 HOURLY RATE SCHEDULE

Environmental Services

Field Technician 1	\$90
Field Technician 2	\$105
Field Technician 3	\$115
Staff Biologist 1	\$120
Staff Biologist 2	\$125
Staff Biologist 3	\$130
Associate Biologist 1	\$135
Associate Biologist 2	\$140
Associate Biologist 3	\$145
Project Biologist 1	\$150
Project Biologist 2	\$155
Project Biologist 3	\$160
Resource Specialist 1	\$165
Resource Specialist 2	\$170
Resource Specialist 3	\$175
Senior (Sr.) Biologist 1	\$180
Sr. Biologist 2	\$185
Sr. Biologist 3	\$190
Sr. Scientist 1	\$200
Sr. Scientist 2	\$210
Sr. Scientist 3	\$220
Sr. Technical Specialist 1	\$230
Sr. Technical Specialist 2	\$240
Sr. Technical Specialist 3	\$250
Sr. Regulatory Specialist 1	\$260
Sr. Regulatory Specialist 2	\$270
Sr. Regulatory Specialist 3	\$280

Env. Project Management

Assistant Project Manager 1	\$165
Assistant Project Manager 2	\$170
Assistant Project Manager 3	\$175
Project Manager 1	\$180
Project Manager 2	\$185
Project Manager 3	\$190
Project Manager 4	\$200
Project Manager 5	\$210
Project Manager 6	\$220
Sr. Project Manager 1	\$230
Sr. Project Manager 2	\$240
Sr. Project Manager 3	\$250
Program Manager 1	\$260
Program Manager 2	\$270
Program Manager 3	\$280
Principal 1	\$290
Principal 2	\$300
Principal 3	\$310
Sr. Principal 1	\$320
Sr. Principal 2	\$330
Sr. Principal 3	\$340

Botanist/Arborist Services

Botanist/Arborist 1	\$135
Botanist/Arborist 2	\$150
Botanist/Arborist 3	\$165
Sr. Botanist/Arborist 1	\$185
Sr. Botanist/Arborist 2	\$200
Sr. Botanist/Arborist 3	\$215

Administrative Support Services

Clerical	\$110
Project Administrator	\$135
Technical Editor 1	\$150
Technical Editor 2	\$160
Technical Editor 3	\$170
Senior Technical Editor	\$195

Geographic Information Services (GIS)

GIS Technician 1	\$135
GIS Technician 2	\$145
GIS Technician 3	\$155
GIS Analyst 1	\$165
GIS Analyst 2	\$175
GIS Analyst 3	\$185
GIS Project Manager 1	\$200
GIS Project Manager 2	\$210
GIS Project Manager 3	\$220
GIS Specialist 1	\$230
GIS Specialist 2	\$240
GIS Specialist 3	\$250
GIS Program Manager 1	\$260
GIS Program Manager 2	\$270
GIS Program Manager 3	\$280

Other Direct Costs

Regular Vehicle (GSA Rate)	\$0.67/mile
Submeter GPS	\$100/day
UTV and Trailer	\$95/day
Fleet Vehicle	\$95/day
iPad	\$10/day
Wildlife Remote Camera	\$20/ day
Acoustic Bat Monitor	\$35/day
Kayak Kit	\$75/day
Survey Flashlight (Streamlight)	\$12.50/day
Aquatic Survey Sampling Kit	\$25/person/day
Drone/sUAS	\$250/day
Wetsuit	\$70/week
Drysuit	\$195/week
YSI ProDSS Water Quality Meter	\$125/day

Notes on Expense Reimbursement/Other:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Reproduction, equipment, and other direct expenses are reimbursed at cost plus a 15% administrative handling charge (excluding mileage).
3. Subconsultants will be billed at their indicated rate plus a 15% administrative handling charge; or the Sequoia labor category commensurate with their role.
4. Depending upon location, Per Diem may be charged where overnight stays are required.
5. Weekly or monthly equipment rates at a reduced amount may be available on a contract-specific basis.
6. Expert Witness Testimony, including Depositions, is billed at the time and half.
7. Non-standard invoice processing will be billed at standard hourly rates for support personnel.
8. Sequoia will review our hourly rates annually and may choose to escalate our rate sheet depending on changes to the cost-of living- index and other factors.
9. Hours beyond 8 hours per day are charged at an overtime rate of 1.5 times our standard hourly rates for qualifying personnel.
To comply with California Labor Code 512 and California Code of Regulations 11040, if on-site conditions prohibit personnel from taking required breaks, one additional hour of time will be billed per day for qualifying staff covered under the regulations.

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

Town of Los Gatos:

Sequoia Ecological Consulting, Inc. by:

Chris Constantin, Town Manager

Debie Montana, Chief Executive Officer

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk

AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT is dated for identification this 15th day of October, 2024 and amends that certain Agreement for Consultant Services dated August 6, 2024, made by and between the Town of Los Gatos, ("Town,") and Sequoia Consulting Group ("Consultant"), identified as an S Corporation and whose address is 1342 Creekside Drive, Walnut Creek, CA 94596

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services on August 6, 2024, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Exhibit B to this Amendment.
- B. Town desires to amend the Agreement to provide additional environmental consulting services that are required to comply with state and federal environmental laws.

AMENDMENT

1. Section 2.1 Scope of Services is amended to add the services in Exhibit A of this amendment.
2. Section 2.6 Compensation: Compensation for services is amended to increase by \$1,000 to correct a discrepancy in the original agreement* and to add \$49,190 for a **total amount not to exceed \$231,355**, inclusive of all costs. Payment shall be based upon Town approval of each task and fees for each task shall not be exceeded without written authorization from the Town.
3. All other terms and conditions of the Agreement remain in full force and effect.

*The original agreement was executed for a base price of \$181,165. The Proposal Price Sheet submitted by Consultant (See page 70 or 96 of the original agreement) included six lines items with a total value of \$182,165. This amendment adjusts the original agreement base price to coincide with the bid proposal submitted by Sequoia.

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

Town of Los Gatos:

Approved as to Consent:

Signed by:
Katy Nomura 10/24/2024
38C2441CEBC343B...
Katy Nomura, Interim Town Manager

Will Johnson
Will Johnson, Program Manager

Department Approval:

Signed by:
Nicolle Burnham 10/21/2024
0E97831349644C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Signed by:
Gabrielle Whelan 10/22/2024
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

DocuSigned by:
Wendy Wood 10/24/2024
BF6EBCBE26214F0...
Wendy Wood, CMC, Town Clerk



Date: September 17, 2024

To: Nicolle Burnham
 Director
 Town of Los Gatos – Parks and Public Works
 41 Miles Avenue
 Los Gatos, CA 95030

From: Will Johnson, M.S.
 Climate Resiliency & Restoration Program Manager
 Sequoia Ecological Consulting, Inc.

RE: **Town of Los Gatos Vegetation Management Plan Project Specific Analysis (PSA)
 Additional Scope – September 2024**

Scope of Work

Task 1: Perform Additional Project Coordination

Sequoia will provide additional hours of project management time to successfully submit the Town of Los Gatos (Town) Vegetation Management Plan (VMP) PSA, implement and coordinate necessary survey efforts, and generally guide the process beyond those efforts originally outlined in the base scope of work.

Assumptions:

- Budget assumes 10 additional meetings than what is covered in the base scope. Weekly meetings will be one (1) hour and virtual. Both the Program Manager and Project Manager will attend the meetings.

Task 2: Prepare Notice of Determination & Assist in Submitting Project PSA

Sequoia will review all previously created PSA materials for completeness and compliance, and then assist the Town in packaging and submitting them to the Board of Forestry and CAL FIRE. Sequoia will prepare a Notice of Determination (NOD) in accordance with Section 15094 of the California Environmental Quality Act (CEQA) Guidelines. The Town will need to file the NOD with the County Clerk. Sequoia will attend a site visit of the project sites with California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and the Town if requested. Costs have been included for this one (1) field meeting for the Program Manager and Project Manager (if a field meeting is necessary).



Deliverables:

- Assist in delivering the Project Specific Analysis (PSA) for the Town of Los Gatos VMP to the Board of Forestry and CAL FIRE.
- Notice of Determination in PDF format.

Assumptions:

- The Town will provide all relevant materials associated with the PSA, including GIS shapefiles, drafts, forms and other materials that were generated by the previous environmental consulting firm for the PSA effort.
- We assume materials have been proof-checked and that agencies have been previously consulted on the content and elements. We do not assume any level of effort for edits, revisions or changes to the PSA. **Additional efforts to make edits or revisions will be scoped separately.**
- The Town will provide applicable NOD filing fees via a reimbursable expense on Sequoia’s invoice.

Task 3: Perform Rare Plant Surveys per California Vegetation Treatment Program (CalVTP) Specific Project Requirement (SPR) BIO-7

Sequoia will review findings from the PSA reconnaissance surveys previously conducted (2023) to effectively eliminate unsuitable habitat for species and plants that will not require further analysis. This could lead to a potentially smaller survey area and effort for rare plant surveys. This could also identify areas that the Town’s contractor can effectively begin work in during the fall/winter 2024 season, after pre-treatment surveys have been completed. Otherwise, in suitable habitat areas, per the CalVTP, Sequoia understand bloom-period appropriate rare plant surveys for rare species anticipated to occur must occur prior to treatment efforts.

Per the CalVTP, Sequoia understands that if target special-status species is an herbaceous annual, stump-sprouting, or geophyte species, the treatment may be carried out during the dormant season for that species, or when the species has completed its annual lifecycle without conducting presence/absence surveys provided the treatment will not alter habitat or destroy seeds, stumps, or roots, rhizomes, bulbs and other underground parts in a way that would make it unsuitable for the target species to reestablish following treatment. Therefore, it may be possible to reduce survey efforts pending evaluation of species occurrence, phenology, and PSA treatment methods (excavation/disturbance vs. light-on-land approach).



A Sequoia botanist will perform a protocol-level survey following California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities” (current version dated March 20, 2018) of the treatment area for sensitive natural communities and sensitive habitats. Sensitive natural communities will be identified using the best means possible, including keying them out using the most current edition of A Manual of California Vegetation (including updated natural communities data at <http://vegetation.cnps.org/>), or referring to relevant reports (e.g., reports found on the VegCAMP website). Surveys will be conducted in a manner which maximizes the likelihood of locating special status plants and sensitive natural communities. They will be floristic in nature meaning that every plant taxon that occurs is identified to the taxonomic level necessary to determine rarity and listing status. The extent of the survey may include adjacent or adjoining properties where project effects could occur – it is important to not restrict surveys to known locations of special status plants. Surveys will consist of walking through both the survey areas and as much of the treatment areas as possible.

Parallel survey transects may be necessary to ensure thorough survey coverage in some habitats. Sequoia will identify plants in the field. If any special status plants or sensitive natural communities are found during these surveys, Sequoia will flag and map them using a combination of methods including ArcGIS Field Maps, CalFlora Weed Observer, and/or another GPS mapping software (e.g., Avenza). Sequoia will take detailed notes and record all information as required by CDFW protocols (e.g., location description, site-specific characteristics, number of individuals, percentage of each special status plant and associated life stage characteristics, density of special status plants and digital images of special status plants and sensitive natural communities).

The botanist will map and digitally record, using a Global Positioning System (GPS), the limits of any potential sensitive habitat and sensitive natural community identified in the treatment area.

Deliverables:

- Sequoia will summarize results from the completed surveys. A separate report will not be generated. The team will follow CDFW protocols and will submit all required documentation to the CDFW as required.

Assumptions:

- The Town will provide Sequoia with geodata of Project and survey areas as GIS Shapefile or Google Earth .kmz file, including the following layers: treatment area boundaries with roads and trails, treatment area habitat types, and any other relevant GIS products associated with the development of the PSA in general.



Task 4: Perform Pre-field Research and Archaeological Surveys per SPR CUL-1 through SPR CUL-5 & SPR CUL-8

Sequoia's cultural resource sub-consultant Montrose will perform CalVTP Programmatic EIR Standard Project Requirements (SPRs) CUL-1 through CUL-5 and SPR CUL-8 including: records search, pre-field research, an archaeological survey, coordination with Native American groups (already included under base scope; this cost omitted from this additional work proposal), worker training to recognize sensitive cultural resources (if necessary, already included in base scope), and avoiding or protecting known resources.

Montrose will conduct pre-field research and conduct a site-specific survey of the treatment area. The purpose of pre-field research is to inform survey design, based on the types of resources likely to be encountered within the treatment area, and to be prepared to interpret, record and evaluate these findings within the context of local history and prehistory. Pre-field research includes reviewing records, studying maps, reading pertinent ethnographic, archaeological and historical literature specific to the area. The survey methodology (e.g., pedestrian survey, subsurface investigation) depends on whether the area has a low, moderate, or high sensitivity for resources, which is based on whether the records search, pre-field research, and/or Native American consultation identifies archaeological or historical resources near or within the treatment area. A survey report will be completed for every cultural resource survey completed.

A record search at the Northwest Information Center, Sonoma State University, will be requested that includes the treatment areas and a quarter-mile buffer. Montrose will submit a Sacred Lands Request to the Native American Heritage Commission (NAHC) for a list of local tribes and, upon receipt, draft a contact letter for Sequoia and the Town for review. The final letter will be sent to each contact requesting information on Tribal Cultural Resources, if any, that may be impacted by project actions. Montrose will send the letters via the U.S. mail with a certified return receipt, and also email the letter to each tribal contact. Follow-up emails will be sent approximately two weeks later.

In accordance with SPR CUL-4 (Archaeological Surveys) of the CalVTP EIR, Montrose archaeological staff will conduct archaeological surveys of proposed treatment areas. The current fuel reduction treatments cover approximately 194 acres. The record search and Native American consultation process will help to determine which areas have a low, moderate, or high sensitivity for resources and dictate the appropriate survey methodology (e.g., more intensive survey or more cursory inspection). Slope percentage and distance to water sources will be used to adjust field efforts, depending on a modeled probability of encountering archaeological deposits. Field staff will use GPS devices and ESRI Field Maps to accurately record any cultural resources encountered. Location maps and sketch maps associated with the forms will utilize ArcGIS Pro software and Adobe Illustrator, as needed. A Cultural Resources Assessment Report will be prepared to report the methods and findings of the study.



Deliverables:

- Report(s) summarizing results from archaeological survey.
- Draft and final tribal contact letters (electronic only).

Assumptions:

- The Town will provide all relevant materials associated with the PSA, including GIS shapefiles, drafts, forms and other materials that were generated by the previous environmental consulting firm for the PSA effort.
- Montrose will respond to one round of comments on the draft letter from the Town.
- Up to one virtual meeting with any Tribe requesting consultation on Tribal Cultural Resources.
- No more than 4 pre-contact or post-contact archaeological sites will be identified and recorded using California Department of Parks and Recreation (DPR) Primary Record standards.
- Two days in the field is expected for two archaeologists.
- Montrose will respond to one round of comments on the draft Cultural Resources Assessment Report from Sequoia and one from the Town.
- No isolated object will be recorded. Refuse scatters will be recorded if they contain more than 6 cans or bottles within a 100-meter square area.
- No built environment element will be recorded; all such resources are assumed to be avoided by project actions.
- No cultural resources will be evaluated for significance under the California Register of Historical Resources (CRHR)1 criteria as part of this scope of work. It is assumed all identified archaeological resources and built environment features or structures will be avoided by project actions. Any potentially eligible historical resource that cannot be avoided will require additional scope and costs to evaluate under CRHR criteria.

Cost

Sequoia anticipates providing services as not-to-exceed total amounts, on a **time-and-materials basis using established rates**. The estimated costs for the scope of work outlined above are as follows:



Sequoia Ecological Consulting, Inc.

Proposal

Town of Los Gatos Vegetation Management Plan PSA

September 17, 2024

ITEM NO. 9.

6 of 6

Task	Cost
Task 1. Additional Project Coordination	\$ 4,195
Task 2. Prepare Notice of Determination & Assist in Submitting PSA	\$ 4,846
Task 3. Rare Plant Surveys per SPR BIO-7	\$ 9,087
Task 4. Perform Pre-field Research and Archaeological Surveys per SPR CUL-1 through SPR CUL-5 & SPR CUL-8	\$ 31,062
TOTAL	\$ 49,190

Sincerely,

Will Johnson | Climate Resiliency & Restoration Program Manager

Mobile: (707) 889-3678

Main: 925.855.5500

wjohnson@sequoiaeco.com



**2024-2028
HOURLY RATE SCHEDULE**

ITEM NO. 9.

Environmental Services	2024	2025	2026	2027	2028	Env. Project Mgm't.	2024	2025	2026	2027	2028
Field Technician 1	\$90	\$95	\$99	\$104	\$109	Assistant Project Manager 1	\$165	\$173	\$182	\$191	\$201
Field Technician 2	\$105	\$110	\$116	\$122	\$128	Assistant Project Manager 2	\$170	\$179	\$187	\$197	\$207
Field Technician 3	\$115	\$121	\$127	\$133	\$140	Assistant Project Manager 3	\$175	\$184	\$193	\$203	\$213
Staff Biologist 1	\$120	\$126	\$132	\$139	\$146	Project Manager 1	\$180	\$189	\$198	\$208	\$219
Staff Biologist 2	\$125	\$131	\$138	\$145	\$152	Project Manager 2	\$185	\$194	\$204	\$214	\$225
Staff Biologist 3	\$130	\$137	\$143	\$150	\$158	Project Manager 3	\$190	\$200	\$209	\$220	\$231
Associate Biologist 1	\$135	\$142	\$149	\$156	\$164	Project Manager 4	\$200	\$210	\$221	\$232	\$243
Associate Biologist 2	\$140	\$147	\$154	\$162	\$170	Project Manager 5	\$210	\$221	\$232	\$243	\$255
Associate Biologist 3	\$145	\$152	\$160	\$168	\$176	Project Manager 6	\$220	\$231	\$243	\$255	\$267
Project Biologist 1	\$150	\$158	\$165	\$174	\$182	Senior Project Manager 1	\$230	\$242	\$254	\$266	\$280
Project Biologist 2	\$155	\$163	\$171	\$179	\$188	Senior Project Manager 2	\$240	\$252	\$265	\$278	\$292
Project Biologist 3	\$160	\$168	\$176	\$185	\$194	Senior Project Manager 3	\$250	\$263	\$276	\$289	\$304
Resource Specialist 1	\$165	\$173	\$182	\$191	\$201	Program Manager 1	\$260	\$273	\$287	\$301	\$316
Resource Specialist 2	\$170	\$179	\$187	\$197	\$207	Program Manager 2	\$270	\$284	\$298	\$313	\$328
Resource Specialist 3	\$175	\$184	\$193	\$203	\$213	Program Manager 3	\$280	\$294	\$309	\$324	\$340
Senior (Sr.) Biologist 1	\$180	\$189	\$198	\$208	\$219	Principal 1	\$290	\$305	\$320	\$336	\$352
Sr. Biologist 2	\$185	\$194	\$204	\$214	\$225	Principal 2	\$300	\$315	\$331	\$347	\$365
Sr. Biologist 3	\$190	\$200	\$209	\$220	\$231	Principal 3	\$310	\$326	\$342	\$359	\$377
Sr. Scientist 1	\$200	\$210	\$221	\$232	\$243	Senior Principal 1	\$320	\$336	\$353	\$370	\$389
Sr. Scientist 2	\$210	\$221	\$232	\$243	\$255	Senior Principal 2	\$330	\$347	\$364	\$382	\$401
Sr. Scientist 3	\$220	\$231	\$243	\$255	\$267	Senior Principal 3	\$340	\$357	\$375	\$394	\$413
Sr. Technical Specialist 1	\$230	\$242	\$254	\$266	\$280	Geographic Information Services (GIS)					
Sr. Technical Specialist 2	\$240	\$252	\$265	\$278	\$292	GIS Technician 1	\$135	\$142	\$149	\$156	\$164
Sr. Technical Specialist 3	\$250	\$263	\$276	\$289	\$304	GIS Technician 2	\$145	\$152	\$160	\$168	\$176
Sr. Regulatory Specialist 1	\$260	\$273	\$287	\$301	\$316	GIS Technician 3	\$155	\$163	\$171	\$179	\$188
Sr. Regulatory Specialist 2	\$270	\$284	\$298	\$313	\$328	GIS Analyst 1	\$165	\$173	\$182	\$191	\$201
Sr. Regulatory Specialist 3	\$280	\$294	\$309	\$324	\$340	GIS Analyst 2	\$175	\$184	\$193	\$203	\$213
Botanist/Arborist Services						GIS Analyst 3	\$185	\$194	\$204	\$214	\$225
Botanist/Arborist 1	\$135	\$135	\$142	\$149	\$156	GIS Project Manager 1	\$200	\$210	\$221	\$232	\$243
Botanist/Arborist 2	\$150	\$150	\$158	\$165	\$174	GIS Project Manager 2	\$210	\$221	\$232	\$243	\$255
Botanist/Arborist 3	\$165	\$165	\$173	\$182	\$191	GIS Project Manager 3	\$220	\$231	\$243	\$255	\$267
Sr. Botanist/Arborist 1	\$185	\$185	\$194	\$204	\$214	GIS Specialist 1	\$230	\$242	\$254	\$266	\$280
Sr. Botanist/Arborist 2	\$200	\$200	\$210	\$221	\$232	GIS Specialist 2	\$240	\$252	\$265	\$278	\$292
Sr. Botanist/Arborist 3	\$215	\$215	\$226	\$237	\$249	GIS Specialist 3	\$250	\$263	\$276	\$289	\$304
Administrative Support Services						GIS Program Manager 1	\$260	\$273	\$287	\$301	\$316
Clerical	\$110	\$116	\$121	\$127	\$134	GIS Program Manager 2	\$270	\$284	\$298	\$313	\$328
Project Administrator	\$135	\$142	\$149	\$156	\$164	GIS Program Manager 3	\$280	\$294	\$309	\$324	\$340
Technical Editor I	\$150	\$158	\$165	\$174	\$182						
Technical Editor II	\$160	\$168	\$176	\$185	\$194						
Technical Editor III	\$170	\$179	\$187	\$197	\$207						
Senior Technical Editor	\$195	\$205	\$215	\$226	\$237						



Other Direct Costs

Regular Vehicle (GSA Rate)	\$0.67/mile
Submeter GPS	\$100/day
UTV and Trailer	\$95/day
Fleet Vehicle	\$95/day
iPad	\$10/day
Wildlife Remote Camera	\$20/ day
Acoustic Bat Monitor	\$35/day
Kayak Kit	\$75/day
Survey Flashlight (Streamlight)	\$12.50/day
Aquatic Survey Sampling Kit	\$25/person/day
Drone/sUAS	\$250/day
Wetsuit	\$70/week
Drysuit	\$195/week
YSI ProDSS Water Quality Meter	\$125/day

Expense Reimbursement/Other:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Reproduction, equipment, and other direct expenses are reimbursed at cost plus a 15% administrative handling charge (excluding mileage).
3. Subconsultants will be billed at their indicated rate plus a 15% administrative handling charge; or the Sequoia labor category commensurate with their role.
4. Depending upon location, Per Diem may be charged where overnight stays are required.
5. Weekly or monthly equipment rates at a reduced amount may be available on a contract-specific basis.
6. Expert Witness Testimony, including Depositions, is billed at the time and half.
7. Non-standard invoice processing will be billed at standard hourly rates for support personnel.
8. Sequoia will review our hourly rates annually and may choose to escalate our rate sheet depending on changes to the cost-of living-index and other factors.
9. Hours beyond 8 hours per day are charged at an overtime rate of 1.5 times our standard hourly rates for qualifying personnel. To comply with California Labor Code 512 and California Code of Regulations 11040, if on-site conditions prohibit personnel from taking required breaks, one additional hour of time will be billed per day for qualifying staff covered under the regulations.

AGREEMENT FOR CONSULTANT SERVICES

PREAMBLE

THIS AGREEMENT is dated for identification on August 6, 2024 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Sequoia Consulting Group ("Consultant"), identified as an S Corporation and whose address is 1342 Creekside Drive, Walnut Creek, CA 94596. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide environmental consulting services in support of wildfire related vegetation management in Town owned open spaces.
- 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. AGREEMENT

- 2.1 Scope of Services. Consultant shall provide services as described in that certain Proposal sent to the Town on June 27, 2024 which is hereby incorporated as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect upon execution to June 30, 2025.
- 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 perform the services under this Agreement. 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 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 services in the amount not to exceed \$181,165, inclusive of all costs. Payment shall be based upon Town approval of each task and fees for each task shall not be exceeded without written authorization from the Town.
- 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 of receipt of the invoice. 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
Email (preferred): AP@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 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, including each of Consultant's employees, agents, subcontractors, or others under Consultant's supervision or control, 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 Intentionally omitted.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Consultant agrees to have and maintain, for the duration of the Agreement, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars (\$2,000,000) combined single limit per occurrence and in the aggregate for products and completed operations, personal and advertising injury, bodily injury, personal injury and property damage.
- ii. Consultant agrees to have and maintain for the duration of the Agreement, an Automobile Liability insurance policy ensuring him/her and his/her staff for any, hired, or non-owned vehicles in 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 affecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

General Liability:

- i. The Town, its elected and appointed officials, employees, and agents are to be covered as additional insureds 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.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents. 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. As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease.
- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, officers, agents, employees, and volunteers ("Indemnitees") from all damages, liabilities, penalties, costs, attorneys' fees, or expenses ("Losses") in law or equity that may at any time arise or be set up because of damages to property or personal injury or other 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 subcontractor. The Consultant's duty to indemnify and hold harmless the Indemnitees shall not apply to the extent such Losses are caused by the sole or active negligence or willful misconduct of Indemnitees. Consultant's obligation to defend shall arise regardless of any claim or assertion that Indemnitees caused or contributed to the Losses.

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 sixty days (60) 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 Agreement 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: Town Clerk
 110 E. Main Street
 Los Gatos, CA 95030

Sequoia Ecological Consulting Inc
 Attn: Debie Montana
 1342 Creekside Drive,
 Walnut Creek, CA 94596

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.
- 4.9 California Public Records Act. Town is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Consultant's proprietary information is contained in documents or information submitted to Town, and Consultant claims that such information falls within one or more CPRA exemptions, Consultant must clearly mark such information "Confidential and Proprietary," and identify the specific

lines containing the information. In the event of a request for such information, Town will make best efforts to provide notice to Consultant prior to such disclosure. If Consultant contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief, or other appropriate remedy from a court of law in Santa Clara County before the Town is required to respond to the CPRA request. If Consultant fails to obtain such remedy within the time the Town is required to respond to the CPRA request, Town may disclose the requested information without any liability. Consultant further agrees that it shall defend, indemnify and hold Town harmless against any claim, action or litigation (including but not limited to all judgments, costs, and attorney's fees) that may result from denial by Town of a CPRA request for information arising from any representation, or any action (or inaction), by the Consultant.

- 4.10 Force Majeure. Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by an act of God, natural disaster, pandemic, acts of terrorism, war, a strike, lockout or other labor difficulty, or other peril, which is beyond the reasonable control of the affected party and without the negligence of the respective Parties. Each party hereto shall give notice promptly to the other of the nature and extent of any Force Majeure claimed to delay, hinder or prevent performance of the services under this Agreement. Each Party will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement. In the event either party is prevented or delayed in the performance of its respective obligation by reason of such Force Majeure, the only remedy is that there may be an equitable adjustment of the schedule based on Town's sole discretion.
- 4.11. Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
- 4.12 Contract Interpretation. Each party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
- 4.13 Counterparts. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

V. FEMA CONTRACT TERMS

- 5.1 Remedies. Refer to Section IV of this agreement.
- 5.2 Termination for Cause and Convenience. Refer to Section 4.3 of this agreement.
- 5.3 Equal Opportunity Employment. During the performance of this contract, the contractor agrees as follows:
- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
 - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
 - (3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
 - (4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided*, that if the applicant so participating is a state or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision

of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings

5.4 Intentionally omitted.

5.5 Copeland Anti-Kickback Act. Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.

Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the federal agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment.

5.6 Intentionally omitted

5.7 Rights to Inventions Made Under a Contract or Agreement. Any inventions made related to this Agreement and associated work is subject to the provisions of 37 CFR Part 401, as applicable.

5.8 Clean Air Act and Federal Water Pollution Control Act.

Clean Air Act

The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 *et seq.*

The contractor agrees to report each violation to the (insert name of non-federal entity entering into the contract) and understands and agrees that the (insert name of the non-federal entity entering into the contract) will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency (FEMA), and the appropriate [Environmental Protection Agency Regional Office](#).

The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by FEMA.

Federal Water Pollution Control Act

The contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 *et seq.*

The contractor agrees to report each violation to the (insert name of the non-federal entity entering into the contract) and understands and agrees that the (insert name of the non-federal entity entering into the contract) will, in turn, report each violation as required to assure notification to the (insert name of the pass-through entity, if applicable), Federal Emergency Management Agency (FEMA), and the appropriate [Environmental Protection Agency Regional Office](#).

The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance provided by FEMA.”

- 5.9 Debarment and Suspension. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. §180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

This certification is a material representation of fact relied upon by the Town of Los Gatos. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Town of Los Gatos the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Town will insure the Contractor and any lower participants are not debarred by checking the government’s System Award Management (SAM).

The Bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Bidder or proposer further

agrees to include a provision requiring such compliance in its lower tier covered transactions.

5.10 Byrd Anti-Lobbying Amendment. Contractors who apply or bid for an award of more than \$100,000 shall file the required certification. Each tier certifies to the tier above that it will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the federal awarding agency

5.11 Procurement of Recovered Materials. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired:

- (1) Competitively within a timeframe providing for compliance with the contract performance schedule;
- (2) Meeting contract performance requirements; or
- (3) At a reasonable price.

Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines webpage:

<https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act

5.12 Prohibition on Contracting for Covered Telecommunications Equipment or Services.

(a) *Definitions*. As used in this clause, the terms backhaul; covered foreign country; covered telecommunications equipment or services; interconnection arrangements; roaming; substantial or essential component; and telecommunications equipment or services have the meaning as defined in FEMA Policy 405-143-1, Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim), as used in this clause.

(b) *Prohibitions*.

- (1) Section 889(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, and 2 C.F.R. § 200.216 prohibit the head of an executive agency on or after Aug.13, 2020, from obligating or expending grant, cooperative agreement, loan, or loan guarantee funds on certain

telecommunications products or from certain entities for national security reasons.

- (2) Unless an exception in paragraph (c) of this clause applies, the contractor and its subcontractors may not use grant, cooperative agreement, loan, or loan guarantee funds from the Federal Emergency Management Agency to:
 - (i) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
 - (ii) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
 - (iii) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system;
or
 - (iv) Provide, as part of its performance of this contract, subcontract, or other contractual instrument, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) *Exceptions.*

- (1) This clause does not prohibit contractors from providing—
 - (i) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (ii) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (2) By necessary implication and regulation, the prohibitions also do not apply to:
 - (i) Covered telecommunications equipment or services that:
 - i. Are *not used* as a substantial or essential component of any system; *and*
 - ii. Are *not used* as critical technology of any system.

- (ii) Other telecommunications equipment or services that are not considered covered telecommunications equipment or services.
- (d) *Reporting requirement.*
 - (1) In the event the contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the contractor is notified of such by a subcontractor at any tier or by any other source, the contractor shall report the information in paragraph (d)(2) of this clause to the recipient or subrecipient, unless elsewhere in this contract are established procedures for reporting the information.
 - (2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause:
 - (i) Within one business day from the date of such identification or notification: The contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.
 - (ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: Any further available information about mitigation actions undertaken or recommended. In addition, the contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.
- (e) *Subcontracts.* The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments,

5.13 Domestic Preferences for Procurements. As appropriate, and to the extent consistent with law, the contractor should, to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This includes, but is not limited to iron, aluminum, steel, cement, and other manufactured products.

For purposes of this clause:

Produced in the United States means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

Manufactured products mean items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

- 5.14 Access to Records. The Contractor agrees to provide the Town, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.

The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

The Contractor agrees to provide the FEMA Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

In addition to the reports specified in this Agreement, Contractor shall retain the records required by the applicable provisions of 2 CFR § 200.333, no less than three (3) years after Town's final payment to Consultant under this Agreement and provide the Town with the reports required pursuant to 2 CFR §§ 200.328 and 200.343, and such other records and reports as the Town may reasonably require in the administration of this Agreement. Contractor shall keep all other necessary books and records, including property, personnel, loan documentation and financial records, in connection with the operation and services performed under this Agreement, in accordance with 2 CFR §200.333.

- 5.15 Changes in Scope of Work or Work Schedule.

(a) Any change in the scope of work to be done, method of performance, nature of materials or price thereof, work schedule changing the number of working days, or to any other matter materially affecting the performance or nature of the services will not be paid for or accepted unless such change, addition or deletion is approved in advance by the Town, in a written amendment or Contract Change Order.

(b) The changes will be set forth in an amendment or written Contract Change Orders which specify the work to be done in connection with the changes, the basis of compensation for the work, and any adjustments to the work schedule or work completion date. Such Change Orders shall be approved by the Town. Upon receipt of an approved Contract Change Order, or of a written authorization from the Town setting forth a description of the change and agreed upon changes in contract price, the Contractor shall proceed with the work so ordered.

(c) In the absence of an approved amendment or Contract Change Order or written authorization, the Contractor shall not be entitled to payment for any changed or extra work or any adjustment to the work schedule or work completion date.

- (d) When the changes increase or decrease the cost of the work, an adjustment of the Contract price will be made as set forth in the Change Order. Contractor shall receive compensation at the fees and rates previously agreed upon in writing.
- (e) Contractor shall not be entitled to an adjustment in the compensation or work schedule for delay, disruption, or interference caused by or within the control of Contractor. Delay, disruption, and interference attributable to and within the control of a subcontractor or supplier shall be deemed to be within the control of contractor.
- 5.16 DHS Logo, Seal and Flags. The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval. The contractor shall include this provision in any subcontracts.
- 5.17 Compliance with Federal Law, Regulations, and Executive Orders and Acknowledgement of Federal Funding. This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable federal law, regulations, executive orders, FEMA policies, procedures, and directives.
- 5.18 No Obligation by Federal Government. The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Consultant, or any other party pertaining to any matter resulting from the contract.
- 5.19 Program Fraud and False or Fraudulent Statements of Related Acts. The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.
- 5.20 Affirmative Socioeconomic Steps. If subcontracts are to be let, the prime contractor is required to take all necessary steps identified in 2 C.F.R. § 200.321(b)(1)-(5) to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- 5.21 License and Delivery of Works Subject to Copyright and Data Rights. The Contractor grants to the Town, a paid-up, royalty-free, nonexclusive, irrevocable, worldwide license in data first produced in the performance of this contract to reproduce, publish, or otherwise use, including prepare derivative works, distribute copies to the public, and perform publicly and display publicly such data. For data required by the contract but not first produced in the performance of this contract, the Contractor will identify such data and grant to the Town or acquires on its behalf a license of the same scope as for data first produced in the performance of this contract. Data, as used herein, shall include any work subject to copyright under 17 U.S.C. § 102, for example, any written reports or literary works, software and/or source code, music, choreography, pictures or images, graphics, sculptures, videos, motion pictures or other audiovisual works, sound and/or video recordings, and architectural works. Upon or before the completion of this contract, the Contractor will deliver to the Town data first produced in the performance of this contract and data required by the contract but not first produced in the performance of this contract in formats acceptable by the Town of Los Gatos.

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

Town of Los Gatos by:

Consultant by:

Signed by:
Laurel Prevetti 8/16/2024
053FEEA2EB39470...
Laurel Prevetti, Town Manager

DocuSigned by:
Debie Montana 8/15/2024
0DA006G30CDB453...
Debie Montana, Chief Executive Officer

Recommended by:

Signed by:
Nicolle Burnham 8/15/2024
0E97031349044C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Signed by:
Gabrielle Whelan 8/16/2024
EFD0736A5534426...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood 8/19/2024
BF0EBCBE2C214F0...
Wendy Wood, CMC, Town Clerk



PROPOSAL

June 27, 2024

TOWN OF LOS GATOS DEPARTMENT OF PARKS AND PUBLIC WORKS

Professional Environmental Monitoring Services for Vegetation Management Risk Reduction Project (Open Space)



A crew chips felled trees while a biological monitor provides assistance from a safe distance away during the North Orinda Shaded Fuel Break project.

"The team at Sequoia was critical to effective hazardous fuel reduction for the North Orinda Shaded Fuel Break. By having their biologists evaluate sites before work began we could avoid potential environmental impacts and accelerate the project. Their staff's expertise continued to guide field crews throughout the work, giving the whole project team confidence that we could adjust the project to meet the best management practices and comply with the myriad of environmental requirements, while reducing the potential of wildfire."

Cheryl Miller, Executive Coordinator
Diablo FireSafe Council



A contractor clears vegetation in a portion of Claremont Canyon Regional has been identified both as high-risk for wildfire, and highly bitat for Alameda whipsnake.



June 27, 2024

Town of Los Gatos
Department of Parks and Public Works
41 Miles Avenue
Los Gatos, CA 95030

**RE: Proposal for the Town of Los Gatos Department of Parks and Public Works
Professional Environmental Monitoring Services for Vegetation Management Risk Reduction
Project (Open Space), Town Project 832-4508; Federal Project #4407-PJ0506**

Members of the Selection Committee,

The Town of Los Gatos carries a profound responsibility in safeguarding its residents and preserving its cherished parks and open spaces, which face escalating threats from wildfires. The Town's natural landscapes not only serve as vital recreational areas, but also harbor diverse ecosystems and protected natural resources. To proactively mitigate these risks, the Los Gatos Open Space Vegetation Management Plan (VMP) defines the approach and guidelines that the Town will use for fuel reduction work, in accordance with the California Vegetation Treatment Program (CalVTP) Project Specific Analysis (PSA) and Addendum to the Program Environmental Impact Report (PEIR). The PEIR identifies standard treatment activities and associated environmental protection measures in and around Wildland Urban Interface (WUI) areas in general, while the VMP specifically prioritizes fuel treatments throughout Town parks to enhance public safety. We understand that the Town has carefully weighed the benefits of removing fuels versus the effects of a potentially destructive wildfire, as well as the environmental impacts of initial clearing work and follow-up maintenance. With treatments planned across five open space areas, we understand that the Town seeks an environmental consultant who can provide support and expert planning to facilitate timely completion of the VMP implementation efforts, in compliance with the PEIR.

With more than a decade of experience supporting wildfire mitigation efforts, **Sequoia Ecological Consulting, Inc. (Sequoia)** has worked extensively with agencies throughout the Bay Area to expedite implementation of their fuel management programs. We have teamed with our frequent partner **Montrose Environmental Group (Montrose)** to provide cultural resources services as needed. Sequoia and Montrose having collaborated with similar roles on wildland fuel management efforts for clients including San Mateo County RCD, East Bay Municipal Utility District, Sonoma County Parks, the State of California Department of General Services, Contra Costa County Fire Protection District, and the Moraga-Orinda Fire District, among many other public agency clients.



Proposal for Town of Los Gatos - Environmental Monitoring Services for Vegetation Management Risk Reduction Project (Open Space)

We are uniquely qualified to support the Town in meetings its VMP goals and long-term objectives because:

- ✓ Sequoia has **worked extensively under the CalVTP, leading planning and PSA development** activities (5 approved PSAs in the last 3 years), **as well as implementation** of projects throughout the Bay Area.
- ✓ Our staff are experts and **permit-holders for the project’s focal species**, including western bumble bee, foothill yellow-legged frog, California red-legged frog, and California tiger salamander.
- ✓ With a staff of more than 50 biologists, we provide a **deep bench of environmental monitors who can meet any scheduling need or concurrent efforts**. All of these staff have supported Sequoia’s fuels management projects, and have a deep level of understanding of the unique requirements and hazards associated with the full range of prescribed treatments. We have a number of staff who live within 5 miles of the project area.
- ✓ As our references will attest, Sequoia helps our clients **expedite fuel reduction projects while avoiding costly permitting requirements and project delays**. The value we provide allows agencies to redirect their time and resources to other high-priority areas.
- ✓ Sequoia offers a menu of **optional services that can be scaled and deployed as requested** to meet the Town’s specific needs.

Sequoia has prioritized our fuel management work support above all other work on our client list because we understand the urgent need to mitigate our region’s vulnerabilities when it comes to wildfire. This region is our home, and we appreciate the opportunity to play a role in reducing the threat of wildfire here, while also enhancing the habitats of the diverse species that share these lands with us. Sequoia has never failed to fulfill a request, even urgent same-day requests, to support the fuel reduction programs we support. C

We have carefully reviewed the Town’s RFP and our team will meet all requirements, terms, and conditions described therein. Thank you for this opportunity to present our team's approach and qualifications. As Principal at Sequoia Ecological Consulting, Inc., I am authorized to sign and negotiate on behalf of our firm. Please contact me directly at (925) 989-7011 or via e-mail at dmontana@sequoiaeco.com should you have any questions or requests for clarification on this proposal.

Sincerely,
SEQUOIA ECOLOGICAL CONSULTING, INC.

Debie Montana
Chief Executive Officer and Principal Biologist

Bill Montana
Chief Financial Officer



Scope of Services

Project Understanding

The Town is proactively protecting open space, the public, and sensitive natural resources by developing management plans to mitigate wildfire risk. The planning effort centers around targeted fuel reduction in densely vegetated areas, with aims to enhance both firefighter access and public evacuation routes. Plans are guided by CAL FIRE measures and Town ordinances and encompass nearly 5,000 acres of open space and parkland. The overall purpose is to minimize both wildfire risk and negative environmental impacts.

The VMP defines the approach and guidelines that the Town will use for fuel reduction work. The VMP was designed to address critical open space areas and emergency/evacuation routes and support local and regional goals in reducing wildfire risk. The VMP was prepared in accordance with the CalVTP PSA and Addendum to the PEIR, which identifies standard treatment activities and associated environmental protection measures in and around Wildland Urban Interface (WUI) areas in general. The VMP specifically prioritizes fuel treatments in these parks to enhance public safety; the Town has weighed carefully the benefits of removing fuel versus both the effects of a potentially destructive wildfire and environmental impacts of initial clearing work and follow-up maintenance.

Treatments are planned across approximately 200 acres, distributed among five open space areas, including Heintz, Santa Rosa Open Space, Novitiate, Worcester and La Rinconada Park(s). Three of the parks included in the VMP are within the WUI and are also within the Very High Fire Hazard Area, between forested mountain regions to the southwest of the Town and higher-density population areas to the north, closer to the San Francisco Bay. Approximately 3,000 homes are within the WUI, a highly vegetated region with limited access for firefighters or public evacuation in general.

We understand that the Town seeks an environmental consultant who can provide support and expert planning to facilitate the VMP implementation efforts.

Sequoia's first action item in wildland fuel reduction planning and implementation happens long before contract execution. During the proposal process, our team focuses on novel approaches and mining potential cost efficiencies and identifying potential project-specific and schedule roadblocks that can be addressed proactively. While we are a small firm, **Sequoia has completed and implemented the second highest number of approved PSAs in California. Our team will apply our deep understanding of the CalVTP process, coupled with a thorough comprehension of species phenology, patterns and distributions, to develop the most cost-efficient option while also maximizing natural resource protection.** We recognize that clients are often operating under tight grant budgetary limits. We do our due diligence in environmental review, contractor oversight and compliance, and species avoidance. We understand that while effective senior oversight is an essential part of project management and quality control, the balance of the budget should be where the boots hit the ground to accomplish as much fuel reduction as possible.



Overall Approach to Managing the Scope of Work

Sequoia regularly assists with the planning and implementation of multi-site fuel reduction projects with simultaneous treatment activities and complex scheduling demands. Through this experience, we have developed this approach to projects of this nature: we will focus on the ability to foresee issues, and the adaptability to respond to project changes as they arise. We will ensure that communications with the Town, its contractors, and stakeholders to be ongoing and frequent, and our continuous environmental training program will be thorough to ensure crews are mindful of and vigilant in protecting sensitive environmental resources while performing their work. We will develop and identify roles and responsibilities and conduct a thorough safety planning effort to mitigate risk during implementation.

We have found that when it comes to facilitating work on a robust vegetation management program like the Town's, schedules are often dependent on the availability of contractors, red-flag warnings, wildfires, permit measures, wildlife ecology, and public relations concerns. With all these variable conditions, last-minute scheduling changes and biological monitoring requests are inevitable. Sequoia staff understand the challenges that this program faces, and we will address the Town's needs quickly and with the highest level of professionalism.

Potential Challenges and Solutions

From experience in implementing fuel treatment projects under the CalVTP, Sequoia understands that there are several potential challenges with timing and schedule. Fortunately, we have honed our adaptive approach in this regard and developed solutions that save budget and enhance efficiency. Sequoia can work with the Town and implementation contractor to:

- Assign staff that thoroughly understand the nature of on-call work and pivoting based on dynamic conditions and variables;
- Ensure built-in staff redundancy in our management team to ensure that team leaders, such as Sequoia's project manager, have seamless back-up support during vacations and sick time. With fuel treatment implementation projects, we understand that last-minute changes due to environmental conditions or the dynamic nature of the work make communication a critical component of project management. By communicating with the Town about secondary and tertiary contacts and establishing roles in terms of the hierarchy of notifications, Sequoia intends to address any last-minute concerns, changes or questions as quickly and thoroughly as possible;
- Schedule work outside of the nesting bird season or botanical survey season to save on treatment monitor cost;
- Find schedule efficiencies around crew availability with regard to Red Flag workdays/shutdowns and/or availability during the height of fire season (e.g., finding project areas or treatment methodologies that can be performed despite restrictions on spark-generating equipment)
- Conduct crew refresher training at no additional cost during the pre-treatment or spot-check survey activities;
- Assisting the Town with grant-required quarterly reporting as necessary.



Task 1 – Meetings and Project Documentation

After the contract is awarded, Sequoia will organize an initial, project kickoff in-field team meeting to start the project and ensure that the project’s goals are fully understood, and will be met within the required timeframes. The meeting will serve as an opportunity to discuss and define project parameters, schedule, team member roles, and communication protocols. Periodically throughout the project, Sequoia will attend meetings with the Town and project stakeholders to ensure that project needs are met in a timely manner. Sequoia will conduct a contractor meeting at the project onset as well. Later, during the course of the implementation phase, Sequoia will also conduct regular progress check-in meetings over time (described in more detail below).

At the kickoff meeting, Sequoia will provide a project schedule (similar to the example below) to the Town. It is important to provide this at the onset of the project to facilitate prioritization, tracking, and documentation of deliverables and major milestones. Then, during the meeting, the Town will be able to weigh-in on the schedule itself, in real-time, and provide feedback as to major decision-points or checkpoints.

Project Schedule



Kickoff Meeting. At project commencement, Sequoia will meet with Town staff to review the Scope of Services and Proposed Work Plan. This initial meeting is intended to confirm the parameters of the scope, project scheduling, and overall communication protocols. By listening and ensuring a shared understanding,



we will endeavor to anticipate and prioritize the Town's needs as we serve as your eyes and ears on the ground during work. Upon completion of the kickoff meeting, Sequoia will prepare Meeting Minutes that summarize items discussed, and detail action items. In our experience, having the kickoff meeting in person is an excellent means to spark side-conversations, dig deeper into details, and explore alternative perspectives. Visiting one of the project sites just following the kickoff meeting could add even more benefit – reviewing roles and responsibilities and work expectations, with the project landscape as a contextual backdrop, could inspire the team at the onset. We strongly encourage the Town to consider an in-person approach to collaborating at the first kickoff meeting.

Contractor Meeting. Once the Town selects an implementation contractor to perform fuel treatments, Sequoia will meet with the Town and the contractor to learn the approach and sequencing intended for the creation of the defensible space around the subject parks and facilities. When starting a project at a new work location, we will immediately establish lines of communication between the project manager and all involved parties, including the contractor foreman, fire crews, and Town staff. As above, an in-person approach to meeting with crews, with the surrounding landscape as context, is an important way to assess scope, review tasks-at-hand, and it is also a critical element in addressing logistics or safety questions prior to work-start.

Project Meetings. Sequoia project manager and staff biologist(s) will attend up to six follow-up virtual progress meetings with the Town and implementation contractor during execution of the work. Follow-up meetings are critical to continued calibration and managing expectations/deliverables throughout the course of the project. Follow-up meetings are an opportunity for the Town and Sequoia to discuss budget projections, to plan logistics, and to re-visit compliance issues as necessary. By establishing a set schedule of check-in meetings, Sequoia creates a consistent framework to manage the project. At the onset of the project, the Sequoia project manager will develop a framework schedule of when meetings will occur and will set relevant agenda items for all to review and weigh-in on prior to actual meeting dates. The Sequoia project manager will attend all progress meetings. The Sequoia program manager will attend the kickoff meeting, and a portion of the follow-up meetings depending on project stage and whether their technical support or input is needed. It is Sequoia's intent to limit the amount of overhead management time on this project in order to keep budget with the field biologists and treatment efforts.

Monthly Work and Project Summary. Each month, Sequoia will provide a one-page summary for each of the 18 expected working months. Summaries will document environmental work completed in the preceding month and the scope of work planned for the next month. Sequoia will work with the Town to determine the best format and delivery of this summary over the course of the project.

Task 1 Deliverables

- Kickoff meeting agenda and detailed memorandum, identifying information needs and a framework for the meeting
- Meeting minutes



- Monthly work summaries

Task 1 Assumptions

- Kickoff meeting and fuel treatment team meetings will be in-person, on-site, and will include site walks.
- All follow-up project progress meetings will be virtual/via phone.

Task 2 – Data Collection and Review

Sequoia will thoroughly review all project environmental documents and previously performed survey findings.

Based on this review, Sequoia's team will develop an outline summary of work. Sequoia will develop a compliance matrix and reference guide for implementation crews based on the compliance documents. The reference guide will be an efficient way for both field biologists and crews to refer to relevant measures, methods and protocols, as well as timing of the requirements, and clear guidance and timing for the crews. Sequoia has already developed such tables for other clients on fuel reduction projects – because these clear templates already exist in our database, adapting them for this project will be efficient and save on cost. Additionally, Sequoia will share all project related resources, buffers and layers with the crew via a mapping tool such as Avenza or Google Earth. By sharing these mapping resources, the implementation contractor will have the same level of detail for real-time resources in the field as the Sequoia staff biologists. Sequoia will develop detailed field instructions for their biologists in general. Field instructions will focus on safety, access-related issues, coordinating correct and up-to-date mapping resources, and other site-specific details. By conducting this analysis and creating this documentation up-front, before implementation begins, Sequoia will set up both field biologists and implementation crews for success. It will also establish a standard of collaboration and communication between the team.

Review Environmental Documents. Sequoia will review and assess all environmental documents pertaining to the proposed open space vegetation management; including the Avoidance and Minimization Measures outlined in the PSA.

Matrix/Table of Minimization and Mitigation Requirements. Sequoia will provide a matrix/table of all minimization and mitigation requirements for the project, split by where they occur in the project time (before, during, after) so that it is very clear to both the Town and contractor when measures are implemented and who the responsible parties are. Sequoia has generated this table before for other clients – re-using the template will save on effort and cost for this project.

Task 2 Deliverables

- Matrix/table of measures, work and studies required for environmental compliance.



- Quick reference guides or guidance documents for biologists and crews. Sequoia will use existing templates for guidance documents which will save time and management cost.

Task 2 Assumptions

- The Town will provide all relevant existing project documents, including GIS shapefile layers, for Sequoia's use and development-of-reference-guide purposes.

Task 3 - Pretreatment Surveys

Sequoia will rely on the existing documentation and mapping performed by others, to perform pretreatment surveys of the work areas. Pretreatment surveys are a critical step in the CalVTP process. They are used to determine whether species-specific mitigation measures are required, and they are performed to document conditions before treatment so that a post-treatment analysis can be conducted. Post-treatment surveys are meant to adequately determine whether any habitat type-conversion has occurred because of the work performed. Since it has been determined that there is suitable habitat for special status species present, and project areas have potential to be affected by a treatment activity, pretreatment surveys will be performed, and if those species are detected and documented, further species-specific mitigation measures will be applied.

Sequoia recognizes that working in remote wild areas requires attention to detail regarding both our own team and members of the larger project team. Prior to beginning any survey efforts, Sequoia field biologists will perform a safety analysis of the work in general. This will guide daily safety discussions, and safety plan elements will be constantly updated as the project progresses (i.e., as new areas are added to the survey, new assessments are made about relevant hazards).

Sequoia biologists will conduct focused pretreatment surveys no more than 14 days prior to the beginning of treatment activities as mitigation measures determine that suitable habitat for special status species is present and has potential to be directly or indirectly affected by a treatment activity. The survey area will be determined by a qualified biologist based on the species and habitats and any recommended buffer distances in agency protocols.

Nesting Bird Surveys. Sequoia's biologists will conduct surveys for nesting avian species in compliance with the CalVTP PEIR if implementation of the project is to occur during the nesting season for birds (February 1 – August 31). A Sequoia biologist will conduct nesting bird surveys no earlier than 7 days prior to the commencement of work activities during the nesting season. The biologist will survey all areas on foot that may provide suitable nesting habitat within 300 feet of the project site for passerines and within 500 feet for nesting raptors, as access allows. The survey will be conducted during the morning hours for peak avian activity and will not take place during periods of excessive or abnormal cold, heat, wind, rain, or other inclement weather that may reduce the likelihood of detection. If nesting birds are discovered during the initial survey, we will establish a suitable "no work" buffer around all active nests. Buffers will remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all



chicks have fledged and are independent of their parents. Results from the nesting bird surveys will be provided as a map layer to implementation contractors to enable them to plan work around buffers in real-time, in the field, using a phone or tablet.

Perform Native American consultation for the project as required. Per our understanding of Standard Project Requirement CUL-2 of the PSA, geographically affiliated Native American tribes on the Native American Heritage Commission (NAHC) list have already been contacted and notified. From our vantage, SPR CUL-8 (Cultural Resource Training) will need to be conducted prior and during initial treatments – we assume the Town has this scope covered by others as well.

However, if these elements were not already previously completed, Sequoia has preemptively enlisted the support of our long-trusted partner Montrose. In addition to working with Sequoia on numerous wildfire mitigation efforts, Montrose has experience in watershed, stream, and open space projects, and many years of experience with vegetation and watershed management to reduce fire risks. On this project, Montrose will serve as the lead on contacting, coordination with, and performing all required Native American consultation during the implementation phase. Montrose' proposed staff are also experts in CEQA/NEPA, environmental laws including the Clean Water Act (CWA) and the Endangered Species Act (ESA), as well as other regulatory requirements and permitting, particularly for complex efforts that include a variety of fuel reduction treatment methods. While AB 52 compliance has been satisfied for projects found to be within the scope of the CalVTP Program EIR with a PSA or project approval with a PSA/Addendum, in accordance with SPR CUL-2, Montrose's cultural resources specialist will obtain the most current Native American Heritage Commission (NAHC) Native Americans Contact list and contact the geographically affiliated Native American tribes. Montrose will prepare the notification letter and request information regarding potential impacts to cultural resources from the proposed project.

Native American consultation will generally consist of the following process, pending which tasks have already been completed or still need to be addressed before implementation begins:

- Reach out to tribes in the Los Gatos project area (if this has not already been performed)
- Inform them of the Town's planned work;
- Respond to questions from Native American tribes;
- Provide guidance and consultant on potential site visitor work observation days;
- Potentially join tribe(s) for a site visit too, if requested by Town; and
- Document this outreach for the general administrative record/project file.

Cultural resources work will be overseen by Janis Offermann, who meets the U.S. Secretary of Interior's professional standards in archaeology. Montrose will work with the Town as needed, to meet all standards for Native American consultation relative to the project study area based on the expected area of disturbance that will be identified as an area of potential effects (APE) for the purposes of compliance with Section 106 of the National Historic Preservation Act (NHPA).



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Vegetation Management Risk Reduction Project (Open Space)

If needed and as required, Montrose will assist the Town to satisfy the requirements of Native American consultation pursuant to AB 52, chaptered as Public Resources Code Section 21080.3.1(b), which is the responsibility of the CEQA lead agency, as needed. Montrose will contact the NAHC on behalf of the Town to determine whether Native American sacred sites are known to be located in or near the project, and for a list of tribes that have a traditional and cultural affiliation with the project area and who may have information about significant Native American resources. Once the list is received from the NAHC, Montrose will draft a letter for review and signature by the Town, and send letters to the identified tribes to notify them about the project and the opportunity to consult under AB 52, along with a request of concerns or knowledge about significant Native American resources within the APE. We will mail the letter to the tribes via certified U.S. mail with a return receipt. Follow-up emails will be to letter recipients about 2 weeks after the initial contact to verify that the letter has been received. The federal lead agency, if applicable, will retain responsibility for Native American consultation pursuant to 36 Code of Federal Regulations (CFR) 800.2(c)(2)(ii).

Bumble bee Surveys. Four bumble bee species are candidates for listing under the California Endangered Species Act (CESA), and therefore require protocol surveys. Sequoia's team includes two of the first biologists to have their Memorandum of Understanding (MOU) from California Department of Fish and Wildlife (CDFW) to conduct these protocol surveys. Bumble bee habitat suitability assessments (HSAs) can be performed concurrently with the pretreatment surveys, and must be performed during the Colony Active Period, which is approximately between April and September.

Pretreatment Surveys. Sequoia will conduct pretreatment surveys of each work location and will identify any relevant mitigation requirements.

Pretreatment Findings and Reports. Sequoia will develop pretreatment report based on survey results. Results will be incorporated into the real time mapping so that crews can see buffers. Sequoia biologists will be flagging specific buffers or resources for avoidance as they are found.

Task 3 Deliverables

- Written summary of field survey observations (Daily Monitoring Report)
- List of mitigation requirements and recommendations for each work location
- Pretreatment survey report detailing the survey efforts and results. The report will include an introduction to the project, survey methods, results, and a discussion of the project.
- Report detailing avian species observed, areas surveyed, details on active nests found, and buffer zones implemented, as applicable
- Nesting Bird Survey results will be valid for seven (7) days.



Task 3 Assumptions

- A full desktop review and mapping resources that was conducted and/or generated by the authors of the PSA will be made available to Sequoia for purposes of orienting the pretreatment, or any, biological resources surveys.
- While protocol level rare plant surveys are required ahead of treatments by the CalVTP, the RFP did not list this as a task, however Sequoia can provide this service for additional costs not included in this proposal effort.
- Any necessary landowner notifications will be provided by Town prior to fieldwork. Sequoia can assist the Town with right-of-entry (ROE) permits and notifications ahead of all field efforts, if requested.
- Safe access will be provided to Sequoia at the time of the survey.
- Notice to proceed will constitute permission for Sequoia to be present on the property to conduct the field survey at a time agreed upon by Town and Sequoia.
- Digital maps will be made available to crews; costs of app to utilize maps on their phones is not included in this scope.
- Town will provide Sequoia with geodata of Project and survey areas as GIS Shapefile or Google Earth .kmz file, including the following layers:
 - Park boundaries with roads and trails
 - Park Habitat types

Task 4 –Environmental Awareness Training

Before work begins, an experienced Sequoia biologist will provide environmental training to all crew members. Environmental awareness training is a critical step in establishing communication between the Town, its fuel reduction crews, and resource specialists. Trainings led by Sequoia staff are open-ended and interactive, and foster a positive relationship among the project team members. Training will include an overview of the ecology and identification of each sensitive species with potential to occur, nesting bird buffer protocols, and all Avoidance Minimization and Mitigation (AMMs) and Best Management Practices (BMPs). If needed, training may also include a demonstration of rare plants, sudden oak death, and noxious weed decontamination protocols. Brief, informal refresher trainings may also be also presented periodically, as needed to remind crews of the various measures in place.



Sequoia will design and distribute program-specific hardhat stickers to crews completing environmental training on the Town’s vegetation management projects. This is a recent example of one of our crew environmental training stickers.



Sequoia will perform additional refresher training at no additional cost during treatment activities, in conjunction with surveys or other on-site responsibilities.

Note that to be cost efficient, Sequoia will budget one (1) standalone environmental training at the beginning of the implementation phase for all contractor crews. Any follow-up training, as either refresher or to train new crew members as they are assigned to the project, will be performed concurrently with pretreatment surveys and/or treatment monitoring. The versatility of our biologists in this regard (e.g., performing the training and then proceeding with monitoring work) is a testament to their multifunctionality and this will benefit the project as a cost savings measure.

Our biologists regularly receive accolades and are acknowledged for their exemplary communication with crews and clients throughout treatment activities.

If requested, Sequoia can provide bilingual staff to perform environmental training in both English and Spanish, as well as bilingual brochures.

Task 4 Deliverables

- Draft training pamphlets for Town review (in both English and Spanish, if requested)
- Final materials for the training session, edited to reflect Town comments
- Hardhat stickers designed and printed for crew use
- Sign in sheet for training session

Task 4 Assumptions

- Delivery of the on-site environmental trainings will be included in the costs for pretreatment surveys or biological monitoring, and the training will be provided to any new crew members, as requested.
- Costs include preparation of environmental training materials, including one round of comments and edits from the Town.
- Costs include 50 printed environmental awareness training pamphlets.
- Refresher trainings for new crew members can be provided to crews while biologists are onsite for pretreatment surveys at no additional cost.
- Cost for stand-alone environmental trainings is provided for project initiation.



Task 5 –Fuel Reduction Compliance Monitoring

Fuel Reduction Compliance Monitoring. Sequoia’s highly qualified and agency-approved biologists and/or botanists will provide on-site observation and monitoring to the level required to comply with the project environmental documents as they pertain to biological resources. Sequoia biologists will monitor fuel reduction work in the field. Depending on park unit and habitat type, monitoring may either be half- or full days. Sequoia has already reviewed the project documents and we understand which areas specifically provide suitable habitat for special status species (e.g., Foothill yellow legged frog) and will therefore require full-time monitoring, versus those work areas that only need spot checks or partial days to survey and protect resources.

Sequoia’s project manager will communicate with the Town and implementation crews on a regular basis to assess project schedule demands and progress over time. They will brief biologists’ on the extent of work, access, safety considerations and monitoring scope on a regular basis to ensure consistency of understanding. Staff biologists will continually check-in with Town and contractors, and will submit daily reporting logs and safety analyses during the course of work. Sequoia will open multiple layers of communication (Slack, email, text) in order to fully cover logistics demands – in our experience, providing several means of communication allows for flexibility among the team, as personal preferences may shift over time. The most important element of monitoring is to establish clear roles and responsibilities both at the onset but also over time (in the form of re-calibration points among the team). By continually checking and re-checking compliance documents, and refreshing the team on the hierarchy of communication, Sequoia will create an efficient and supportive project structure, with very little room for misaligned expectations or lapses in judgment.

Sequoia staff know that open communication and mutual respect are essential to address potential compliance concerns and sensitive species impacts during monitoring or treatment activities. Through cooperation and communication with crews, Sequoia staff encourage crews to remain vigilant to maintain compliance.

When issues arise on site that require prompt communication, such as scheduling changes or compliance issues, these are reported to the appropriate team members immediately. Sequoia’s team has a thorough understanding of the Project, and we will constantly work to improve our planning, surveying, reporting, and general project support to better meet the Town’s needs.

Task 5 Deliverables

- Daily reports of field activities including photographs as appropriate, and observations of regulated species, if applicable

Task 5 Assumptions

- Fencing and signage will be provided and installed by the contractor or the Town. The biologist can assist the onsite team with demarcation of areas where fencing will be required if necessary.



Task 6 – Project Environmental Reporting

Project Environmental Reporting. Sequoia’s experienced biologists excel at documenting project activities. We understand that a post-project implementation report (referred to by CAL FIRE as a Completion report) is required by the PSA under SPR AD-7. The report includes information about the size of treated area (acres), treatment types and activities, dates of work, a list of SPRs and mitigation measures implemented, and relevant explanations about the measures themselves. Sequoia will develop the report at project conclusion with a statement on compliance with the environmental requirements of the project. The report will include any/all results from post-treatment surveys, as well as all GIS data. The report will be delivered in a timely manner, and in the case of compliance concerns, our staff will follow strict communications protocols with Town staff for immediate incident reporting. Sequoia will make use of several layers of senior technical review during the drafting process.

Task 6 Deliverables

- Project summary report

Task 6 Assumptions

- The project summary report will include one round of edits by the Town.

Optional Services

Sequoia can provide the following optional/additional services to the Town at their request, on a time and materials basis. Our team is highly qualified to offer these services as means to supplement and enhance the successful completion of the project.

Contractor Cultural Resources Training. As required by the PEIR, and if not already completed/planned for by others by the Town in general, the Sequoia team (via our partner Montrose) can develop and provide cultural resource training with a focus on potential cultural resources on-site, avoidance measures, best management practices, and pertinent regulatory guidance for treatments.

Assistance with Request for Bids and Contractor Oversight. Sequoia can assist the Town with developing Request(s) for Bid, contracting strategies and efficiencies, reviewing contract specifications and work descriptions/orders, and providing implementation or inspection support on a high-level, as needed. Sequoia performed this service as part of the La Honda Shaded Fuel Project with San Mateo County Resource Conservation District. Sequoia is unique among consulting firms in that its Climate Resiliency & Restoration Program Manager (Will Johnson) has a background in the implementation side of fuel reduction and restoration and has managed projects from both contractor and consultant perspectives. Will oversaw coordination and logistics for contractor crews and heavy equipment operations for more than a decade prior to joining Sequoia. His extensive industry knowledge has proven to be a powerful tool



in soliciting cost-efficient bids, writing specifications, and reviewing potential implementation crews' qualifications.

Invasive Plant Mapping. Sequoia can perform invasive plant mapping as populations are found and provide data to the Town using Cal-IPC guidelines/protocols. By mapping invasive plant populations, Sequoia will supplement Town data to help inform land management decision-making during PSA treatments, or when performing standard Park maintenance and stewardship operations over-time. Invasive plant mapping can be performed at minimal cost during the pretreatment survey effort.

Mapping and Documenting Other Pests. Preventing the spread of plant pathogens (e.g., pitch canker, goldspotted oak borer, etc.) is an important part of the SPR's for the PSA (SPR BIO-6). Aside from sanitizing equipment and providing thorough training, it is critical to better understand where pathogens occur or are likely to occur. Sequoia has botanists specifically trained in identifying plant pathogens and are certified arborists. Sequoia will document or map other pests (e.g., bore beetle) as they occur throughout survey areas. Pests can be critical indicator species for larger-scale ecosystem health and trends. By mapping other types of pests, Sequoia can support future treatment planning efforts, and Town's VMP, and ongoing park and land management responsibilities.

GIS Services. Sequoia's GIS experts can create an internal GIS database and Esri ArcGIS Online website to track fuels treatments in real time for the Town. The GIS service can be utilized across a wide array of platforms and can track all wildfire resiliency work. Coupled with a thoughtful approach to community outreach above, this is an effective tool to connect the public with the work and communicate updates and progress over time. Additional GIS database management, data collection, and cartography services can be provided upon request. As described further in our description of the Tunnel Fuel Break project on page 26, Sequoia provides these service to Moraga-Orinda Fire District. The web tool Sequoia created can be found [at this link](#).

Drone Surveys. Sequoia can offer drone services to assess project progress, document site conditions, and develop aerial imagery for publications and presentations. Sequoia staff are Federal Aviation Administration (FAA) Part 107 Remote Pilot-licensed. Drone assessments will provide digital orthophoto, digital surface model (DSM), digital elevation model (DEM), and point cloud data products. Drone use will be carefully planned in accordance with airspace restrictions, sensitivity to surrounding landowners and agencies' regulations (e.g., East Bay Regional Park District), and Sequoia will hold drone insurance through Verify. Drone footage can be a powerful tool in assessing treatment effectiveness, but also enhancing transparency with the local community about the Town's efforts in fire risk mitigation (see below Public Outreach optional task for more context).

Habitat Monitoring. The Town's responsibilities for managing treated work areas do not end at project conclusion. The changed landscape will need to be continually managed to maintain progress made on fuel reduction objectives. Sequoia's biologists can perform longer-term post-treatment monitoring to record species numbers, assess changes in habitat, and will develop subsequent data analysis if necessary. Biologists will monitor reproductive seasons of wildlife throughout the project timeline. Various levels of

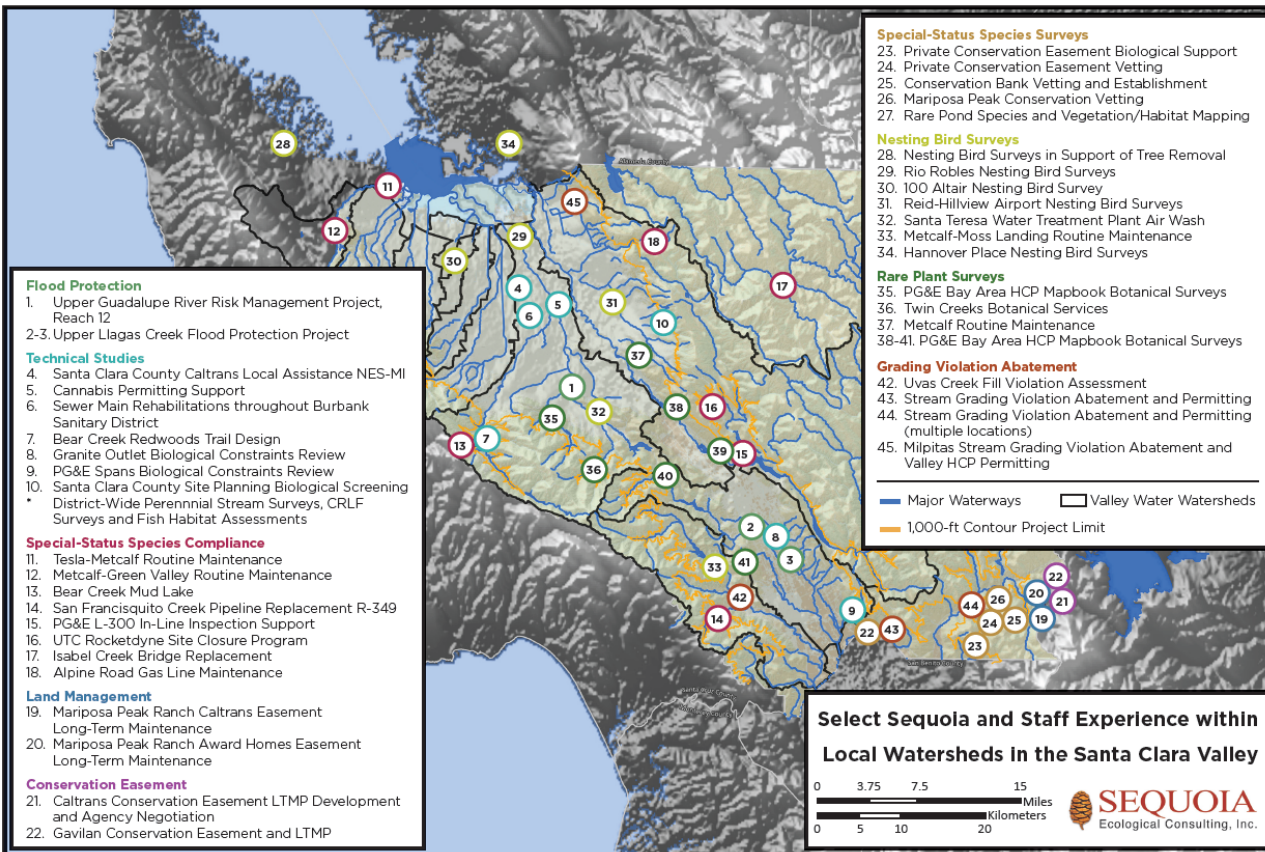


Proposal for Town of Los Gatos - Environmental Monitoring Services for Vegetation Management Risk Reduction Project (Open Space)

technical memoranda and presentations can be developed with data to supplement public outreach efforts.

Public Outreach Support and Public Presentations. Sequoia understands that public perception and buy-in are essential parts of the wildfire risk management process. On past projects, Sequoia has assisted with the preparation and implementation of public outreach support, including stakeholder meetings, presentations, and/or site field trips. Given that work under the VMP will occur on public parks and open spaces with regular pedestrian use and recreational activities, Sequoia could work together with the Town to develop consistent messaging when members of the public inevitably ask about the changing landscape.

Sequoia can assist preparation and implementation of public outreach support, including stakeholder meetings, public meetings, presentations, and/or site field trips. Meetings could present the project information to interested parties and gather feedback and concerns that can be addressed. Other public meetings could include a walk-down with the agencies to ensure they agree with the approach and compliance with the CalVTP. A slideshow could be developed to present the project and the various aspects of CEQA compliance. Sequoia can design and provide project signage (to post for public information purposes) to increase awareness of treatment activities in general.



Shown at Left:

Sequoia has worked extensively throughout Santa Clara County and the greater region. With offices in San Jose and numerous staff within just miles of the project area, Sequoia brings unmatched local expertise.



2024-2028 HOURLY RATE SCHEDULE

ITEM NO. 9.

Environmental Services	2024	2025	2026	2027	2028	Env. Project Mgm't.	2024	2025	2026	2027	2028
Field Technician 1	\$90	\$95	\$99	\$104	\$109	Assistant Project Manager 1	\$165	\$173	\$182	\$191	\$201
Field Technician 2	\$105	\$110	\$116	\$122	\$128	Assistant Project Manager 2	\$170	\$179	\$187	\$197	\$207
Field Technician 3	\$115	\$121	\$127	\$133	\$140	Assistant Project Manager 3	\$175	\$184	\$193	\$203	\$213
Staff Biologist 1	\$120	\$126	\$132	\$139	\$146	Project Manager 1	\$180	\$189	\$198	\$208	\$219
Staff Biologist 2	\$125	\$131	\$138	\$145	\$152	Project Manager 2	\$185	\$194	\$204	\$214	\$225
Staff Biologist 3	\$130	\$137	\$143	\$150	\$158	Project Manager 3	\$190	\$200	\$209	\$220	\$231
Associate Biologist 1	\$135	\$142	\$149	\$156	\$164	Project Manager 4	\$200	\$210	\$221	\$232	\$243
Associate Biologist 2	\$140	\$147	\$154	\$162	\$170	Project Manager 5	\$210	\$221	\$232	\$243	\$255
Associate Biologist 3	\$145	\$152	\$160	\$168	\$176	Project Manager 6	\$220	\$231	\$243	\$255	\$267
Project Biologist 1	\$150	\$158	\$165	\$174	\$182	Senior Project Manager 1	\$230	\$242	\$254	\$266	\$280
Project Biologist 2	\$155	\$163	\$171	\$179	\$188	Senior Project Manager 2	\$240	\$252	\$265	\$278	\$292
Project Biologist 3	\$160	\$168	\$176	\$185	\$194	Senior Project Manager 3	\$250	\$263	\$276	\$289	\$304
Resource Specialist 1	\$165	\$173	\$182	\$191	\$201	Program Manager 1	\$260	\$273	\$287	\$301	\$316
Resource Specialist 2	\$170	\$179	\$187	\$197	\$207	Program Manager 2	\$270	\$284	\$298	\$313	\$328
Resource Specialist 3	\$175	\$184	\$193	\$203	\$213	Program Manager 3	\$280	\$294	\$309	\$324	\$340
Senior (Sr.) Biologist 1	\$180	\$189	\$198	\$208	\$219	Principal 1	\$290	\$305	\$320	\$336	\$352
Sr. Biologist 2	\$185	\$194	\$204	\$214	\$225	Principal 2	\$300	\$315	\$331	\$347	\$365
Sr. Biologist 3	\$190	\$200	\$209	\$220	\$231	Principal 3	\$310	\$326	\$342	\$359	\$377
Sr. Scientist 1	\$200	\$210	\$221	\$232	\$243	Senior Principal 1	\$320	\$336	\$353	\$370	\$389
Sr. Scientist 2	\$210	\$221	\$232	\$243	\$255	Senior Principal 2	\$330	\$347	\$364	\$382	\$401
Sr. Scientist 3	\$220	\$231	\$243	\$255	\$267	Senior Principal 3	\$340	\$357	\$375	\$394	\$413
Sr. Technical Specialist 1	\$230	\$242	\$254	\$266	\$280	Geographic Information Services (GIS)					
Sr. Technical Specialist 2	\$240	\$252	\$265	\$278	\$292	GIS Technician 1	\$135	\$142	\$149	\$156	\$164
Sr. Technical Specialist 3	\$250	\$263	\$276	\$289	\$304	GIS Technician 2	\$145	\$152	\$160	\$168	\$176
Sr. Regulatory Specialist 1	\$260	\$273	\$287	\$301	\$316	GIS Technician 3	\$155	\$163	\$171	\$179	\$188
Sr. Regulatory Specialist 2	\$270	\$284	\$298	\$313	\$328	GIS Analyst 1	\$165	\$173	\$182	\$191	\$201
Sr. Regulatory Specialist 3	\$280	\$294	\$309	\$324	\$340	GIS Analyst 2	\$175	\$184	\$193	\$203	\$213
Botanist/Arborist Services						GIS Analyst 3	\$185	\$194	\$204	\$214	\$225
Botanist/Arborist 1	\$135	\$135	\$142	\$149	\$156	GIS Project Manager 1	\$200	\$210	\$221	\$232	\$243
Botanist/Arborist 2	\$150	\$150	\$158	\$165	\$174	GIS Project Manager 2	\$210	\$221	\$232	\$243	\$255
Botanist/Arborist 3	\$165	\$165	\$173	\$182	\$191	GIS Project Manager 3	\$220	\$231	\$243	\$255	\$267
Sr. Botanist/Arborist 1	\$185	\$185	\$194	\$204	\$214	GIS Specialist 1	\$230	\$242	\$254	\$266	\$280
Sr. Botanist/Arborist 2	\$200	\$200	\$210	\$221	\$232	GIS Specialist 2	\$240	\$252	\$265	\$278	\$292
Sr. Botanist/Arborist 3	\$215	\$215	\$226	\$237	\$249	GIS Specialist 3	\$250	\$263	\$276	\$289	\$304
Administrative Support Services						GIS Program Manager 1	\$260	\$273	\$287	\$301	\$316
Clerical	\$110	\$116	\$121	\$127	\$134	GIS Program Manager 2	\$270	\$284	\$298	\$313	\$328
Project Administrator	\$135	\$142	\$149	\$156	\$164	GIS Program Manager 3	\$280	\$294	\$309	\$324	\$340
Technical Editor I	\$150	\$158	\$165	\$174	\$182						
Technical Editor II	\$160	\$168	\$176	\$185	\$194						
Technical Editor III	\$170	\$179	\$187	\$197	\$207						
Senior Technical Editor	\$195	\$205	\$215	\$226	\$237						



Other Direct Costs

Regular Vehicle (GSA Rate)	\$0.67/mile
Submeter GPS	\$100/day
UTV and Trailer	\$95/day
Fleet Vehicle	\$95/day
iPad	\$10/day
Wildlife Remote Camera	\$20/ day
Acoustic Bat Monitor	\$35/day
Kayak Kit	\$75/day
Survey Flashlight (Streamlight)	\$12.50/day
Aquatic Survey Sampling Kit	\$25/person/day
Drone/sUAS	\$250/day
Wetsuit	\$70/week
Drysuit	\$195/week
YSI ProDSS Water Quality Meter	\$125/day

Expense Reimbursement/Other:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Reproduction, equipment, and other direct expenses are reimbursed at cost plus a 15% administrative handling charge (excluding mileage).
3. Subconsultants will be billed at their indicated rate plus a 15% administrative handling charge; or the Sequoia labor category commensurate with their role.
4. Depending upon location, Per Diem may be charged where overnight stays are required.
5. Weekly or monthly equipment rates at a reduced amount may be available on a contract-specific basis.
6. Expert Witness Testimony, including Depositions, is billed at the time and half.
7. Non-standard invoice processing will be billed at standard hourly rates for support personnel.
8. Sequoia will review our hourly rates annually and may choose to escalate our rate sheet depending on changes to the cost-of living- index and other factors.
9. Hours beyond 8 hours per day are charged at an overtime rate of 1.5 times our standard hourly rates for qualifying personnel. To comply with California Labor Code 512 and California Code of Regulations 11040, if on-site conditions prohibit personnel from taking required breaks, one additional hour of time will be billed per day for qualifying staff covered under the regulations.

Montrose Environmental Solutions 2024 Billing Rates

Staff Labor Rates	
Classification	Hourly Rate
Principal	\$262
Director II	\$240
Director I	\$230
Senior Associate II	\$218
Senior Associate I	\$208
Associate II	\$200
Associate I	\$191
Analyst II	\$180
Analyst I	\$170
Surveyor	\$148
Technician II	\$136
Technician I	\$120
GIS Analyst/CAD Technician	\$153
Technical Editor	\$131
Publication Specialist	\$114
Administrative Assistant	\$114
Direct Expenses <i>(10% markup; includes subconsultants)</i>	
Item	Rate
Mileage	Current 2024 IRS Rate (\$0.655/mile)
Printing (in-house)	
- Black/white prints	\$0.15 per page
- Color prints	\$1.00 per page
- CDs (including label and envelope)	\$1.50 each
Equipment rental	
- GIS mapping	\$30/hour
- GPS unit or Auger	\$100.00/day
Outside vendors; including	
- Equipment rentals	At cost plus markup
- Document production and supplies	

Note: Rates are subject to 3% escalation each year.



Relevant Experience

About Sequoia

Founded in 2011, Sequoia is a Bay Area-based, Woman-owned Small business with local offices in San Jose. We provide environmental consulting services to public agencies and private entities throughout northern California. With a full-time local staff of more than 50 biologists and a history of successfully managing environmental compliance efforts for local agencies' fuel management efforts, Sequoia is positioned to quickly mobilize planners, biologists and species experts, botanists, arborists, foresters, and qualified scientists whose expertise facilitate successful and expedited planning and implementation of critical wildfire mitigation and restoration projects.

Sequoia has been supporting vegetation management efforts since our inception, and as our firm has grown, we built on that foundation as we have worked with city and county agencies, fire districts, landowners, and regulatory agencies to provide consultation, planning and permitting, site assessments, compliance monitoring services, and surveys and habitat assessments for sensitive species. **We understand the unique challenges associated with these efforts and our staff are able to tackle critical project objectives alongside responsible agency staff, firefighters, and contractors.** Working on these types of projects has instilled in us a profound sense of teamwork and purpose, and enabled us to serve as a flexible, seamless extension of our clients' staff.



Sequoia biologists providing training to fire crews in preparation for shaded fuel break treatments.



Project Experience

La Honda Shaded Fuel Break and On-Call Environmental Support | SAN MATEO COUNTY | SAN MATEO RESOURCE CONSERVATION DISTRICT

The Sequoia team (**Sequoia and Montrose**) has been supporting the San Mateo Resource Conservation District (RCD) with planning and implementation of the La Honda Shaded Fuel Break, a 19-mile fuel break surrounding the community of La Honda in unincorporated San Mateo County.

With implementation slated for November 2023 per funding requirements, the RCD engaged Sequoia to help meet project’s CEQA requirements under the CalVTP PEIR. To meet the aggressive schedule and all regulatory requirements for implementation, the Sequoia team designed a CalVTP treatment plan to avoid the need for additional regulatory permitting from other agencies, and to balance environmental protection with the needs of the RCD, the La Honda community, and its stakeholders. Sequoia worked with the RCD to define methodology and phasing of specific treatment prescriptions; and provided detailed recommendations for tree pruning specifications, understory vegetation and shrub treatments, management of cut biomass, timing of treatments, aesthetics, and future maintenance and invasive species considerations.

Sequoia submitted the CalVTP Project-Specific Analysis (PSA) and Addendum for that project, as well as a Biological Resource Report and Cultural Resources Report after preparing and sending project notification letters to NAHC tribes. Upon agency submittal and approval of the PSA, Sequoia will assist with the request for bids and contractor oversight during implementation.

Reference Contact	San Mateo Resource Conservation District Timothy Federal, Program Manager, Forest Health and Fire Resilience Phone: 650.712.7765 x124 Email: timothy@sanmateorcd.org
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East Bay Regional Park District Fuels Reduction Program

| ALAMEDA AND CONTRA COSTA COUNTIES | EBRPD



From 2016-2021, Sequoia assisted the East Bay Regional Park District with system-wide implementation of the Wildfire Hazard Reduction and Resource Management Plan, as well as interpretation of a Biological Opinion, Incidental Take Permit, and Environmental Impact Report for the District’s fuels reduction project. This project extends throughout EBRPD property in Alameda and Contra Costa counties. Sequoia coordinated communication and monthly update meetings with the District, and managed performance of the biomonitoring effort. Sequoia's biologists and technical specialists performed pre-and post-construction surveys, pre-activity surveys, biological monitoring, and long-term monitoring. A large group of Sequoia staff are approved by both the USFWS and CDFW to work with sensitive species on site. Sequoia staff also performed habitat assessments for AWS, identify signs of infection by *Phytophthora cinnamomi*, facilitated decontamination protocols to prevent the spread of *Phytophthora* species, and implemented AMMs during fuels treatment activities.

Approved staff members survey, monitor for, assess habitat quality, and conduct environmental trainings for special status species, including Alameda whipsnake, Pallid manzanita, California red-legged frog, Western pond turtle, San Francisco dusky-footed woodrat, California tiger salamander, and Western leatherwood.

Reference Contact	East Bay Regional Park District Kristen Van Dam, Resource Analyst/Ecologist Phone: 510.544.2324 Email: kvandam@ebparks.org
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Forest Health and Fire Resiliency Project in Huddart & Wunderlich Parks | SAN MATEO COUNTY | SAN MATEO RCD

San Mateo Resource Conservation District (RCD), in collaboration with CAL FIRE and San Mateo County Parks developed high priority fuel reduction treatment projects on county lands in the northern Santa Cruz Mountains for forest health purposes. The collaboration resulted in the development of a forest health fuel reduction project at Huddart and Wunderlich, San Mateo County Parks encompassing 402.1 acres of vegetative treatments and a goal to enhance and restore a forest system challenged by changing climates, a lack of fire, and many homes in close proximity. Project activities primarily included mechanical thinning of vegetation up to 8” in diameter and pest management (Sudden Oak Death), which further improved forest health, fuel reduction, and carbon sequestration goals. These landscape level vegetation treatments have successfully reduced wildfire risk while increasing wildfire management opportunities.

Sequoia was contracted to support the project vegetation treatment prescriptions by conducting special status species and habitat surveys in scheduled work areas. Sequoia biologists conducted nesting bird surveys, assessed trees for bat roosting habitat, and visually searched for wood rat middens. The biologist flagged resources in accordance with RCD flagging conventions, communicated the locations of flagged resources to vegetation treatment crews, and provided the RCD with a daily survey report. Sequoia worked closely with the RCD to provide seamless environmental support aiding in early completion of the project.

Reference Contact	David Cowman, Forest Ecologist San Mateo Resource Conservation District Office: 650.712.7765 x 107 Email: david@sanmatorcd.org
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Various San Mateo County Fuel Breaks and Vegetation Management Support | SAN MATEO COUNTY | CAL FIRE & SAN MATEO COUNTY PARKS

Supporting CAL FIRE’s work on the 70-acre **Kings Mountain Road Emergency Shaded Fuel Break Project**, Sequoia met with CAL FIRE staff and project representatives to plan for project implementation, special protection measures, and potential operational constraints. Treatments included mechanical treatments (masticators) to create a shaded fuel break along with utilization of hand crews with chippers and burn piles. Sequoia provided focused endangered species and botanical surveys to ensure environmental compliance and adherence to CAL FIRE’s fuel reduction (AMMs). We provided environmental training to CAL FIRE crews, and conducted pre-treatment assessments, collecting data on species cover, composition, and presence of invasive species. Sequoia will conduct post-treatment assessments to determine maintenance intervals for the fuel break. As part of the same project, Sequoia supported the San Mateo County Parks Department, performing focused surveys under our on-call contract to determine the presence of rare plants, primarily Kings Mountain manzanita. Sequoia’s botanists surveyed more than 1,900 acres of park land for this project.

Sequoia worked with CAL FIRE in support of the **El Granada-Quarry Park Emergency Shaded Fuel Break Project**. This 170-acre project restored a system of access roads and perimeter fuel breaks within a 500-acre eucalyptus stand near Half Moon Bay. Sequoia assisted with project implementation, special protection measures, and potential operational (biological) constraints. Sequoia’s biologists conducted preliminary surveys and mapping of proposed work areas focusing on the presence of nesting birds, sensitive species and their habitat, existing erosion or signs of other work already completed, and safety hazards; as well as biological monitoring and environmental training.

Reference Contact	CAL FIRE Sarah Collamer, CZU Forester I – VMP Phone: 831.254.1792 Email: Sarah.Collamer@fire.ca.gov
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Countywide Wildfire Prevention/Hazard Mitigation Projects | MARIN COUNTY | MARIN WILDFIRE PREVENTION AUTHORITY

Sequoia is supporting the Marin Wildfire Prevention Authority (MWPA) under a second consecutive contract to permit and implement a large number of fire prevention projects throughout Marin County. Sequoia provides biological services during environmental planning and implementation of the 40+ projects within the work plan. Our biologists conduct literature reviews of biological resources, field assessments, prepare and present environmental trainings, conduct specialized nesting bird and sensitive plant surveys, and provide ongoing specialized expertise to assist the MWPA. We have also assisted in the preparation of Environmentally Sensitive Habitat Area (ESHA) mapping to conform with the Marin County Coastal Zone's Local Coastal Plan, and we prepared a Project-specific Checklist (PSA) in compliance with the CalVTP in support of various MWPA projects.

Sequoia's early involvement during the planning phase allowed us to assist in designing projects to avoid environmental impacts and maximize available funds. Sequoia biologists performed specialized surveys including nesting bird surveys, sensitive plant surveys, and protocol-level northern spotted owl surveys; as well as invasive species mapping.

This programmatic effort spans all of Marin County and addresses potential impacts to many sensitive species and various sensitive plants. Sequoia meets each month with project stakeholders, including members of the public, to assist MWPA in providing transparency to the public and interested parties regarding environmental compliance and avoidance of resource impacts.

Reference Contact	Anne Crealock Planning and Program Manager Marin Wildfire Prevention Authority Tel: (707) 332-0866 Email: acrealock@marinwildfire.org
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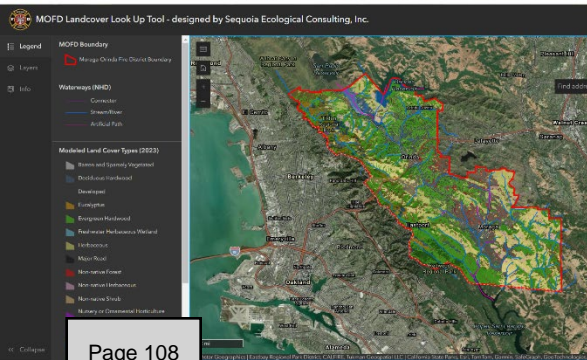
Tunnel East Bay Hills Shaded Fuel Break Project | CONTRA COSTA COUNTY, CA

Sequoia is supporting the Moraga-Orinda Fire District (MOFD) on its CAL FIRE-funded Tunnel East Bay Hills Shaded Fuel Break Project, an 1,110-acre expansion of the 2019 North Orinda Shaded Fuel Break (NOSFB) project. The project is subject to the California State and Federal Endangered Species Act, the Migratory Bird Treaty Act, and other species protections regulated by USFWS, CDFW, and local agencies.

Sequoia worked with MOFD throughout the planning process, preparing a Project-specific Analysis (PSA) checklist and Addendum to secure permitting under the CalVTP, and performing biological and cultural resource assessments, agency coordination, communication with the public, mapping, and contractor coordination. Before work commenced, Sequoia performed detailed preliminary surveys of proposed work areas, and will also conduct post-treatment surveys of treated areas. Surveys focused on the presence of nesting birds, sensitive species and their habitat, existing erosion or signs of other work already completed, and safety hazards. Data collected during these surveys will help MOFD to document permit compliance as well as inform the need for future maintenance work and assess post-treatment fire risk.

Similar to the work Sequoia conducted for the original NOSFB project, our biologists are currently supporting implementation, performing daily monitoring of work and close communication with the crews to ensure that the project is conducted in compliance with project permits. We present environmental training to all crew members, including intensive training on decontamination of equipment, boots, and vehicles to stop the spread of Phytophthora. Treatments monitored have included hand treatment, mastication, controlled burns, pile burning, lop and scatter, chip and haul out, and prescribed herbivory.

Reference Contact Jeff Isaacs, Fire Marshal
Moraga-Orinda Fire District
Tel: (925) 258-4513
Email: jisaacs@mofd.org



Pictured here:

Last month, Sequoia staff were invited to greet members of the public during the City of Orinda's 2nd Annual Wildfire Safety and Preparedness Fair (*shown at top left*). Sequoia shared the Landowner Look Up Tool (*bottom left*) and Best Practices for Home Hardening Guide (*shown at right*) we prepared with the Moraga-Orinda Fire District, and answered questions about environmental protection measures applied on the various shaded fuel breaks managed by the Moraga-Orinda Fire District and Contra Costa County Fire Protection District in the area.



At Sequoia, our team is our greatest asset. Our highly qualified and experienced staff are the backbone of our successful project delivery. Our approach and the diversified experience of the staff we have selected to work on the project will allow for combined efforts and cost savings, to maximize the Town’s allocated funds and efforts.

Our Principal-in-Charge, Debie Montana, will serve as primary contact for the Town for the duration of the proposal and contracting process, while Project Manager Kyle Verblauw will be your point of contact throughout the performance period.



Debie Montana
Principal-in-Charge

Debie Montana will provide project oversight, managerial support, and assurance that Sequoia will provide the dedicated resources required to meet the Town’s needs on this project. Mrs. Montana feels deeply privileged to lead Sequoia in supporting wildfire mitigation efforts, playing a small role in stewarding the land that provides a retreat and a home to our staff and our families, and protecting the habitats and species that inspired her to become a biologist.

Certified in Project Management by the University of California at Davis, Mrs. Montana oversees large-scale fuels treatment projects spanning diverse regions and habitats. She leads Sequoia's efforts including:

- San Mateo RCD La Honda Shaded Fuel Break PSA and Addendum preparation, and implementation support
- San Mateo County Parks Department and CAL FIRE focused species and rare plant surveys for fuel reduction activities covering more than 2,000 acres of park land throughout San Mateo County
- Marin Wildfire Prevention Authority planning and implementation of >40 wildfire mitigation projects

Debie’s background and certifications:

- ✓ 20 years of experience in the environmental industry
- ✓ M.S., Biological Sciences with Concentration in Organismal Biology, Conservation and Ecology, San Jose State University •
- ✓ B.S., Biological Sciences with Concentration in Conservation and Organismal Biology, San Jose State University •
- ✓ Certificate, Project Management, University of California, Davis

- Contra Costa County Fire District’s on-call consultant for planning and implementation of its programmatic fuels efforts, including work under the CalVTP
- On-call contract with the East Bay Regional Park District for biological support on fuel management projects including more than 30 FEMA-funded projects
- Planning and implementation services for more than 3,000 acres of fuel break for the Moraga-Orinda Fire District



Kyle Verblaauw
Project Manager

Kyle Verblaauw is a project manager and biologist specializing in Northern California’s special-status species. With a Master’s degree in Environmental Management from the University of San Francisco, Kyle oversees some of Sequoia’s largest programmatic fuels management implementation compliance efforts, including management and coordination of staff performing protocol-level surveys, pre-construction surveys, rare plant surveys, and biological compliance monitoring.

Kyle has worked extensively with species such as the California tiger salamander, California red-legged frog, and western burrowing owl. He holds a USFWS Recovery Permit and California permits for these species, and has experience with PIT tagging, burrow excavations, and amphibian surveys. His experience with Sequoia includes:

- Biological Project Manager for Marin Wildfire Prevention Authority during planning and implementation of >40 wildfire mitigation projects
- San Mateo County Parks, Edgewood Shaded Fuels Break, Redwood City, CA
- San Mateo County Parks, Quarry Park Shaded Fuels Break, El Granada, CA
- Butano State Park Forest Health Project; Pescadero, CA
- Midpeninsula Regional Open Space District, Bear Creek Redwood Preserve Phase II Trails Project; Los Gatos, CA
- Napa County RCD’s CalVTP Project-Specific Analysis and Addendum for Las Posadas Forest
- Novato Fire Protection District’s Wildfire Resiliency Technical Coordinator

- San Rafael Open Space Defensible Fuel Reduction
- Sonoma County Regional Parks: Hood Mountain Vegetation Management Planning

Kyle’s background and certifications:

- ✓ 10 years of experience in the environmental consulting industry
- ✓ MS, Environmental Management (Ecology), University of San Francisco
- ✓ BA, Environmental Studies (Biology), University of California Santa Barbara
- ✓ UC Education Abroad Program, (Marine Biology and Terrestrial Ecology), University of Queensland, Australia•
- ✓ USFWS 10(a)(1)(A) Recovery Permit #ESPER0045160 for California Tiger Salamander and California Red-legged Frog
- ✓ CDFW Scientific Collecting Permit #S-211500002-21363-001 and MOU for California Tiger Salamander, and California Red-legged Frog



Will Johnson
Program Manager

Will Johnson has 16 years of experience in habitat restoration, mitigation planning, natural resource monitoring, and project management. Over the past decade, he has worked on various projects throughout northern California, serving as a field biologist, site superintendent, manager, crew leader, and equipment operator. Will is adept at managing projects from proposal to closeout, ensuring compliance with standard specifications, plans, and permit requirements.

He has authored site management and long-term maintenance plans, cost proposals, budgets, and technical write-ups. Will has collaborated with and contracted for a diverse range of clients, including county, state, and federal agencies, consulting firms, non-profits, special districts, and private landowners. His work has involved

Will's background and certifications:

- ✓ 16 years of experience in habitat restoration, mitigation planning, inspection and compliance support, natural resource monitoring, and both project and program-level administration and management
- ✓ MS, Biological Sciences, University of Rhode Island
- ✓ BS, Biological Sciences, University of Rhode Island
- ✓ California Contractors State License Board – C-27 Landscape Construction License, 1086577, exp. 2026
- ✓ California Department of Pesticide Regulation – Qualified Applicator License, 162032, exp. 12/2024

numerous special status species in Northern California, and he has conducted rare plant surveys and managed projects involving species like the western burrowing owl and Swainson's hawk.



Kelyn McGuire
Surveys and Monitoring,
Environmental Training

Kelyn McGuire is an enthusiastic biologist with more than 2 years of experience in environmental consulting and biological field work. With exquisite attention to detail and ability to coordinate among all parties, Kelyn serves as Sequoia's field lead for fuels treatment monitoring, surveys, and environmental training for projects with the Contra Costa County Fire Protection District, as well as the Moraga-Orinda Fire District. She is experienced at coordinating and conducting surveys for nesting birds and special status species including California tiger salamander, California red-legged frog, Alameda whipsnake, western pond turtle, and San Francisco dusky-footed woodrat, among many others. Kelyn also assists with rare plant surveys and California spotted owl surveys under the supervision of senior biologists/botanists, and bumble bee surveys with a permitted biologist.

Kelyn's background and certifications:

- ✓ 2+ years of field experience
- ✓ BA Environmental Studies (Anthropology), University of California, Santa Barbara
- ✓ UC Education Abroad Program, (Anthropology) University of Edinburgh, Scotland



Brian Nissen
Surveys and Monitoring,
Environmental Training

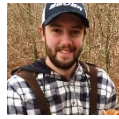
More than 6 years of professional experience working with private industry consulting, federal and state agencies compliance, and volunteer research projects

Brian Nissen is a restoration ecologist and field biologist with over 6 years of experience. He has worked on ecological restoration and biological surveys across the San Francisco Bay Area, focusing on special status species and habitat restoration. Brian is skilled in project design, implementation, invasive plant management, native plant propagation, and irrigation systems.

He holds permits for surveying California tiger salamander and California red-legged frog and has extensive experience with these species on construction projects. Brian has also conducted surveys for other special status species, including nesting birds, raptors, burrowing owls, and rare plants like Santa Cruz robust spineflower. Additionally, he has over 100 hours of passerine banding experience with the San Francisco Bay Bird Observatory.

Brian's background and certifications:

- ✓ 5+ years of field experience
- ✓ BS, Natural Resources, Fisheries and Wildlife Science, Oregon State University
- ✓ 10(a)(1)(A) Recovery Permit (PER0011950), California tiger salamander, California red-legged frog
- ✓ CDFW Scientific Collection Permit (SC-190180001)



Nicolas Anderson
Surveys and Monitoring,
Environmental Training, and GIS

Nicolas Anderson has 5 years of experience in wildlife and vegetation surveys, habitat restoration, construction monitoring, forestry management, and geographic information systems (GIS). His surveying skills include point-count, mark-recapture for small mammals and fish, electrofishing, mist netting, spotlighting, dip netting, seining, hoop netting, telemetry, and herpetological surveys for wetland IBI assessments.

Nicolas has conducted threatened and endangered species surveys across the Midwest, Southeast U.S., and California. Species he has worked with include the western pond turtle, California red-legged frog, Indiana bat, Henslow's sparrow, loggerhead sea turtle, northern long-eared bat, and greater prairie-chicken. His vegetation surveys have covered species such as beaked spikerush, slender rush, and western prairie fringed orchid.

Nick's background and certifications:

- ✓ 7+ years of field experience
- ✓ Wildland Firefighter Type II
- ✓ BS in Fisheries, Wildlife, and Conservation biology, University of Minnesota, Twin Cities
- ✓ NPDES Construction Stormwater Inspector



Attachment A - Other Information

Why Choose Sequoia?

✓ Experience with Federally Funded Fuels Management Efforts

Sequoia is deeply familiar with the variety of funding mechanisms for California’s fuels management projects. We have worked on dozens of FEMA-funded projects for clients including East Bay Regional Park District, the RCD, and numerous projects through CAL FIRE. We understand the requirements of these projects including invoicing, reporting, and the importance of meeting deadlines and milestones set forth by grants.

✓ Demonstrated Experience with Fire Crews

Sequoia and its staff have coordinated and worked closely with fire crews and agencies including but not limited to:

- CAL FIRE
- Moraga-Orinda Fire District
- Novato Fire District (Full-time staff augmentation)
- Mt. Diablo Fire Safe Council
- California Conservation Corps
- East Bay Regional Park District's Fire Department
- Contra Costa County Fire Protection District

✓ Qualified Biologists with Certifications and Permits to Handle and Survey for Listed Species

Sequoia's staff have all the requisite certifications and permits to provide the range of expertise required to implement the Town’s VMP. Our staff includes GIS Specialists, TRAQ Certified Personnel, a Certified Consulting Botanist, Certified Arborist, and numerous individuals with 10(a)1(A) recovery permits and/or Memorandums of Understanding (MOUs) for sensitive species including: Western bumble bee, California tiger salamander, California red-legged frog, San Francisco garter snake, Foothill yellow-legged frog, California Ridgway’s rail, Western snowy plover, Vernal pool branchiopods, and other sensitive species.

A table showing our team's certifications and licensing is provided below.



Table. Sequoia Permitted and Certified Staff

<p>Stephen Gergeni</p>	<p>MOU attached to SCP; S-201190005-21059-001, Covers 4 CESA-Candidate Bumble Bee Species, Western bumble bee, Crotch's bumble bee, Franklin's bumble bee and Suckley's Cuckoo bumble bee</p> <p>USFWS 10(a)(1)(A) Recovery Permit #TE-84156D-0, Giant garter snake, California tiger salamander, California red-legged frog</p> <p>CDFW Scientific Collecting Permit #SC-2011900005, Giant garter snake, California tiger salamander, California red-legged frog, Foothill yellow-legged frog, amphibians, reptiles, small mammals, San Francisco dusky-footed woodrat, California giant salamander, Santa Cruz black salamander, Northern red-legged frog, Western spadefoot toad; Northern alligator lizard Northern pond turtle, Southwestern pond turtle, terrestrial and vernal pool inverts</p>
<p>Andrew Ford</p>	<p>MOU attached to SCP; S-201190005-21059-001, Covers 4 CESA-Candidate Bumble Bee Species, Western bumble bee, Crotch's bumble bee, Franklin's bumble bee and Suckley's Cuckoo bumble bee</p> <p>USFWS 10(a)(1)(A) Recovery Permit #TE-66228D-0, California tiger salamander and California red-legged frog</p> <p>Certified Consulting Botanist CCB-0029</p> <p>California Endangered Species Act Plant Voucher Collecting Permit 2081 1(a)-19-101-V</p> <p>ISA Tree Risk Assessment Qualification (ISA TRAQ)</p> <p>ISA Certified Arborist, WE-13284A</p>
<p>Ari Rogers</p>	<p>USFWS 10(a)(1)(A) Recovery Permit #TE 41340D-0, California tiger salamander and California red-legged frog</p> <p>CDFW MOU SC-13818, California tiger salamander (under Woodruff for CTS as an authorized individual)</p> <p>Certified Ecological Restoration Practitioner-in-Training (CERPIT) CERPIT #0678, Society for Ecological Restoration</p> <p>California Endangered Species Act Plant Voucher Collecting Permit 2081 1(a)-18-081-V</p>
<p>Aurelie Hening</p>	<p>Sub-permittee USFWS 10(a)(1)(A) Recovery Permit #TE-34570A-3.2, western snowy plover</p>
<p>Brendan Champlin</p>	<p>ISA Certified Arborist (WE-13739AU)</p>
<p>Brett Hanshew</p>	<p>USFWS 10(a)(1)(A) Recovery Permit #TE-67570A-0, California tiger salamander (Sonoma County-Distinct Population Segment and Santa Barbara County-Distinct Population Segment), California red-legged frog, San Francisco Garter Snake, Vernal pool branchiopods</p> <p>CDFW MOU: SC-009343, California tiger salamander, Foothill yellow-legged frog, and San Francisco Garter Snake</p>
<p>Brian Nissen</p>	<p>10(a)(1)(A) Recovery Permit (PER0011950), California tiger salamander, California red-legged frog</p> <p>CDFW Scientific Collection Permit (SC-190180001)</p>



<p>Jesse Reeb</p>	<p>USFWS 10(a)(1)(A) Recovery Permit #TE-01769B-3, California tiger salamander, San Francisco Garter Snake, Alameda whipsnake, California Ridgway's rail</p> <p>CDFW MOU: SC-010272, California tiger salamander, San Francisco Garter Snake, Alameda whipsnake, California Ridgway's rail</p>
<p>Julie Woodruff</p>	<p>USFWS 10(a)(1)(A) Recovery Permit #TE-71409C-0, California red-legged frog, California tiger salamander, and Sierra Nevada yellow-legged frog</p> <p>CDFW MOU: SC-13782, California tiger salamander, foothill yellow-legged frog, and Sierra Nevada yellow-legged frog</p> <p>USGS Bird Banding Lab Master Bander #24106, Northern saw-whet owl, western screech-owl, and burrowing owl</p>
<p>Kyle Verblaauw</p>	<p>USFWS 10(a)(1)(A) Recovery Permit #ESPER0045160, California tiger salamander, California red-legged frog</p> <p>SCP# S-211500002-21363-001, California tiger salamander, California red-legged frog, Pacific treefrog, American bullfrog, Foothill yellow-legged frog, California newt, Redbellied newt, Rough-skinned newt</p>

✓ **Ability to Respond Quickly to Changes in Schedule**

The nature of these projects lends itself to last-minute schedule changes due to weather, fire risk, and other unpredictable conditions. Sequoia's team of cross-trained local biologists are already approved by the CDFW and USFWS to survey and monitor for the sensitive species found within the Project area. Because our staff are deployed from our offices in San Jose and Walnut Creek, we require minimal mobilization and travel time. This allows us to hit the ground running at project kickoff, and to rapidly mobilize fully qualified staff, accommodating concurrent work and changing project needs. Sequoia will respond to Town requests within 30 minutes, and we can schedule qualified biologists for field surveys and monitoring efforts within 24 hours of requests, or less.

✓ **Full Understanding of PSA Implementation under the CalVTP**

Sequoia has deep experience in both development and implementation of the PSA process. In addition to supporting clients and contractors during the implementation phase, and monitoring fuel reduction in accordance with environmental measures of the CalVTP, Sequoia has also authored several approved PSAs. Because we bring this experience, the Town can be assured that Sequoia understands the process thoroughly and can find ways of streamlining certain parts of the process to better benefit species, cost and timelines. Recent Sequoia PSAs can be found ([here](#) and [here](#)) and Sequoia has contributed to the development of several PSA's under the Marin Wildfire Prevention Authority ([here](#)). As part of past PSA processes, Sequoia has also developed PSA addenda as necessary.



Client Testimonials and Letters of Recommendation

March 3, 2022

I am a recently retired Assistance Fire Chief for East Bay Regional Park District where I was responsible for directing and implementing the District's **Wildland Hazardous Fuels Management Program**. Prior to serving as assistant chief, I was the lead fuel reduction and vegetation management Fire Fuels Captain.

From **2016-2021**, I worked with **Sequoia Ecological Consulting, Inc. (Sequoia)** on this program and am very pleased to write this letter to recommend Sequoia's exceptional fuels implementation and compliance services based on my experience working alongside their biologists. Sequoia's work exceeded **\$1M** on this program.

While working with Sequoia and their highly qualified biologists and technical specialists over the past five years, the District was able to comply with the EIR associated with the Wildfire Hazard Reduction and Resource Management Plan with no unauthorized take of sensitive resources or species. This is due to Sequoia's ability to interpret, organize and implement complex, often contradictory Avoidance and Minimization Measures (AMMs) related to Environmental Impact Reports, and regulatory permits from multiple agencies (CDFW, USFWS, USACE, etc.).

Sequoia's staff members are extremely knowledgeable in the various work methods and practices associated with fuels management, and so are able to identify alternate work methods and practices to reduce and avoid impacts, mitigate unavoidable impacts, and work with crews to assess a treatment area and determine the best approach.

Sequoia's communication and integration with the fuels team is key to the ultimate success of each project. They participate in the planning as well as the implementation, and work alongside crews and leaders to ensure projects move forward while also minding the objectives of resource protection and the project's regulatory framework. Sequoia biologists continuously communicate with the crews about their needs and resource avoidance during work.

During the five years that I worked with Sequoia's biologists, I observed their ability to respond to work requests ranging from species-specific technical expertise and surveys, botanical surveys, and regulatory permitting support, to day-to-day project management, scheduling, meeting with agency personnel, and overseeing other contractors on the projects. In summary, Sequoia has been instrumental in supporting the District's fuels management program, and I recommend them to anyone seeking a well-rounded environmental consultant to help achieve project success. I consider them to be professional, respectful, and easy to work with and thoroughly enjoyed working alongside them and sharing the team experience.

Sincerely,

Bradford K. Gallup



East Bay Regional Park District

Kristen Van Dam, Resource Analyst/Ecologist

“Sequoia has provided biological monitoring support for my program for nearly five years. Our program is large and complex, and involves potential impacts to several threatened species. Sequoia is always on top of it. Sequoia’s project managers are sharp, communicative, and thorough. Their biologists are great with the crews, and largely due to their guidance we rarely see compliance issues. They are experts on the species we work with, and leverage their expertise to ensure the least possible risk to them. My project manager provides prompt weekly updates, and monitoring reports arrive complete and clearly organized. Any questions and issues that come up with project compliance are communicated promptly and resolved easily.

One of the most impressive things about Sequoia is that the staff are not there merely to provide a service; staff actively engage in collaborative problem-solving with the client, which has saved my agency money and time. Their staff are highly qualified scientists, but the best kind of scientists – with a keen eye toward communication and customer service. I know that my project manager has my project’s best interests at heart, and I trust them completely. I would recommend Sequoia for any biological compliance project without hesitation.”

Diablo FireSafe Council

Cheryl Miller, Executive Coordinator

“The team at Sequoia Ecological Consulting was critical to effective hazardous fuel reduction for the North Orinda Shaded Fuel Break. By having their biologists evaluate sites before work began we could avoid potential environmental impacts and accelerate the project. Their staff’s expertise continued to guide field crews throughout the work, giving the whole project team confidence that we could adjust the project to meet the best management practices and comply with the myriad of environmental requirements, while reducing the potential of wildfire.”

San Mateo RCD

David Cowman, Forest Ecologist

“I’d like to echo the gratitude for the great communication in addition to the level of flexibility you all have provided throughout the project. These types of projects are tricky to coordinate with all the moving pieces, and I greatly appreciate your willingness to send bios when necessary to fill in when our own staff and County Parks staff weren’t available.”



California State Parks, Bay Area District
Natural Resource Program Environmental Scientist

“Sequoia staff were professional, friendly and flexible, even while working in difficult post-wildfire environments with a variety of challenges. The assessments and survey methodologies paid exceptional attention to detail and the resulting deliverables were top notch.”

City of Suisun City Public Works
Nick Lozano, Associate Engineer/Project Manager

“Because my emails and phone calls are promptly returned, I always feel that I am Sequoia’s only client. Our projects come with their own unique challenges relating to field conditions and permit restrictions, and Sequoia’s knowledgeable staff has always arrived at feasible and cost-effective solutions that were readily approved by the City and the regulatory agencies. Sequoia’s staff are well-versed on regulatory permits, permitting strategy, and how to complete projects in compliance with regulatory requirements.”

Attachment B - Required Forms

ATTACHMENT B - PROPOSAL FORMS

(To be returned with Proposal. Also See Request for Proposal Section 6 for Additional Required Information)

PROPOSER

Name: Sequoia Ecological Consulting, Inc.

Address: 99 South Almaden Boulevard, Suite 600, San Jose, CA 95113

1st Contact person (Name): Debie Montana

Title: CEO and Principal Biologist Office Tel: 925-855-5500

Direct/Cell: 925-989-7011 Fax: _____

Email: dmontana@sequoiaeco.com

2nd Contact person (Name): Kyle Verblaauw

Title: Project Manager Office Tel: 925-855-5500

Direct/Cell: 201-787-1738 Fax: _____

Email: kverblaauw@sequoiaeco.com

BUSINESS TYPE:

Proposer, if selected, intends to carry on the business as (check one):

- Individual
- Joint Venture
- Partnership
- Corporation

Year incorporated? 2011 In what state? California

When authorized to do business in California? 2011

Other (explain): _____

ADDENDA

To assure that all Proposers have received each addendum, check the appropriate box(es) below. Failure to acknowledge receipt of an addendum/addenda may be considered an irregularity in the Proposal:

Addendum number(s) received (check and initial):

- ___ 1
- ___ 2
- ___ 3
- ___ 4
- ___ 5
- ___ Other
- ___ No Addendum/Addenda Were Received

ADDITIONAL INFORMATION

Number of years providing the specified service: 11

Names and titles of all officers and directors:

Debie Montana, CEO and Principal Biologist; Bill Montana, Secretary/CFO

Tashi MacMillen, Principal Director - Technical Services; Sarah Blanchfield, Principal Director - Operations in Management; Melissa Krause, Marketing Director

If an individual or partnership, provide the following information:

Formation date of company: N/A - S Corporation

Name and address of all partners, indicating whether they are general or limited partners:

N/A - owned 100% by Debie Montana, CEO - 1342 Creekside Drive, Walnut Creek, CA 94596

List the names, titles, and qualifications of the key personnel who will perform work under this Agreement as well as their roles in relation to the Agreement. Identify the primary biologist to be designated for the Town. Include their certifications, experience, and training.

Principal Biologist - Debie Montana.

All resumes are included in the proposal Appendix.

Indicate whether Proposer has ever failed to complete any Agreement awarded to it. If so, note when, where, and why. Attach additional sheets, if necessary.

Sequoia has never failed to complete any agreement in its history.

Indicate whether Proposer has been or is the subject of a bankruptcy or insolvency proceeding or subject to assignment for the benefit of creditors.

Sequoia has never been the subject of a bankruptcy or insolvency proceeding.

SUBCONTRACTORS

Attached hereto and incorporated herein is the complete and entire list of subcontractors to be employed by the undersigned in the performance of the work.

Company Montrose Environmental Group

Location 266 Grand Ave #210, Oakland, CA 94610

Describe work to be contracted Cultural Resources support (if needed)

Company _____

Location _____

Describe work to be contracted: _____

Company _____

Location _____

Describe work to be contracted: _____

REFERENCES

List three (3) references for work of a similar nature to the Services performed within the last five (5) years. References should be from a California municipality, county or a state or federal agency if possible. Preference will be given for references whose work was similar in scope and character to the Project.

Reference 1

Name of Agency:	Moraga-Orinda Fire District
Agency Address:	120 Moraga Way, Moraga, CA 94556
Contact Name and Title:	Jeff Isaacs, Fire Marshal
Contact Telephone:	(925) 258-4513
Contact Email:	jisaacs@mofd.org
Contract Amount:	\$1,316,268.93 to date
Description of Services Provided:	Sequoia has provided environmental compliance support to MOFD on its vegetation management and shaded fuel break projects since 2019. Our role has spanned the full process including providing grant application support and mapping, habitat assessments, project planning, PSA and associated document preparation under the CalVTP, treatment prescriptions, public outreach, and implementation compliance.
Date Services Were Provided:	2019 – Present

Reference 2

Name of Agency:	CAL FIRE
Agency Address:	059 Highway 9, Felton, CA 95018
Contact Name and Title:	Sarah Collamer, CZU Forester I – VMP
Contact Telephone:	(831) 254-1792 (cell)
Contact Email:	Sarah.Collamer@fire.ca.gov
Contract Amount:	\$32,322

Description of Services Provided:	Sequoia provided focused endangered species and botanical surveys to ensure environmental compliance in advance of fuel reduction activities and adherence to CAL FIRE’s Fuel Reduction Avoidance and Minimization Measures (AMMs).
Date Services Were Provided:	July 2019

Reference 3

Name of Agency:	San Mateo Resource Conservation District
Agency Address:	80 Stone Pine Road, Suite 100 Half Moon Bay, CA 94019
Contact Name and Title:	David Cowman, Forest Ecologist
Contact Telephone:	650.712.7765 x 107
Contact Email:	david@sanmateorcd.org
Contract Amount:	\$323,471.79 to date
Description of Services Provided:	Sequoia has supported programmatic vegetation treatment activities for the RCD on an as-needed basis, conducting nesting bird and special-status species surveys, habitat and tree assessments, bat roosting habitat assessments, and visual searches for woodrat middens. We recently submitted a PSA for the La Honda Fuel Break project, which recently started implementation, which Sequoia is monitoring.
Date Services Were Provided:	June 2021 – Present

RESERVATION

It is understood that the Town reserves the right to reject this Proposal, but that this Proposal shall not be withdrawn for a period of 45 days from the date prescribed for its opening.

DISCLOSURE

The undersigned declares that this Proposal is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that the Proposal is genuine and not collusive or sham; that the undersigned has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal and has not directly or indirectly colluded or agreed with any Proposer or anyone else to put in a sham Proposal or to refrain from bidding; that the undersigned has not directly or indirectly sought by agreement, communication or conference with anyone to fix his/her Proposal price or the Proposal price of any other Proposer, or to fix any overhead, profit or cost element of such Proposal price or of that of any other Proposer, or to secure any advantage against the Town of

Los Gatos or anyone interested in the proposed Contract; that the only persons or parties interested in this Proposal as principals are those named herein; that all statements contained in this Proposal are true; that the undersigned has not directly or indirectly, submitted his/her Proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any other persons, partnership, corporation, or association except to such person or persons as have a direct financial interest in Proposer's general business; and that the undersigned has not accepted any Proposal from any subcontractor or vendor through any Proposal depository, the Bylaws, Rules or Regulations of which prohibit or prevent the undersigned from considering any Proposal from any subcontractor or vendor, which is not processed through said Proposal depository, or which may prevent any subcontractor or vendor from bidding to any general contractor who does not use the facilities of or accept bids from or through such Proposal depository; and that the undersigned has not paid, and will not pay, any fee to any corporation, partnership, company, association, organization, Proposal depository, or to any member or agent thereof to effectuate a collusive or sham Proposal.

WORDS AND PHRASES

Wherever in this Proposal an amount is stated in both words and figures, in case of discrepancy between words and figures, the words shall prevail; if all or any portion of the Proposal is required to be given in unit prices and totals and a discrepancy exists between any such unit prices and totals so given, the unit prices shall prevail.

CERTIFICATION

The undersigned certifies that the Proposal Documents have been thoroughly read and understood and that, except as may be specifically noted and contained in addenda, there are no discrepancies or misunderstandings as to the meaning, purpose or intent of any provision in the Proposal Documents or as to the interpretation of the same. The undersigned hereby incorporates by reference, the same as though set out in full, all provisions of Request for Bids published by the Town and pertaining to the work described in this Proposal.

The names of all persons Interested in the foregoing Proposal as principals are as follows:

Important Notice: If Proposer or other interested person is a corporation, give legal name of corporation, state where incorporated and names of the president and secretary thereof; if a partnership, give name of the firm, also names of all individual co-partners composing firm; if Proposer or other interested person is an individual, give first and last names in full.

PROPOSER'S SIGNATURE

No Proposal shall be accepted which has not been signed in ink in the appropriate space below:

By signing below, the submission of a Proposal shall be deemed a representation and certification by the Proposer that they have investigated all aspects of the RFP, that they are aware of the applicable facts pertaining to the RFP process, its procedures and requirements, and they have read and understand the RFP. No request for modification of the Proposal shall be considered after its submission on the grounds that the Proposer was not fully informed as to any fact or condition.

(1) If Proposer is *INDIVIDUAL*, sign here:

Proposer's Signature

Proposer's typed name and title

Date: _____

(2) If Proposer is *PARTNERSHIP* or *JOINT VENTURE*, at least (2) Partners or each of the Joint Venturers shall sign here:

Partnership or Joint Venture Name
(type or print)

Signature

Name of Member of the Partnership or Joint
Venture (type or print)

Date: _____

Signature

Name of Member of the Partnership or Joint
Venture Name (type or print)

Date: _____

(3) If Proposer is a CORPORATION, the duly authorized officer(s) shall sign as follows:

The undersigned certify that they are respectively:

Chief Executive Officer (Title)

and _____
Chief Financial Officer (Title)

of the corporation named below; that they are designated to sign the Proposal Cost Form by resolution (attach a certified copy, with corporate seal, if applicable, notarized as to its authenticity or Secretary's certificate of authorization) for and on behalf of the below named CORPORATION, and that they are authorized to execute same for and on behalf of said CORPORATION.

Sequoia Ecological Consulting, Inc.
Corporation Name (type or print)

Debie Montana
Signature

Debie Montana, CEO and Principal Biologist
Name and Title (type or print)

Date: June 27, 2024

Bill Montana
Signature

Bill Montana, Chief Financial Officer
Name and Title (type or print)

Date: June 27, 2024

Corporation – 2 officer signatures required (one from each group, unless person signing holds officer positions in both Group 1 and 2):

Group 1: Chief Executive Officer, Chairman of the Board, President, or Vice President

Group 2: Secretary, Assistant Secretary, Chief Financial Officer, Treasurer, Assistant Treasurer

CONFLICT OF INTEREST STATEMENT

This form must be printed out, completed, and submitted with the Bid.

The undersigned declares: Not Applicable

I/We _____ (Insert Name) have the following financial, business, or other relationship with Town of Los Gatos that may have an impact upon the outcome of the contract. If none, please specify that no other relationships may have an impact on this contract or Project.

I/We _____ (Insert Name) have the following current clients who may have a financial interest in the outcome of this contract. If none, please specify that no other clients may have a financial interest with an impact on this contract or Project.

Pursuant to Government Code section 1090 and any other laws, rules and regulations that may apply, the Proposer covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this Request for Bids. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFB is an officer or employee of the Town. Through its submittal of a Bid, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the Town if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

Furthermore, if there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider Proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one Proposal for the same work unless alternate Proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one Proposal for the same work will cause the rejection of all Proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the Town may refuse to consider Proposals from participants in such collusion. Proposers shall submit as part of their Proposal documents the completed Non-Collusion Declaration provided herein.

I, on behalf of the Proposer, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on

June 27, 2024 [date], at Walnut Creek [Town], California [state].

Sequoia Ecological Consulting, Inc.

Proposer Name (Person, Firm, Corp.)

Address

1342 Creekside Drive Walnut Creek, CA 94596

Town, State, Zip

CEO and Principal Biologist

Debie Montana

Title of Authorized Representative

Name of Authorized Representative

June 27, 2024

(Date)



(Signed)

BYRD ANTI-LOBBYING AMENDMENT 31 U.S.C. § 1352
(AS AMENDED)

This form must be printed out, completed, and submitted with the Bid.

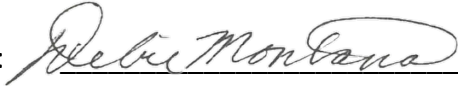
The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on

June 27, 2024 [date], at Walnut Creek [Town], CA[state]

By: 

Name: Debie Montana

Title: CEO and Principal Biologist

NON-COLLUSION DECLARATION

This form must be printed out, completed, and submitted with the Bid.

The undersigned declares:

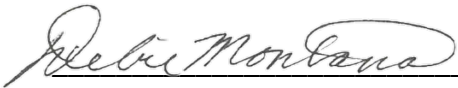
I am the CEO and Principal Biologist [Insert Title] of Sequoia Ecological Consulting, Inc.[Insert name of company, corporation, LLC, partnership or joint venture] the party making the foregoing Proposal.

The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Proposal is genuine and not collusive or sham. The Proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham Proposal. The Proposer has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or to refrain from responding. All statements contained in the Proposal are true.

Any person executing this declaration on behalf of a Proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Proposer.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on

JUne 27, 2024 [date], at Walnut Creek [Town], CA [state]

By: 

Name: Debie Montana

Title: CEO and Principal Biologist

ATTACHMENT D - PROPOSAL PRICE SHEET

The quantities shown on the Proposal forms are approximate only, being given as a basis for the comparison of Proposals, and the Town does not, expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount or class or portion of the work as may be deemed necessary or advisable by the Director of Parks & Public Works. This Proposal will be rejected if Proposer fails to provide a Proposal for each item.

The Town reserves the right to make a comparison of Proposals based on any combination of the above alternate Proposal items.


For all services described in the Proposer’s Scope of Services, unless excluded by the Town in description of services below, the Town shall consider unit prices below to include all labor, equipment, fees of any kind, overhead, insurance, fuel, materials, surcharges, disposal fees, and any other costs associated with and necessary for the Proposer to perform such service. No qualifications, exemptions, or alterations of services described below will be allowed. Failure to comply will result in disqualification of Proposal.

Proposed Cost Per Task for All Locations

Task Description	Cost (\$)
Task 1: Meetings and Project Documentation	\$15,585
Task 2: Data Collection and Review	\$2,090
Task 3: Preconstruction Surveys	\$50,540
Task 4: Environmental Awareness Training	\$3,529
Task 5: Field Monitoring of Construction Activities	\$76,240
Task 6: Project Environmental Reporting	\$34,181
TOTAL PROJECT COST	\$181,165

Work will be paid hourly Not to Exceed the values listed above. Proposers must attach a rate sheet to this Proposal Price Sheet.

SIGNATURE

	CEO and Principal Biologist
Signature	Title
Debie Montana	June 27, 2024
Name (printed or typed)	Date
(925) 989-7011	N/A
Telephone	Fax
454136627	19114593
Tax ID Number	Los Gatos Business License Number



Sequoia Ecological Consulting, Inc.

ITEM NO. 9.

Proposal for Town of Los Gatos - Environmental Monitoring Services for
Vegetation Management Risk Reduction Project (Open Space)

Resumes



Debie Montana, M.S., Certified Project Manager

President and Principal Biologist

Debie Montana is a Project Management Professional and the President of Sequoia Ecological Consulting, a small, woman-owned business enterprise. As President she is responsible for the corporate operation and fulfillment of contractual obligations for the firm. Since founding Sequoia in 2011, Mrs. Montana has grown her Company to a full-time staff of 45 qualified biologists, planners, project managers and regulatory specialists providing large-scale wildfire mitigation program support, project management, CEQA/NEPA compliance, CalVTP Support, pre- and post-fire surveys and analysis, and regulatory compliance support at the state and federal levels Certified in Project Management by the University of California at Davis, Mrs. Montana oversees large-scale fuels treatment projects spanning diverse regions and habitats. She serves as Principal-in-Charge on Sequoia's fuels treatment efforts for numerous Moraga-Orinda Fire District efforts, as well as planning and implementation of more than 40 projects for the Marin Wildfire Prevention Authority. She served in the same capacity on projects including the Caldor Fire Restoration efforts with El Dorado RCD, dozens of projects under East Bay Regional Park District's Fuel Management Program, and she also worked closely with the San Mateo County Parks Department and CAL FIRE to provide focused species and rare plant surveys for fuel reduction activities covering more than 2,000 acres of park land.

With more than 20 years of experience in the environmental industry, Mrs. Montana has developed a resume with extensive program management experience within both the private and public sectors. She oversees complex environmental compliance efforts that apply her conservation and organismal biology and fisheries background with her strong an understanding of all aspects of environmental analysis, and her extensive knowledge of environmental permitting through federal, state and local agency processes.

As a wildlife biologist, Mrs. Montana has worked on projects and with technical scientific experts throughout California. Her duties have ranged from authoring biological assessments and Natural Environmental Studies, to performing resource management and mitigation plans, to overseeing large-scale fuels treatment, utility, and development projects spanning regions, a variety of habitats, and numerous permitting agencies. Mrs. Montana's main strength is providing oversight, quality assurance, budget control, schedule adherence, and technical review on large-scale projects. She has built and managed multi-disciplinary teams of technical experts, to successfully complete projects across the state.



ITEM NO. 9.

AREAS OF EXPERTISE

- Program and Project Management
- Fuels Management Strategy, Planning, and Implementation
- CalVTP Implementation
- Stakeholder Engagement
- Technical Team Development and Management

EDUCATION

M.S., Biological Sciences with Concentration in Organismal Biology, Conservation and Ecology, San Jose State University

B.S., Biological Sciences with Concentration in Conservation and Organismal Biology, San Jose State University

Certificate, Project Management, University of California, Davis

SELECT TRAININGS

CEQA/NEPA Workshop
Habitat Conservation Planning and Implementation
Land Use in California



RELEVANT EXPERIENCE

San Mateo Resource Conservation District La Honda Fuel Break Project

San Mateo Resource Conservation District (RCD) is preparing to implement the La Honda Shaded Fuel Break, which constitutes an approximately 19-mile fuel break surrounding the community of La Honda in unincorporated San Mateo County. Sequoia's team is designing a CalVTP treatment plan that will balance the needs of the RCD, the La Honda community, stakeholders, and environmental protection while reducing dense vegetation and ladder fuels to provide safe access for firefighting personnel and potentially slow the spread of lower-intensity fires. Because portions of the project area include land outside of the State Responsibility Area (SRA), Sequoia is preparing a Project Specific Analysis and Addendum to the CalVTP PEIR. Sequoia will support the RCD with implementation of the project by developing contracting strategies and efficiencies, reviewing contract specifications and work descriptions/orders, and providing inspection support.

Sonoma County Regional Parks Hood Mountain Regional Park & Open Space Preserve Vegetation Management Planning for Ecosystem Resilience, Fire Hazard Reduction, and Climate Adaptation

Following heavy impacts to the area by the 2017 Nuns Fire and the 2020 Glass Fire, Sequoia is providing consultant services for vegetation management planning throughout the 950-acre Hood Mountain Regional Park and Open Space Preserve. Sequoia performed a thorough review of existing vegetation management documents and past management activities from the 1990s, and visited the site to complete a current condition assessment. Based on the information gathered, Sequoia is preparing a draft Vegetation Management Report that integrates prior plans and evaluations, and includes GIS mapping to prioritize management recommendations. The Vegetation Management Report will undergo levels of review with stakeholders for input into the final document.

Moraga-Orinda Fire District, Tunnel Hills East Bay Shaded Fuel Break Project

Sequoia provided vegetation mapping services and support for MOFD's grant application, and we are assisting with planning and implementation. Permitted under the CalVTP, this project required a Project-Specific Analysis (PSA) checklist and CalVTP addendum. Sequoia supported MOFD with the PSA process, preparing a full PSA Addendum. We managed biological and cultural resource assessments, SPR implementation, environmental training for crews, environmental compliance monitoring, agency coordination, communication with the public, mapping, and contractor coordination. Protocol-level surveys for sensitive plants and Alameda whipsnake are anticipated, and if needed Sequoia may also provide protocol or reconnaissance-level surveys for other species, wetland delineations, and agency coordination. Sequoia conduct detailed preliminary surveys of proposed work areas before commencement of work, and will also conduct post-treatment surveys of treated areas. The data collected during these surveys will help MOFD to document permit compliance as well as inform the need for future maintenance work and assess post-treatment fire risk.

Moraga-Orinda Fire District, North Orinda Shaded Fuel Break Project

Divided into a total of 55 "treatment units", this 1,900-acre fuel break project employed a variety of specific fuel management techniques including understory clearing, tree pruning, brush clearing, chipping, mowing, and select tree removal. Mrs. Montana participated in a series of meetings with Moraga-Orinda Fire Department, members of the public, and agencies including CAL FIRE, EBMUD, EBRPD, CDFW, and CNPS. Sequoia compiled BMPs to satisfy the requirements of existing habitat conservation plans, incidental take permits, and biological opinions which had already



undergone the CEQA process for projects nearby. Sequoia identified suitable Avoidance and Minimization Measures that would satisfy the existing Habitat Conservation Plan for Fuel Reduction Projects, and the EIR, Biological Opinion and Wildfire Hazard Mitigation Plan. We collaborated with CDFW and USFWS on field methods, crew training, and biological monitoring that would be implemented. Sequoia collaborated closely with fire crews to develop fire prescriptions, and performed permit interpretation and recommendations for communication with USFWS and CDFW. Sequoia also helped determine the appropriate treatment type (hand tools vs mastication) for various work areas based on quality of habitat for AWS, legal restrictions of the site (private vs EBMUD vs EBRPD property) and safety/slope concerns.

Diablo Fire Safe Council/Moraga Orinda Fire Department, Canyon Shaded Fuels Break

The Diablo Fire Safe Council provided the Moraga Orinda Fire Department with a grant to conduct fuels thinning activities in a critical fire break area of Pinehurst Road in Canyon, California. Sequoia was asked to provide biological services in support of the fuels reduction project including nesting bird surveys in advance of fuels treatment activities, and consulting services for environmental compliance.

San Mateo County Parks Fuel Break Projects, Huddart and Wunderlich County Parks

San Mateo County Parks is planning on implementing fuels reduction work spanning over 70 acres of chaparral, redwood forest, and oak woodland habitat starting in 2021. In support of this effort to prepare for forest health treatments and to avoid impacting sensitive plant species and natural communities within the Project area, Sequoia assisted the Parks District by performing three rounds of targeted rare plant surveys in both Huddart and Wunderlich County Parks. Focal species included: Kings Mountain manzanita, western leatherwood, and Michael's rein orchid.

Georgetown Divide Resource Conservation District Georgetown Fuel Reduction Project

Working collaboratively with the Georgetown Divide Resource Conservation District (GDRCD), Sequoia provided environmental planning and compliance services for this project which reduced understory ladder and surface fuels by managing and removing vegetation on and within 200 feet of BLM land in the South Fork American River Watershed. The project minimizes the risk of wildfire damage to forest resources, communities, and infrastructure in the project area. Sequoia's ensured project compliance with the Migratory Bird Treaty Act, Federal Endangered Species Act, and California Endangered Species Act. Our approved biologists were on-site throughout the project to conduct surveys for nesting birds, plants, and other sensitive species and resources. The biologists delineated and flagged no-disturbance buffers wherever the presence of a sensitive/special-status species (e.g., nesting birds, western pond turtle, California red-legged frog, Yuma myotis, Red Hills soaproot) and/or their nests are detected. Sequoia mapped out the project area to keep the contractor aware of the locations of any biologically sensitive resources to protect these resources during project activities.

Caldor Fire Recovery, Forest Restoration Action Plan

The El Dorado County Resource Conservation District (RCD) played a lead role in post-fire recovery effort for area effected by the Caldor Fire. This pilot project was established to create a scalable, efficient, and effective process for future use by future fire recovery efforts. Under the Caldor Fire Recovery Plan, Sequoia has been tasked with providing environmental and cultural compliance to aid in post fire restoration of fire-impacted non-industrial private lands within the Caldor burn area of El Dorado County. Sequoia has worked closely with the El Dorado Resource Conservation District to develop appropriate regulatory pathways for various communities affected by the fire. Through a Categorical Exemption for the Grizzly Flat subdivision, and use of the Cal-VTP PEIR for the remainder of the non-industrial private



lands, Sequoia has provided project design and management, development of the Categorical Exemption and implementation of the Cal-VTP PEIR, and environmental compliance surveys and monitoring of protected resources including (rare plants, aquatic features, California red-legged frog, foothill yellow-legged frog, Sierra Nevada yellow-legged frog, western pond turtle, great gray owl, California spotted owl).

El Dorado Resource Conservation District-Fire Adapted 50 Phase 1B – Wildland Fire Protection Program

The Fire Adapted 50 Phase IB - Wildland Fire Protection Program is Phase B of a series of projects identified by CAL FIRE, the U.S. Forest Service, El Dorado Resource Conservation District, and the Georgetown Divide Resource Conservation District. The project will conduct vegetation treatments on both private and USFS lands designed to interrupt potential wildfire behavior by reducing the rate of spread and intensity of fire. Sequoia is providing environmental consulting services to ensure Project compliance with all Federal, State, and local regulations and project permits; including but not limited CEQA/NEPA compliance (evaluation, surveys, consultations, communications, information exchange, reporting, monitoring, mapping and document management, etc.).

East Bay Regional Park District's Wildlife Hazard Reduction Program and Resource Management Plan

Since 2014, Mrs. Montana has worked with the East Bay Regional Park District (EBRPD) on planning and implementation of their FEMA-funded Wildfire Hazard Reduction and Resource Management Plan. The program extends throughout more than 40 sites on EBRPD property in Alameda and Contra Costa Counties. Sequoia's work includes interpretation of their Biological Opinion, Incidental Take Permit, and Environmental Impact Report. Sequoia worked with the District to create standard operating procedures for programmatic work, submitting annual reports to USFWS and CDFW, and coordinates communication and meetings with the District, manages and supervises field activities, performs focused surveys, conducts environmental training for field and Park personnel, and provides biological monitoring services for implementation of Avoidance and Minimization Measures during fuels treatment activities.

Marin Wildfire Prevention Authority Environmental Compliance Consulting Services for Wildfire Prevention/Hazard Mitigation Projects

The Marin Wildfire Prevention Authority is working to permit a large number of fire prevention projects throughout Marin County. The projects use a wide variety of fuels reduction treatments to achieve their goals, from goat grazing to creating large fuel breaks using mechanical mastication. Sequoia is providing biological services during planning and implementation each of the 40-plus projects within the MWPA work plan. Sequoia's early involvement during the planning phase allows us to assist in designing projects that avoid environmental impacts and maximize available funds. As projects are approved and fully permitted, Sequoia biologists assist with specialized surveys including nesting bird surveys, sensitive plant surveys, invasive species mapping, protocol-level northern spotted owl surveys, and biological monitoring of work, when required.

CAL FIRE's Kings Mountain Road and Quarry Park Fuel Reduction Projects

Mrs. Montana oversaw biological support efforts on CAL FIRE's King's Mountain Road Fuel Break project in San Mateo County Parks Department's Huddart County Park. Sequoia's technical specialists provided focused endangered species and botanical surveys ensure AMM compliance in advance of fuel reduction activities and adherence to CAL FIRE's Fuel Reduction Avoidance and Minimization Measures. Work included pre-treatment assessments were conducted, collecting data regarding species cover, composition, and invasive species present. Post-treatment assessments will be conducted within a year to treatment to determine maintenance intervals for the fuel break.



Sequoia also provided environmental consulting services to the San Mateo Santa Cruz unit of CAL FIRE for the Quarry Park Emergency Shaded Fuel Break Project. Sequoia assisted CAL FIRE with special protection measures and potential operational (biological) constraints. Sequoia's biologists conducted preliminary surveys of proposed work areas focusing on the presence of nesting birds, sensitive species and their habitat, existing erosion or signs of other work already completed, and safety hazards such as wasp nests or access issues.

PG&E's Wildfire Safety Inspection Program Throughout PG&E Territory

Following the 2017 and 2018 wildfires, PG&E's Wildfire Safety Inspection Program (WSIP) has been implemented in addition to routine inspection and maintenance programs, to further reduce wildfire risk. As part of this program, Mrs. Montana is overseeing permit compliance support, technical studies, endangered and sensitive species studies, surveys, and data collection, and project reviews at various sites throughout PG&E's service territory, from Humboldt to Bakersfield.

U.S. Bureau of Reclamation (USBR) Battle Creek Salmon and Steelhead Restoration Project

Sequoia is currently leading the environmental compliance support team for the Bureau of Reclamation's Battle Creek Salmon and Steelhead Restoration Project, which will restore about 48 miles of salmonid habitat. Sequoia is providing technical expertise to the USBR and is supporting fish and wildlife and regulatory issues. Planning and implementation includes extensive terrestrial and aquatic surveys, permit reviews and applications, vegetation plans, fish and other resource management plans, and environmental compliance monitoring and reporting during construction.

Sugarloaf Ridge State Park Post-Wildfire Northern Spotted Owl Surveys

Following the October 2017 wildfires, northern spotted owl surveys were requested at Sugarloaf Ridge State Park to document owl presence within the park during the 2018 field season. Mrs. Montana oversaw performance of surveys satisfying the USFWS 1-year protocol requirement. Sequoia biologists conducted a desktop review of prior northern spotted owl territories and habitat within the park, mapped suitable habitat and placing survey points, and prepared the year-end survey report and submitting it to State Parks.



Kyle Verblauw, MS
Assistant Project Manager | Biologist

Kyle Verblauw is an experienced field biologist with more than 9 years of professional experience. Kyle has extensive monitoring and special-status species experience within California. While completing a Master’s degree in Environmental Management at the University of San Francisco, Kyle has worked as in the consulting industry with experience conducting pre-construction surveys, seine and dip-net surveys, biological and regulatory compliance monitoring, rare plant surveys, non-native vegetation mapping, nesting bird surveys, providing worker environmental awareness training (WEAP), and managing/coordinating projects.

He has experience working on projects with special-status species including the California tiger salamander, California red-legged frog, foothill yellow-legged frog, Alameda whipsnake, salt marsh harvest mouse, western burrowing owl, giant kangaroo rat, Pacific herring, western snowy plover, San Francisco garter snake, San Francisco dusky-footed woodrat, nesting birds, and marine mammals. Special status plant species observed include fountain thistle and Crystal Springs lessingia.

Kyle specializes in California tiger salamander and California red-legged frog work and has experience implanting PIT tags, conducting/overseeing burrow excavations, checking pitfall traps, cover boards, and exclusion fences, and conducting amphibian dip-net surveys. He possesses a USFWS 10(a)1(A) Recovery Permit for California tiger salamander and California red-legged frog, and a California SCP and MOU for California tiger salamander. He has also attended various professional workshops focusing on California red-legged frog, foothill yellow-legged frog, California tiger salamander, western pond turtle, salt marsh harvest mouse, western burrowing owl, western snowy plover, Ridgway’s rail, California least tern, Alameda whipsnake, as well as Pacific herring and salmonids.

RELEVANT EXPERIENCE

Marin Wildfire Prevention Authority (MWPA) – Environmental Services for Wildfire Prevention/Hazard Mitigation Projects; Marin County, CA

April 2022 - Ongoing

The Marin Wildfire Prevention Authority (MWPA) is working to permit a large number of fire prevention projects throughout Marin County. The projects use a wide variety of fuels reduction treatments to achieve their goals, from goat grazing to creating large fuel breaks using mechanical mastication. Sequoia is providing biological services during planning and implementation for each of the

AREAS OF EXPERTISE

- Biological monitoring
- Special-status species surveys
- Amphibian dip net surveys
- Burrow excavations
- Vegetation mapping

EDUCATION

MS, Environmental Management (Ecology), University of San Francisco

BA, Environmental Studies (Biology), University of California Santa Barbara

UC Education Abroad Program, (Marine Biology and Terrestrial Ecology), University of Queensland, Australia

PERMITS/CERTIFICATIONS

USFWS 10(a)(1)(A) Recovery Permit #ESPER0045160 for California Tiger Salamander and California Red-legged Frog

CDFW Scientific Collecting Permit #S-211500002-21363-001 and MOU for California Tiger Salamander, and California Red-legged Frog

MEMBERSHIPS AND PROFESSIONAL ASSOCIATIONS

The Wildlife Society

Golden Gate Audubon Society



40-plus projects within the MWPA work plan. Sequoia's biologists conduct literature reviews of biological resources and field assessments, prepare and present environmental trainings, and provide ongoing specialized expertise to assist the MWPA. Mr. Verblaauw's role includes:

- Project management and coordination, client communications, coordination of biologists for preconstruction surveys, nesting bird surveys, and botanical surveys
- Develop Biological Resources Report and prepare other deliverables for client
- Conducting northern spotted owl survey using call back survey method (1 adult male observed)
- Conducting nesting bird, woodrat, and rare plant surveys ahead of vegetation clearing crews
- Identified nesting great horned owl, Anna's hummingbirds (2), and bushtits (2)

San Mateo County Parks, Edgewood Shaded Fuels Break, Redwood City, CA

May 2022 – August 2022

San Mateo County Parks (SMCP) is conducting fuels reduction activities in Edgewood County Park to provide a defensible space buffer against potential wildfires for nearby homes. As project coordinator for this effort, Mr. Verblaauw's roles included:

- Providing project support and oversight for field biologists
- Quality control and assurance of weekly deliverables
- Communications and coordination with Parks staff
- Conducting surveys for special status species and nesting birds

San Mateo County Parks, Quarry Park Shaded Fuels Break, El Granada, CA

June 2022 - September 2022

San Mateo County Parks (SMCP) is conducting fuels reduction activities and habitat restoration at Quarry Park. The goal of the project is to reduce flammable vegetation onsite, including removal of numerous eucalyptus trees and clearing the understory of dense brush. As the project coordinator for this effort, Mr. Verblaauw's roles included:

- Providing project support and oversight for field biologists
- Quality control and assurance of deliverables
- Communications and coordination with Parks staff
- Conducting pre-activity surveys for San Francisco dusky-footed woodrat, California red-legged frog, and nesting birds, as well as flagging resources and communicating survey results to crews on the ground

US Bureau of Reclamation - B.F. Sisk Dam SOD Modifications - Phase I; Gustine, CA

August 2022 – Ongoing

The B.F. Sisk Dam Safety of Dams Modification Project is a joint venture by the United States Bureau of Reclamation (BOR) and California Department of Water Resources (DWR). Sequoia is contracted by NW Construction and the BOR to provide environmental compliance support during Phase 1 of the B.F. Sisk Dam Safety of Dams Modification Project, which will improve public safety by increasing the height of the dam and adding stability berms and other safety



features to reduce the likelihood of the dam overtopping during an earthquake. Our role involves special-status species monitoring and surveys, burrow excavation, and management of the tule elk herd present onsite. Species known to occur or with potential to occur on the project include tule elk, San Joaquin kit fox, California tiger salamander, California red-legged frog, American badger, burrowing owl, Swainson's hawk, and bald eagle. Mr. Verblaauw's roles include:

- Conduct monthly CRLF visual encounter surveys (day and night) in occupied CRLF habitat within the Project area
- Conducting exclusion fence checks for CTS and CRLF
- Surveying for suitable burrow habitat for SJKF and CTS
- Maintenance on Thule elk camera traps
- Monitoring construction activities

East Bay Regional Park District McCosker Sub-Area Creek Restoration and Recreational Improvements Project; Montclair, CA

August 2020 - Ongoing

The East Bay Regional Park District has been restoring ecological function to two existing culverted creeks in the McCosker sub-area of Sibley Regional Park. Working under a CDFW Incidental Take Permit (No. 2081-2018-070-03), USFWS Biological Opinion (#08ESMF00-2019-F-015), USACE and RWQCB 401/404 permits, and CDFW 1600 Lake and Streambed Alteration Agreement. Mr. Verblaauw's duties include:

- Conducting long-term vegetation monitoring to determine success of restoration plantings
- Conducting biological monitoring work activities for special-status species: nesting birds and raptors, Alameda whipsnake, California red-legged frog, and San Francisco dusky-footed woodrat
- Developing the 2022 annual status report summarizing covered project activities and describing project compliance with permits

Bourdet Ranch Conservation Banking; Santa Clara County, CA

May 2023 - Present

Sequoia Ecological Consulting, Inc. is assisting the Bourdet Family to establish a conservation bank on their 3,354-acre property in Santa Clara County, CA. Sequoia is tasked with all necessary biological surveys to determine absence/presence of listed species within the property, including pond sampling for California tiger salamander and California red-legged frog. Once biological resources are evaluated, Sequoia is conducting a bank feasibility analysis and designing the conservation bank. Sequoia is directly coordinating with the agencies on behalf of the Bourdet family and drafting all required documents for establishing a conservation bank including a draft prospectus, prospectus, and additional documents based on agency evaluation of resources on-site. Mr. Verblaauw supported this project by:

- Performing aquatic surveys for amphibian surveys, including California tiger salamander and California red-legged frog
- Performing eDNA sampling for CTS and CRLF



Upper Llagas Creek Flood Protection Project; Gilroy, San Martin, and Morgan Hill, CA

September 2019 - Ongoing

Under contract with the Santa Clara Valley Water District, several contractors are conducting channel improvements on existing creek reaches and constructing new creek channels to reduce or prevent flooding during major storm events. Sequoia has performed work for the contractor as well as owner to assist in meeting habitat preservation, restoration, and improvement goals as stipulated by the project plan. Kyle's responsibilities include:

- Conducting pre-construction surveys and construction monitoring for nesting birds, and general special-status species under CDFW and USFWS permits.
- Identifying habitats and suitable breeding locations for federally and state special-status species
- Monitoring turbidity, dissolved oxygen, temperature, pH, and erosion within the watercourses
- Special-status species: California red-legged frog, California tiger salamander, western pond turtle

San Mateo County Parks, Sawyer Camp Trail Culvert Replacement Project, San Mateo County, CA

July 2022 - September 2022

San Mateo County Parks (SMCP) is replacing 16 failed or badly degraded culverts along the Sawyer Camp Trail near the Crystal Springs Reservoir. Prior to construction implementation, special-status species surveys are required, including surveys for: nesting birds, San Francisco dusky-footed woodrat, California red-legged frog, San Francisco garter snake, and western leatherwood. Biological monitoring during all ground-disturbing activities is also required. Mr. Verblauw supported SMCP on this project as Sequoia's project coordinator by:

- Providing project support and oversight for field biologists
- Quality control and assurance of deliverables
- Communications and coordination with Parks staff
- Conducted biological monitoring

East Bay Regional Park District Routine Maintenance Projects; Alameda and Contra Costa Counties, CA

September 2020 – Ongoing

Sequoia Ecological is supporting EBRPD with an on-call contract to conduct pre-activity surveys, water quality monitoring, and biological compliance monitoring for routine maintenance projects under their regulatory permits. Species to be avoided include: Alameda whipsnake, California red-legged frog, California tiger salamander, giant garter snake, Ridgway's rail, California least tern, salt marsh harvest mouse, San Joaquin kit fox, vernal pool branchiopods, snowy plover, pallid manzanita, nesting birds, and San Francisco dusky-footed woodrat. Mr. Verblauw's duties included:

- Providing environmental awareness training to construction crews
- Conducting nesting bird surveys and preconstruction surveys for special status species
- Biological monitoring during work activities and ensuring project's compliance with regulatory permits



Will Johnson

Climate Resiliency and Restoration Program Manager

Will Johnson has 16 years of experience in habitat restoration, mitigation planning, inspection and compliance support, natural resource monitoring, and both project and program-level administration and management. Mr. Johnson has provided services on a variety of projects throughout northern California for the past 10 years. He has worked as a field biologist, site superintendent, manager, crew leader, and equipment operator. He has extensive experience in reviewing and implementing work from proposal phase to closeout based on standard specifications, plans and permit requirements. Mr. Johnson has authored site management and long-term maintenance plans, cost proposals, budgets, technical write-ups and project approaches. He has both partnered with and contracted for a diverse number of clients including County, State, Federal-level groups as well as consulting firms, non-profit organizations, special districts, and private landowners.

Mr. Johnson has conducted project work in the vicinity of numerous special status species including California Ridgway’s rail, California black rail, salt marsh harvest mouse, San Francisco garter snake, giant garter snake, California red-legged frog, and California tiger salamander. Mr. Johnson has conducted rare plant surveys and managed projects which had the following species: western burrowing owl, Swainson’s hawk, northern goshawk, golden eagle, foothill yellow-legged frog, Alameda whipsnake, western pond turtle, dusky-footed woodrat.

RELEVANT EXPERIENCE

Mount Tamalpais Fuel Reduction (Various Phases); Mill Valley, CA
2020 - 2023

Mr. Johnson supported Marin Municipal Water District (MMWD) in implementing various fire fuel reduction work, including understory mastication, and hand-crew clearing and thinning work. The work fell under MMWD’s Biodiversity, Fire, and Fuels Integrated Plan (BFFIP). Crews worked in and around sensitive watershed areas and habitat. The entirety of the project was located in steep, wildland terrain. Mr. Johnson served as the project manager.

- Developed cost proposal and technical approach to various restoration activities
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants



AREAS OF EXPERTISE

- Restoration
- Construction management & QA/QC
- Invasive Plant Management Planning & Implementation
- Natural Resource Management & Monitoring
- Mitigation Planning
- Compliance Management
- Plant/Wildlife Surveys

EDUCATION

MS, Biological Sciences,
University of Rhode Island

BS, Biological Sciences,
University of Rhode Island

PERMITS/CERTIFICATIONS

California Contractors State License Board – C-27 Landscape Construction License, 1086577, exp. 2026

California Department of Pesticide Regulation – Qualified Applicator License, 162032, exp. 12/2024



Quarry Park Shaded Fuel Break; El Granada, CA

2023

Mr. Johnson supported San Mateo County Parks (SMCP) in implementing fuels reduction, including removing eucalyptus trees and understory vegetation. The work occurred in and around habitat for San Francisco dusky-footed woodrat, California red-legged frog, and nesting birds. Mr. Johnson served as the project manager (contractor).

- Developed cost proposal and technical approach to construction
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants

Green Oaks Restoration; Pescadero, CA

2023

San Mateo County Resource Conservation District (SMCRCD) worked in conjunction with California State Parks to implement a riparian and grassland drainage restoration project. The project included site preparation, grading, log placement, spoils management, and revegetation post equipment work. Mr. Johnson was the project manager for construction (contractor).

- Developed cost proposal and technical approach to restoration and maintenance
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants

Kitteridge Wetland Restoration; Los Gatos, CA

2023

Mr. Johnson worked to support the restoration of a retention pond drainage feature for San Jose Water Company (SJWC). The creation of wetlands at Lake Kitteridge was designed to provide habitat for California red-legged frogs, western pond turtles, and nesting olive-sided flycatchers. The scope included re-grading and earthmoving of seasonally flooded depressions, channels and general re-contouring, followed by revegetation and re-seeding of stabilized areas. Will oversaw construction activities and worked with the client to develop approaches to work, erosion control and re-seeding efforts. Mr. Johnson was the project manager for construction (contractor).

- Developed cost proposal and technical approach to construction
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants

Arroyo de la Laguna Creek Restoration; Pleasanton, CA

2022 – 2023

The City of Pleasanton's Arroyo de la Laguna project included site preparation, invasive plant management, restoration planting and long-term maintenance. Mr. Johnson served as the project manager for construction (contractor) and worked alongside Sequoia (consultant).

- Developed cost proposal and technical approach to restoration

Coordinated with City and consulting biologist



- Performed project management and permit compliance

San Rafael Creek Restoration & Maintenance; San Rafael, CA

2021 - 2023

Sonoma Marin Area Rail Transit’s (SMART) San Rafael Creek project included site preparation, invasive plant management, restoration planting and long-term maintenance. Mr. Johnson served as the project manager for construction (contractor) and worked alongside Sequoia (consultant).

- Developed cost proposal and technical approach to restoration
- Coordinated with SMART and consulting biologist
- Performed project management and permit compliance

McCosker Creek Restoration and Improvements; Orinda, CA

2022 - 2023

East Bay Regional Park District’s (EBRPD) McCosker Creek project included invasive plant management and long-term maintenance of native plants and site infrastructure. Mr. Johnson served as the project manager for maintenance (contractor) and worked alongside Sequoia (consultant).

- Oversaw crew logistics and scheduling
- Coordinated with EBRPD and consulting biologist
- Performed project management and permit compliance
- Special-status species: nesting birds and raptors, Alameda whipsnake, California red-legged frog, and San Francisco dusky-footed woodrat

Bioregional Habitat Restoration; Sunol, CA

2017 - 2023

San Francisco Public Utilities Commission (SFPUC) manages watershed areas throughout Alameda County. The project included several years of invasive plant management in wildland areas. Treatments were targeted to support native plant establishment and achieve SFPUC’s mitigation and management objectives. Work occurred in and around areas with sensitive species. Mr. Johnson served as a project manager.

- Developed cost proposal and technical approach to restoration and maintenance
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants



NASA Ames Research Center Wetland Restoration & Mitigation; Santa Clara, CA

2018

As part of mitigation, NASA was required to investigate soils at a site at Moffett Field in Santa Clara County. Mr. Johnson led a construction team that provided native habitat and erosion control services to a consulting firm for the duration of the soil investigation across the several acre site. The project scope included brush and vegetation clearing ahead of drilling/soil sampling; silt/exclusion fence installation, maintenance and removal; harvesting and transplanting wetland and marsh plant species including pickleweed and saltgrass; hydroseeding and hand-broadcast seeding of native lowland, upland and transitional marsh species; hand-watering and non-chemical weed control to facilitate plant establishment.

- Developed cost proposal and technical approach to construction and invasive plant work
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants

On-Call Restoration & Maintenance; Various East Bay Regional Park properties, CA

2022 - 2023

Mr. Johnson supported East Bay Regional Park District (EBRPD) in implementing various stages of restoration and construction work at several different park units/locations. Work included invasive plant management, erosion control, site maintenance, irrigation troubleshooting and repair, and fence building. Mr. Johnson served as the project manager and lead contract point of contact for all on-call task orders.

- Developed cost proposal and technical approach to various restoration activities
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants

Tilden Nature Area Restoration; Berkeley, CA

2018-2023

Mr. Johnson supported East Bay Regional Park District (EBRPD) in restoring pond features, installing native riparian vegetation, constructing trails, fencelines and park amphitheater. Work occurred in and around sensitive creek habitat. Project included 5 years of follow-up maintenance and stewardship of the site. Mr. Johnson served as the project manager (contractor).

- Developed cost proposal and technical approach to construction
- Oversaw crew logistics and scheduling
- Performed project management and coordination with consultants



Kelyn McGuire
Staff Biologist

Kelyn McGuire is an enthusiastic biologist with more than a year of experience. Kelyn has experience conducting nesting bird surveys and special-status species surveys for California tiger salamander, California red-legged frog, Alameda whipsnake, western pond turtle, San Francisco dusky-footed woodrat. She has assisted in rare plant surveys under the supervision of a senior botanist. Kelyn also has performed California spotted owl surveys under the direction of experienced biologists. She has also assisted with bumble bee surveys under the guidance of a permitted biologist. Kelyn has experience performing pre-construction surveys, daily biological monitoring, and delivering environmental awareness trainings.

RELEVANT EXPERIENCE

Moraga Orinda Fire District, Tunnel East Bay Hills Fuel Break; Orinda, CA
April 2023 – Ongoing

The Moraga-Orinda Fire District is conducting a fuels reduction project along key access roads in the cities of Moraga and Orinda, CA to minimize the impact of wildfires on local communities by developing fuel breaks and keep roads accessible for evacuation and emergency response. Sequoia is providing biological support on the project to ensure environmental compliance with the fuels reduction work. In support of this project, Kelyn’s role has included:

- Conduct pre-construction surveys for special-status species: California tiger salamander, California red-legged frog, western pond turtle, Alameda whipsnake, San Francisco dusky-footed woodrat
- Perform pre-treatment surveys prior to work being done
- Environmentally train fuel reduction crews regarding sensitive species in a high-risk work environment
- Monitor and provide insight to work crews to preserve sensitive species habitat such as core-scrub for Alameda whipsnake and nesting birds
- Carrying out rare plant surveys under the supervision of Senior Botanists
- Providing active monitoring during all pile burning done by fire officials
- Set up trail cameras to track animal activity and behaviors

Place coverboards outside of the project area to provide refuge

ITEM NO. 9.



AREAS OF EXPERTISE

- Nesting bird surveys
- Biological monitoring
- Pre-construction surveys

EDUCATION

BA Environmental Studies (Anthropology), University of California, Santa Barbara

UC Education Abroad Program, (Anthropology) University of Edinburgh, Scotland

MEMBERSHIPS AND PROFESSIONAL ASSOCIATIONS

The Wildlife Society

Golden Gate Audubon Society



- Special-status species: Western pond turtle, California red-legged frog, California tiger salamander, Alameda whipsnake, San Francisco dusky-footed woodrat, Northern spotted owl

Contra Costa County Fire Protection District (ConFire) - Lafayette/Walnut Creek Shaded Fuel Break, Contra Costa County, CA

May 2023 – Ongoing

This shaded fuel break project extends about 7 miles surrounding the community of Rossmoor and is expected to treat approx. 250 acres through the reduction of dense vegetation and removal of ladder fuels. Sequoia is providing reconnaissance and plant surveys ahead of vegetation removal, then daily monitoring during implementation. Kelyn’s responsibilities as lead biologist include:

- Helped project kickoff by conducting environmental training for all working crew members
- Executed pre-treatment surveys of all project areas before commencement of any work
- Organized pre and post treatment
- Managed project coordination and assisted project manager with scheduling, client communication and daily/weekly reporting
- Accompanied Senior Biologist on bumble bee surveys targeting sensitive bumble bee species
- Maintained strong communication between client, crew and Sequoia staff
- Conduct daily pre-construction surveys for special status species ahead of days work
- Recording and mapping rare plant sensitive vegetation communities
- Performed reconnaissance surveys prior to implementation phase
- Special-status species: Alameda whipsnake, California red-legged frog, California tiger salamander, San Francisco dusky-footed woodrat, western pond turtle, Crotch’s bumble bee, California newt, sensitive bat species

Marin Wildfire Prevention Authority (MWPA) –Environmental Services for Wildfire Prevention/Hazard Mitigation Projects, Marin County, CA

April 2023 – Ongoing

The Marin Wildfire Prevention Authority (MWPA) is working to permit a large number of fire prevention projects throughout Marin County. The projects use a wide variety of fuels reduction treatments to achieve their goals, from goat grazing to creating large fuel breaks using mechanical mastication. Sequoia is providing biological services during planning and implementation each of the 40-plus projects within the MWPA work plan. Sequoia’s biologists conduct literature reviews of biological resources and field assessments, prepare and present environmental trainings, and provide ongoing specialized expertise to assist the MWPA. Kelyn’s role included:

- Performing pre-activity surveys for special-status wildlife and plants, as well as nesting birds
- Setting up acoustic monitors to record bird activity
- Analyzing acoustic monitor data and providing concise data collection for the client
- Conducting nesting bird surveys



- Special- status species: Northern spotted owl, California red-legged frog, foothill yellow-legged, Ridgway’s rail, black rail, burrowing owl, Western snowy plover, salt marsh harvest mouse, Western bumblebee, monarch butterfly, anadromous fish, various sensitive bat species

Bourdet Ranch Conservation Banking; Santa Clara County, CA

April 2024

Sequoia Ecological Consulting, Inc. is assisting the Bourdet Family to establish a conservation bank on their 3,354-acre property in Santa Clara County, CA. Sequoia is tasked with all necessary biological surveys to determine absence/presence of listed species within the property, including pond sampling for California tiger salamander and California red-legged frog and special-status bumble bees. Once biological resources are evaluated, Sequoia is conducting a bank feasibility analysis and designing the conservation bank. Sequoia is directly coordinating with the agencies on behalf of the Bourdet family and drafting all required documents for establishing a conservation bank including a draft prospectus, prospectus, and additional documents based on agency evaluation of resources on-site. Kelyn supported this project by:

- Field assistant for protocol level surveys for candidate bumble bee species (Crotch’s bumble bee)
- Safe handling, catch and release of crotch’s bumble bee and other bumble bee species
- Successfully identifying Crotch’s bumble bee and other bumble bee species
- Assisting in data and mapping management

California State Parks, Mt. Diablo State Park Vegetation Treatment, Pretreatment Biological Surveys and Monitoring; Contra Costa County, CA

April 2023 – May 2023

The Mt. Diablo State Park Vegetation Treatment project involves Cal State Parks identifying key areas in the park that are at risk for wildfires. Multiple different vegetation removal companies are subcontracted to reduce fuel debris that can pose a risk incidents of fire outbreaks. Sequoia biologists provide pretreatment surveys to identify rare plants, special status species, and nesting birds to ensure that fuel removal is within environmental compliance. Kelyn’s duties include:

- Providing pre-construction surveys for special status species and nesting birds
- Identifying habitat that can be suitable for special status species such as California red-legged Frog, Western Pond Turtle and Alameda whipsnake
- Providing biological monitoring and reporting

Mariposa Peak Ranch Long-Term Management; Merced and Santa Clara Counties, CA

April – May 2024

Sequoia Ecological Consulting is working to establish a conservation easement for Caltrans and a residential development project on private land near Gilroy in order to offset impacts to California tiger salamander and California red-legged frog. Kelyn’s responsibilities on this project included:

- Assisting permitted biologists with pond sampling surveys for California red-legged frogs and California tiger salamanders



- Aiding in eDNA collection from each pond
- Taking measurements and data collection of California red-legged frog and California tiger salamanders
- Conducting visual encounter surveys for western pond turtle, California red-legged frog, California tiger salamander and bullfrogs
- Perform VES eye-shine surveys for bullfrogs
- Use dip net and seine net for protocol level surveys for special-status species

Anderson Dam Tunnel Water Quality Monitoring; Morgan Hill, CA

October 2023 – Ongoing

This project includes environmental compliance and biological support for heavy civil construction in habitat suitable for several sensitive animal species. Under federal compliance orders, multiple regulatory agency permitting and technical recommendations, and under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan, Kelyn is responsible for:

- Performing biological monitoring
- Collecting water-quality data from Multi-Parameter Sondes located at different sites both upstream and downstream from the project location
- Ensuring proper equipment maintenance and calibration to acquire high quality data
- Providing daily monitoring summaries to project managers
- Special-status species: California tiger salamander, California red-legged frog, western pond turtle, steelhead, coyote ceanothus, nesting birds, golden eagle, bald eagle, pallid bat

California State Parks, Northgate Road Emergency Repair Project; Contra Costa County, CA

June 2023 – October 2023

Mount Diablo State Park is conducting emergency repair work for culvert and road failures within the park. As a subconsultant to ECORP, Sequoia is providing biological and compliance support for project implementation, including pre-construction surveys for rare plants and biological monitoring during ground-disturbing activities. Species monitored during this project include Alameda whipsnake, California red-legged frog, California tiger salamander, Peregrine falcon and nesting birds. Kelyn supported this project by:

- Providing biological monitoring and reporting to crews
- Providing environmental training for crews
- Special-status species: California tiger salamander, California red-legged frog, Alameda whipsnake, Peregrine falcon, nesting birds, rare plants.



Nicolas Anderson

Biologist / Assistant Project Manager

Nicolas Anderson has 5 years of experience in wildlife and vegetation surveys, habitat restoration, construction monitoring, forestry management, and geographic information systems (GIS). His surveying experience includes point-count, mark-recapture for small mammals and fish, electrofishing, mist netting, spotlight, dip netting, seining, hoop netting, telemetry, and herpetological surveys for wetland index of biological integrity (IBI) assessments.

Nic’s threatened and endangered (T&E) biological surveys conducted in the Midwest, Southeast U.S., and California include but are not limited to western pond turtle, California red-legged frog, Indiana bat, Henslow’s sparrow, loggerhead sea turtle, northern long-eared bat, greater prairie-chicken, loggerhead shrike, bald eagle, Karner blue butterfly, Dakota skipper, and southern bog lemming. Additionally, his T&E vegetation surveys have included but are not limited to beaked spikerush, slender rush, sterile sedge, western prairie fringed orchid, whorled nutrush, and stream parsnip.

RELEVANT EXPERIENCE

Marin Wildfire Prevention Authority, Environmental Compliance Consulting Services for Wildfire Prevention/ Hazard Mitigation Projects; Marin County, CA

October 2022 – Ongoing

The Marin Wildfire Prevention Authority (MWPA) is working to permit numerous fire prevention projects throughout Marin County. The projects use a wide variety of fuels reduction treatments to achieve their goals, from goat grazing to creating large fuel breaks using mechanical mastication. Sequoia is providing biological services during the planning and implementation on upwards of 40 projects within the MWPA work plan. Sequoia’s biologists conduct literature reviews of biological resources and field assessments, prepare and present environmental trainings, and provide ongoing specialized expertise to assist the MWPA. Mr. Anderson’s role included:

- Performing GIS services to provide detailed figures for project management and planning - GIS analyses include, but are not limited to, determining total impacts per vegetation community, proximity and impact analyses on T&E wildlife, plants, and critical habitats, impacts to aquatic habitats, summaries of soil characteristics within project



ITEM NO. 9.

AREAS OF EXPERTISE

- Biological surveys
- Habitat restoration
- Construction monitoring
- Forestry management

EDUCATION

BS, Fisheries, Wildlife, and Conservation Biology, University of Minnesota – Twin Cities

PERMITS/CERTIFICATIONS

Wildland Firefighter Type II

National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Inspector



boundaries and surrounding areas, and depiction of on-the-ground environmental observations

- Managing and updating GIS databases
- Special- status species: Northern spotted owl, California red-legged frog, foothill yellow-legged, Ridgway's rail, black rail, burrowing owl, Western snowy plover, salt marsh harvest mouse, Western bumblebee, monarch butterfly, anadromous fish, various sensitive bat species

Moraga-Orinda Fire District, Tunnel East Bay Hills Fuel Break Project; Orinda, CA

October 2022 – Ongoing

The Moraga-Orinda Fire District (MOFD) is conducting a fuels reduction project within Contra Costa County to create large fuel breaks to reduce impacts from wildfire events. To assist with the implementation of this project, Nic is responsible for:

- Performing GIS services to provide detailed figures for project management and planning. GIS analyses include, but are not limited to, determining total impacts per vegetation community, proximity and impact analyses on T&E wildlife, plants, and critical habitats, impacts to aquatic habitats, summaries of soil characteristics within project boundaries and surrounding areas, and depiction of on-the-ground environmental observations
- Managing and updating GIS databases

San Mateo County Parks, Edgewood Shaded Fuel Break; Redwood City, CA

June 2022

In support of San Mateo County Parks in this fuel break project, Nic was responsible for:

- Performing pre-construction surveys for special-status species and nesting birds
- Conducting biological monitoring during work activities for nesting birds
- Assisting with daily routine data collection and work activity summaries
- Special-status species: California tiger salamander, California red-legged frog, Western pond turtle, Alameda whipsnake, San Francisco dusky-footed woodrat

Anderson Dam Tunnel Water Quality Monitoring; San Jose, CA

April 2023 – Ongoing

This project includes environmental compliance and biological support for heavy civil construction in habitat suitable for several sensitive animal species. Under federal compliance orders, multiple regulatory agency permitting and technical recommendations, and under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan, Nic is responsible for:

- Performing pre-construction surveys for biological resources
- Collecting water-quality data from MultiParameter Sondes located at different sites both upstream and downstream from the project location
- Ensuring proper equipment maintenance and calibration to acquire high quality data
- Performing biological monitoring of sensitive habitats and species during construction when required by permits



- Providing daily monitoring summaries to project managers
- Creating master Excel sheets to process collected water quality data for compliance evaluation
- Writing soil sample reuse and monthly project update reports for client
- Special-status species: California tiger salamander, California red-legged frog, Western pond turtle, DPS steelhead, coyote ceanothus, nesting birds, golden eagle, bald eagle, pallid bat

San Mateo County Parks Department, Sawyer Camp Trail Culvert Replacement; Burlingame, CA

August 2022 – Ongoing

Supporting San Mateo County Parks for this culvert replacement project, Nic is responsible for:

- Conducting pre-construction surveys for special-status species and nesting birds
- Monitoring construction activities to ensure minimal impacts to special-status species and their habitats
- Inspecting finalized work sites to ensure proper escape pathways for wildlife trapped in trenched areas
- Conducting biological monitoring during work activities for nesting birds and special-status species
- Completing daily routine data collection and work activity summaries
- Special-status species: western pond turtle, San Francisco dusky-footed woodrat, California red-legged frog, San Francisco garter snake

Valley Water, Cross Valley Pipeline Extension Project Fish Rescue; Coyote, CA

August 2022

In support of this pipeline extension project, Nic was responsible for:

- Performing electrofishing surveys within the project area to minimize construction activity impacts on fish populations
- Identifying native fish species for relocation and invasive species for inventory
- Assisting with daily monitoring reports and data collection
- Special-status species: San Francisco dusky-footed woodrat, American badger, California red-legged frog, California tiger salamander, Western pond turtle, roosting bats

City of San Jose, Storm Drain System Improvements; San Jose, CA

July 2022

Contributing to improvements in this storm drain project, Nic was responsible for:

- Conducting worker environmental awareness program (WEAP) training for incoming contractors to identify special-status species (specifically Western burrowing owls) within the prospective project area



Valley Water, Upper Llagas Creek Flood Protection Project Phase 2A; Morgan Hill, CA

June 2022

Under contract with the Santa Clara Valley Water District, several contractors are conducting channel improvements on existing creek reaches and constructing new creek channels to reduce or prevent flooding during major storm events. Sequoia has performed work for the contractor as well as owner to assist in meeting habitat preservation, restoration, and improvement goals as stipulated by the project plan. Nic's responsibilities include:

- Conducting pre-construction surveys and construction monitoring for nesting birds, and general special-status species under CDFW and USFWS permits
- Identifying habitats and suitable breeding locations for federally and state special-status species
- Monitoring turbidity, dissolved oxygen, temperature, pH, and erosion within the watercourses
- Special-status species: California red-legged frog, California tiger salamander, Western pond turtle

TRAININGS/CERTIFICATIONS

Storm Water Best Management Practices, Sequoia Ecological Consulting, 2022

Nesting Bird Ecology and Survey Practices, Sequoia Ecological Consulting, 2022

Identification of Hydraulic Features, Sequoia Ecological Consulting, 2022

Alameda Whipsnake Ecology and Identification, Sequoia Ecological Consulting, 2022

Construction Stormwater Inspector, National Pollutant Discharge Elimination System, 2020

Rosgen Level 1 Principles of Fluvial Geomorphology, 5 Smooth Stones, LLC, 2019

RiverMorph, 5 Smooth Stones, LLC, 2019

AutoCAD Civil 3D for Stream Restoration, 5 Smooth Stones, LLC, 2019

Culvert Design for Stream Connectivity and Aquatic Organism Passage, University of Minnesota – Twin Cities, 2019

S-130 Firefighter Training, S-190 Introduction to Wildland Fire Behavior, L-180 Human Factors in the Wildland Fire Service, and IS-100 Introduction to Incident Command System, Wildland Firefighter Type II (FFT2), National Wildfire Coordinating Group, 2018



Brian Nissen

Project Biologist

Brian Nissen is a restoration ecologist and field biologist with more than 6 years of professional experience working with private industry consulting, federal and state agencies compliance, and volunteer research projects. Brian has experience providing permit oversight as well leading numerous ecological restoration projects biological surveys across the greater San Francisco Bay Area including special status species mitigation, riparian, oak woodland and savannah, and grassland habitats restoration.

Skilled background in restoration ecology, land management, and rangeland management/ecology. Areas of knowledge and expertise include restoration project design, implementation, and upkeep, invasive plant management, native plant propagation and establishment, grazing and mow regime management and establishment, and irrigation systems.

Mr. Nissen holds 10(a)(1)(A) permits for conducting presence/absence surveys for both California tiger salamander and California red-legged frog in Marin, Sonoma, Lake, Napa, Solano, Contra Costa, Alameda, Santa Clara and San Mateo counties. Additionally, Brian has extensive experience conducting biological monitoring for these two species on construction projects across the greater Bay Area.

In addition to working with the California tiger salamander and California red-legged frog Mr. Nissen has experience conducting surveys and working with other special-status species including: nesting birds and raptors, burrowing owl, Swainson’s hawk, western pond turtle, San Francisco dusky-footed woodrat, fairy shrimp, giant garter snake, Alameda whipsnake, and San Joaquin kit fox. Experience with rare plants includes Santa Cruz robust spineflower, Congdons tarplant, San Joaquin spearscale, and Santa Clara dudleya.

Mr. Nissen has 100+ hours of passerine banding experience using mist nets at the Coyote Creek Field Station with San Francisco Bay Bird Observatory (SFBBO).

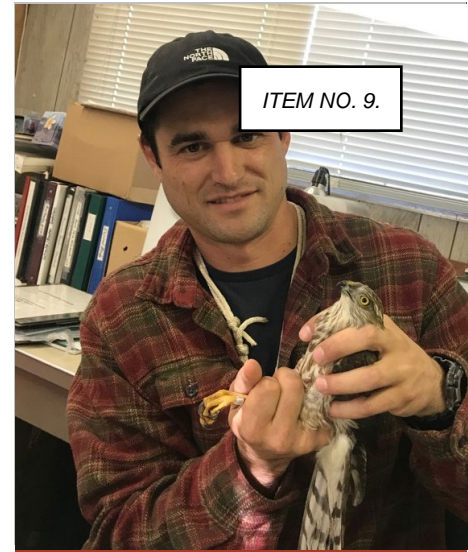
RELEVANT EXPERIENCE

Santa Clara Valley Water District, Anderson Dam Tunnel Project; Morgan Hill, CA

February 2024 - Present

Sequoia is providing biological support for the Anderson Dam Tunnel Project. Sequoia’s biologists are supporting environmental compliance for heavy civil construction in habitat suitable for California red-legged frog, California tiger salamander, western pond turtle, steelhead salmon Central California Coast Distinct Population Segment, coyote ceanothus, nesting birds, pallid bat, and bald

is project is being conducted under Federal Energy Regulatory



AREAS OF EXPERTISE

- Field identification of California flora and fauna
- Ecological restoration project oversight
- Land management
- Regulatory permitting

EDUCATION

BS, Natural Resources, Fisheries and Wildlife Science, Oregon State University

PERMITS/CERTIFICATIONS

10(a)(1)(A) Recovery Permit (PER0011950), California tiger salamander, California red-legged frog

CDFW Scientific Collection Permit (SC-190180001)



Commission emergency compliance orders with technical recommendations from the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service, and permitting through the US Army Corps of Engineers, State Water Resources Control Board, California Department of Fish and Wildlife (CDFW), and Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Brian's roles include:

- Ensuring water quality permit measures were met using data collected while checking water quality monitoring sondes and equipment
- Conducting soil sampling ensuring soil quality parameters are recorded and met
- Conducting nesting bird surveys ensuring the project is within compliance with the Migratory Bird Treaty Act and other environmental and legal constraints.

County of San Mateo, Half Moon Bay Landfill Stormwater Mgmt Emergency Repair; Half Moon Bay, CA
February 2024 – March 2024

The stormwater drainpipe failure occurred on a coastal bluff next to the closed Half Moon Bay Landfill. An ephemeral, unnamed drainage flows through the drainpipe. The drainage was conveying water during a site visit on January 25, 2024. Rerouting the runoff may be anticipated; however, this is dependent on timing of the start of repair work. The failed drainpipe is currently not functioning, and the revetment is at risk of further collapse. The repairs are intended to address stormwater discharge and limit erosion caused by stormwater runoff as a result of the damage caused by previous excessive stormwater discharge. Work will be conducted in accordance with BMPs detailed in the County of San Mateo Routine Maintenance Program Manual. A biologist will be onsite to actively monitor all work. Project activities are anticipated to begin in February 2024. The full duration of the project is expected to be approximately 3 weeks. As a staff biologist on this effort, Brian's roles include:

- Provide biological monitoring for nesting birds and special status species

Fairview Residential Development; Hollister, CA
February 2020 – May 2022

Residential housing development located in Hollister, California. Performed preconstruction surveys and daily biological monitoring of construction activities to ensure protection of wildlife species. Administered environmental training to crew members and interfaced with construction crews on environmental issues. As a biological monitor Brian's duties included:

- Performing pre-construction surveys for nesting birds and other biological resources
- Performing burrow excavations of potential CTS burrows prior to ground disturbance activities
- Performing biological monitoring of sensitive habitats and species during construction when required by permits
- Performing biological monitoring of permit conditions such as exclusionary fence and escape ramp installation.

West of Fairview Residential Development; Hollister, CA
March 2022 – May 2022

Residential housing development located in Hollister, California. Performed preconstruction surveys and daily biological monitoring of construction and restoration activities to ensure protection of wildlife species and permit condition



compliance. Administered environmental training to crew members and interfaced with construction crews on environmental issues. As a biological monitor Brian's duties included:

- Performing pre-construction surveys for nesting birds and other biological resources
- Performing burrow excavations of potential CTS burrows prior to ground disturbance activities
- Performing biological monitoring of sensitive habitats and species during construction when required by permits
- Performing biological monitoring of permit conditions such as exclusionary fence and escape ramp installation.

Communication Hill Residential Development; San Jose, CA

June 2021

Large scale mix-use residential development. Site was formerly home to one of the largest populations of Santa Clara Valley dudleya (*Dudleya setchellii*), which is a low growing perennial succulent with pale yellow flowers that grows in rocky outcrops in serpentine grasslands. Santa Clara dudleya is found only in the Coyote Valley area of Santa Clara County, California, from San Jose south about 25 miles to Gilroy. As a biologist on this project Brian's duties included:

- Conducting rare plant surveys for Santa Clara Valley dudleya

Contra Costa Water District – Rock Slough Fish Screen Vegetation Management; Oakley, CA

June 2019 and June 2020

Aquatic vegetation management at the Contra Costa Water District Rock Slough Fish Screen. Biological monitors provided salvage and documentation for aquatic biological resources during annual aquatic vegetation removal at the Rock Slough Fish Screen facility. As a biological monitor Brian's duties included:

- Performing biological monitoring of sensitive habitats and species during maintenance activities
- Performing pre-construction surveys for nesting birds and other biological resources

species, native plant cover, and restoration plant survivorship. As the land manager of the property and staff biologist Mr. Nissen's duties included:

- Assisting and leading annual CTS and CRLF surveys
- Assisting and leading annual plant survivorship counts
- Annual long term resource management and monitoring, including invasive plant management, restoration planting management, pond maintenance, grazing management, and erosion prevention and mitigation



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 10

ITEM NO. 10.

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Services with Traffic Management, Inc. to Extend the Contract Term to August 29, 2025

RECOMMENDATION:

Authorize the Town Manager to execute a third amendment to the Agreement for Services (Attachment 1) with Traffic Management, Inc. to Extend the Contract Term to August 29, 2025.

BACKGROUND:

On February 7, 2023, the Town Council approved a series of event-related topics, one of which being the support of and budget allocation for hiring a professional traffic control vendor to assist Town staff with road closure and traffic control services for two special events: the Halloween road closures (including closures in the Almond Grove and Johnson Avenue neighborhoods) and the annual Children’s Holiday Parade downtown.

The Town requested qualifications and cost estimates from several professional traffic management companies and selected Traffic Management, Inc. (TMI) as they have specific experience in the logistics related to road closures and traffic management for special events. On September 21, 2023, the Town Manager executed the Agreement for Services in the amount of \$16,895.34.

On November 8, 2023, the Town Manager executed the First Amendment to the Agreement, increasing the total compensation to \$50,000 and modifying the scope to address the extensive requirements associated with the Children’s Holiday Parade.

On August 20, 2024, the Town Council authorized the Town Manager to execute the Second Amendment, increasing the compensation to \$93,793 and extending the term to January 31,

PREPARED BY: Nicolle Burnham
Parks and Public Works Director

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

PAGE 2 OF 3

SUBJECT: Authorize Second Amendment to Agreement for Services with Traffic Management, Inc.

DATE: January 16, 2025

2025. The second amendment authorized work for the 2024 Halloween road closures and the 2024 Annual Children's Holiday Parade.

DISCUSSION:

After two years of working with TMI, staff is recommending that their contract term be extended to allow for their future services for Halloween and the Holiday Parade. TMI has performed services for both events in 2023 and 2024 and has proven to work well with staff to deliver and execute these complicated closures. The requested extension will provide staff the time needed to negotiate costs for 2025 and possibly future years. Additional funding will need to be added to the agreement to perform the work during the contract term. The addition of funding will be negotiated with TMI and staff will return to Council in August 2025 to discuss the compensation that would be required to support these events.

If this agreement extension is not executed, staff will need to issue a Request for Proposals for traffic management services for these special events in 2025 and enter a new Agreement for Services. If a new vendor were selected, the lessons learned and experience gained by TMI over the last two years would be lost, and staff would need to develop a partnership with a new provider, creating the potential for inconsistency in the delivery of these events.

CONCLUSION:

Approving this amendment will allow staff to continue to negotiate pricing with TMI for the Halloween road closures and Holiday Parades for 2025 and future years.

COORDINATION:

This report has been a collaboration between the Town Manager's Office, and the Police and Parks and Public Works Departments.

FISCAL IMPACT:

There is no fiscal impact associated with extending the agreement term.

ENVIRONMENTAL ASSESSMENT:

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

PAGE 3 OF 3

ITEM NO. 10.

SUBJECT: Authorize Second Amendment to Agreement for Services with Traffic Management, Inc.

DATE: January 16, 2025

Attachments:

1. Third Amendment to the Agreement for Services with Traffic Management, Inc. including Exhibit A, Second Amendment to the Agreement for Services with Traffic Management, Inc.

AMENDMENT TO AGREEMENT**PREAMBLE**

This Third Amendment to Agreement of Services is dated for identification this 21st day of January 2025, and amends that certain Second Amendment to Agreement of Services dated August 20, 2024, made by and between the Town of Los Gatos, ("Town,") and the Traffic Management, Inc. ("Service Provider") identified as an S Corporation and whose address is 4900 Airport Plaza Drive, Suite 300 Long Beach, CA 90815.

I. RECITALS

- A. Town and Consultant entered into Agreement of Services Agreement on September 21, 2023, ("Agreement"), a First Amendment to Agreement for Services on November 28, 2023, a Second Amendment to Agreement for Services on August 20, 2024, copies of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to extend the term and time of performance.

II. AMENDMENT

- A. Section 2.2 Term and Time of Performance is amended to read:
This contract will remain in effect from September 21, 2023 to August 29, 2025.
- B. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Amendment.

Town of Los Gatos by:

Traffic Management, Inc. by:

Chris Constantin, Town Manager

Darla Lersch, Manager, Contracts

Recommended by:

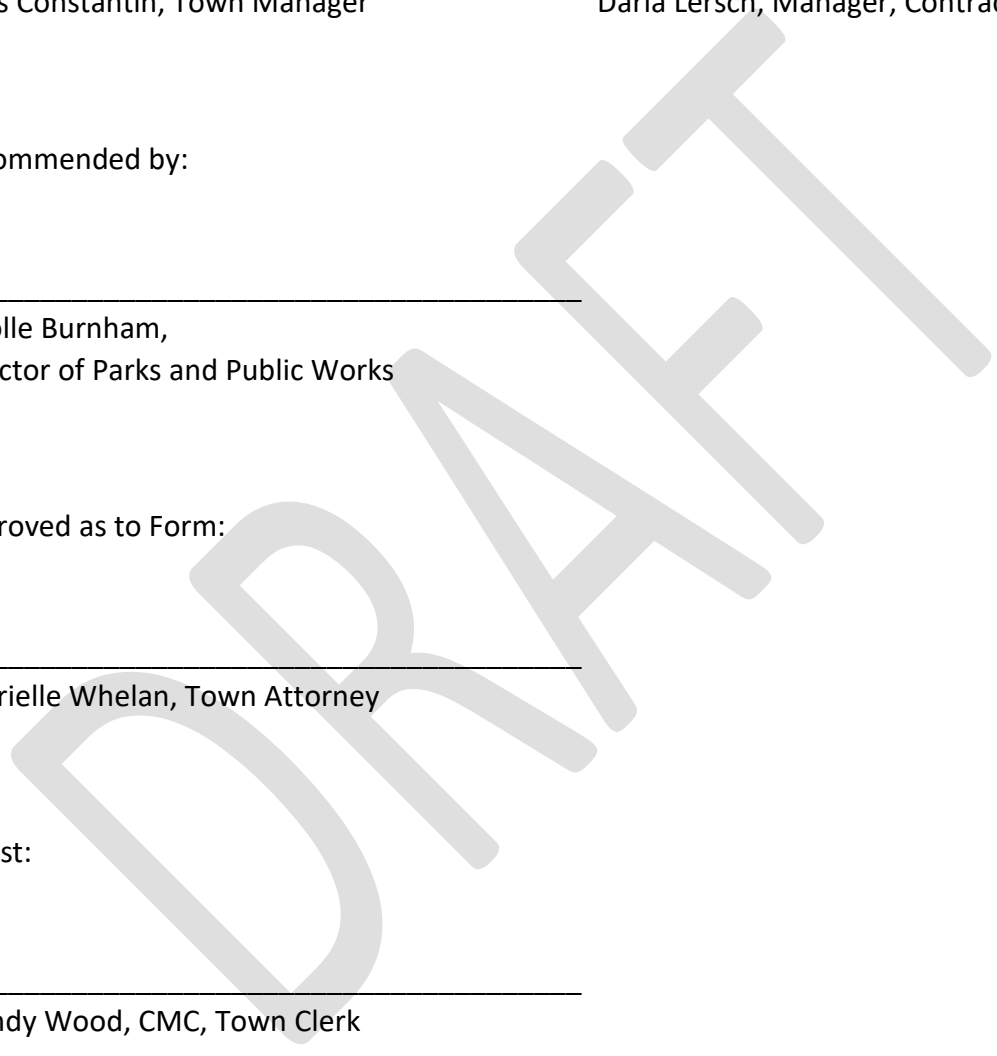
Nicolle Burnham,
Director of Parks and Public Works

Approved as to Form:

Gabrielle Whelan, Town Attorney

Attest:

Wendy Wood, CMC, Town Clerk



SECOND AMENDMENT TO AGREEMENT

This SECOND AMENDMENT TO AGREEMENT is dated for identification this 20th day of August 2024 and amends that certain FIRST AMENDMENT TO AGREEMENT FOR SERVICES dated November 28, 2023, made by and between the Town of Los Gatos, ("Town,") and the Traffic Management, Inc. ("Service Provider") identified as an S Corporation and whose address is 4900 Airport Plaza Drive, Suite 300 Long Beach, CA 90815.

RECITALS

- A. Town and Consultant entered into an Agreement for Services on September 21, 2023, ("Agreement"), a First Amendment to Agreement for Services on November 28, 2023, copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to increase the scope of services, extend the term and time of performance, and add to the compensation of the agreement.

AMENDMENT

1. Section 2.1 Scope of Services is amended to read as follows:

Service Provider shall provide services as described in that certain Proposal dated July 12, 2024 (Halloween Road Traffic Control/Event Road Closures for Johnson Avenue and Tait Avenue), and August 14, 2024 (Traffic Control/Event Road Closures for the Children's Holiday Parade), which is hereby incorporated by reference and attached as Exhibit B.

2. Section 2.2 Term and Time of Performance is amended to read:

This contract will remain in effect from September 21, 2023, and extend to January 31, 2025.

3. Section 2.6 Compensation is amended to read:

Compensation for Service Provider's professional services shall be increased by \$43,793 for a total agreement amount not to exceed **\$93,793**. Payment shall be based upon Town approval of each task based on Exhibit B.

4. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Amendment.

Town of Los Gatos:

Signed by:
Laurel Prevetti 8/26/2024
853FEEAZEB39470...
Laurel Prevetti, Town Manager

Approved as to Consent:

DocuSigned by:
Darla Lersch 8/23/2024
CAEA5158D26E472...
Darla Lersch, Manager, Contracts

Department Approval:

Signed by:
Nicolle Burnham 8/26/2024
0E97831349644C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Signed by:
Gabrielle Whelan 8/26/2024
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood 8/26/2024
BF6EBCBE2C214F8...
Wendy Wood, CMC, Town Clerk

FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT FOR SERVICES is dated for identification this 28th day of November 2023 and amends that certain Agreement for Services dated September 21, 2023, made by and between the Town of Los Gatos, ("Town,") and Traffic Management, Inc. ("Service Provider") identified as an S Corporation and whose address is 4900 Airport Plaza Drive, Suite 300 Long Beach, CA 90815.

RECITALS

- A. Town and Service Provider entered into an Agreement for Services on September 21, 2023 ("Agreement"), a copy of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to increase the scope of work and add to the compensation of the agreement.

AMENDMENT

1. Section 2.1 Scope of Services is amended to read as follows:

Service Provider shall provide services as described in that certain Proposal dated November 17, 2023, which is hereby incorporated by reference and attached as Exhibit B.

2. Section 2.6 Compensation is amended to read:

Compensation for Service Provider's professional services shall be increased by \$31,392.06 plus \$1,712.060 for unanticipated services for a total agreement amount not exceed **\$50,000**. Payment shall be based upon Town approval of each task based on Exhibit B.

3. All other terms and conditions of the Agreement remain in full force and effect.

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

Town of Los Gatos:

Approved as to Consent:

DocuSigned by:
Laurel Prevetti
853FEEA2EB39470...
Laurel Prevetti, Town Manager

DocuSigned by:
Darla Lersch
B9F708AB127043E...
Darla Lersch, Manager, Contracts

Department Approval:

DocuSigned by:
Nicolle Burnham
0E97831349644C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
BF6EBCBE2C214F8...
Wendy Wood, CMC, Town Clerk

AGREEMENT FOR SERVICES

THIS AGREEMENT is dated for identification this 21st of September 2023 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Traffic Management, Inc. ("Service Provider"), identified as an S Corporation and whose address is 4900 Airport Plaza Drive, Suite 300 Long Beach, CA 90815. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement, and Service Provider was found to be the most prepared and provided the customer service needed for the parade closures.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide traffic management services for parade closures.
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on August 7, 2023, which is hereby incorporated by reference and attached as Exhibit A. Rates are valid through 12/31/2023 and are subject to a 5% increase on January 2024 and every year thereafter.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin upon execution through September 30, 2024, subject to appropriation of funds, notwithstanding any other provision in this agreement. The term of this Agreement may be extended for up to three years upon mutual written consent of the parties.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider 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. Service Provider 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 Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider 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 Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.
- 2.6 Compensation: Compensation for services in the amount of \$15,359.40 plus ten percent for unanticipated services for a **total agreement amount not to exceed \$16,895.34**, 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. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider 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 Service Provider. 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 Service Provider, 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 Service Provider 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. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider 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 Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider 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, Service Provider 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. Service Provider 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 Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider 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. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider 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. Service Provider 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: two million dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
- ii. Service Provider 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. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

General Liability:

- i. The Town, its elected and appointed officials, employees, and agents are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider'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 Service Provider'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, Service Provider 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, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees.
- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, agents, 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 Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

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 Service Provider 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 Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider 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 Service Provider.

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

Traffic Management, Inc.
4900 Airport Plaza Drive, Suite 300
Long Beach, CA 90815

or personally delivered to Service Provider to such address or such other address as Service Provider 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 Service Provider. 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 Service Provider have executed this Agreement.

Town of Los Gatos

Traffic Management, Inc.

DocuSigned by:
Laurel Prevetti
853FEEA2EB39470...
Laurel Prevetti, Town Manager

DocuSigned by:
Darla Lersch
B9F708AB127043E...
Darla Lersch, Manager, Contracts

Recommended by:

DocuSigned by:
Nicolle Burnham
0E97831349644C3...
Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

DocuSigned by:
Gabrielle Whelan
EFD6738A5534428...
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:
Wendy Wood
BF6EBCBEZC214F8...
Wendy Wood, CMC, Town Clerk

ESTIMATE N^o E-147103

877-763-5999

TRAFFIC MANAGEMENT, INC.

ITEM NO. 10.



690 Quinn Ave

San Jose, CA 95112

www.trafficmanagement.com

Page 1 of 3

COMPANY: Town of Los Gatos			PHONE:	FAX:
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CONTACT PERSON: Jessica Ertell	DIRECT PHONE/EXT:	DIRECT FAX:	CELL PHONE: 408-399-5734	EMAIL: jertell@losgatosca.gov
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COMPANY ADDRESS: 41 Miles Ave	CITY, STATE, ZIP: Los Gatos, CA 95030
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JOB LOCATION: Tait Ave and W Main St	CITY / COMMUNITY: Los Gatos	T.B. MAP PAGE:
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PROJECT INFORMATION: Neighborhood Trick or Treating (Tait Ave) Project

OTHER INFO: Union Wages / Weekday Work	CUST. REF #: N/A	PLAN REFERENCE: San Jose Branch
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CUSTOMER WORK DESCRIPTION: Special Event

APPROX. START DATE:	START TIME:	WORK HOURS / DURATION 1 Day	RFQ #:
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LN #	QTY	QTY	QTY	RATE	ITEM / DESCRIPTION	TOTAL
1		10 shts		\$275.00 per sheet	Traffic Control Planning (Non-Engineered) (1 Phase) Includes site verification survey and/or verification of existing conditions, traffic planning, and publication of traffic control plans. All plans are designed in accordance with the California M.U.T.C.D. (latest edition), and are submitted to the specifications of the requiring Agency. A four (4) hour minimum is charged on traffic plans, including the submittal of a standard non-engineered plan. Price includes the following: - All plans produced at 1:40" scale on B-size (11" x 17") sheets The following are not included in this price: - Traffic signal plans - Street Lighting plans - Agency plan check fees - Traffic studies (including traffic counting) - Meetings and/or presentations with Cities or other Agencies (other than initial job-walk / project meeting) - More than two (2) corrections from the agency or two (2) submittals - Design changes or modifications not discussed prior to the first draft and/or added after the initial plan submittal (requested by either Customer or Agency) - Plan sets after first four (4) bond and/or one (1) vellum - Traffic control services, equipment, or maintenance - Permits (encroachment, public works, street improvements, etc.) - Price will not include an engineer stamp on traffic control plans. - Special Provisions not provided at time of bid - Price will not include traffic control plans for traffic signal construction drawings - Price will not include traffic control plans for striping plans Price will be based on drawing one (1) phase of non-engineered traffic control plans for the locations listed below: Phase #1 Tait Ave [Road Closure w/Detours] (Special Event)	\$2,750.00
2		10 shts		(\$125.00) per sheet	Discount - DD1000 Discount will be applied to line item #1 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,250.00)
3		10 shts		\$175.00 per sheet	Engineer Review (If Needed) Plan review and stamp by Certified Traffic Engineer and/or Civil Engineer, fee is in addition to Traffic Control Planning.	\$1,750.00

N^o E-147103

4		10 shts		(\$100.00) per sheet	Discount - DD1000 Discount will be applied to line item #3 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,000.00)
5					Traffic Control (See Below) Final pricing to be determined upon approved plans.	
6	1 dy	3 ea	6 hrs	\$132.00 hourly	One-TC Traffic Control Operation (Portal to Portal) (ST) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controller (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based at an hourly rate (portal to portal) and applies to all travel, standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$185.00/hr.) apply after eight (8.0) hours and Saturdays. Double time rates (\$251.00/hr.) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps Final pricing to be determined upon approved plans.	\$2,376.00
7	1 dy	3 ea		\$39.60 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #4 (any services requiring travel, transportation or mobilization).	\$118.80
8	1 dy	3 ea		\$0.00 ea/dy	(DISCOUNTD) FAS (Flashing Arrow Sign) w/Service - RA100 Daily rental of one (1) Flashing Arrow Sign (FAS). Delivery, pickup, lost or damaged equipment, equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$75.00/day; \$275.00/wk; \$575.00/mo(4-wk)	\$0.00
9					Bidding Without Plans This estimate is based on description of scope of work as provided by Customer at time of request. Final estimated price to be determined when specific conditions/provisions are provided or traffic control plans have been approved by the Agency. Mobilization costs include up to forty (40) miles from TMI office.	

EXCLUSIONS:

The following is not included in this estimate: Tax; Encroachment Permits; Traffic Signal Plans; Posting of "No Parking" Signs; Lost or damaged equipment; Business and/or resident notification; Temporary striping or striping removal; Construction fencing; Steel/trench plates; Changeable message signs (CMS); Custom signage; Replacement or modification of existing facilities; Other

STANDARD TERMS & CONDITIONS:

1) Although TMI maintains standard general liability, workers compensation, and other insurance coverages, additional costs may be incurred for the issuance of insurance certificates that require special wording, endorsements, or additional coverages or policy changes. 2) Information provided herein should be relied on for estimating purposes only. 3) This estimate is based on information available and/or provided at the time of the estimate request, such as current permit rates and requirements from public agencies, and is subject to change without notice. 4) TMI reserves the right to modify this estimate should the scope of the project change or additional information is provided. 5) Unless otherwise specified, individual line items and rates are based on acceptance of the estimate as a whole. Significant changes in quantities, addition/deletion of line-items, or selection of single line-items may result in price changes. 6) Prices are valid for up to 60 days. 7) All orders for standard traffic control and equipment (without permit or posting requirements), will require at least three working days advance notice; additional time may be required for non-standard and/or large scale traffic control. General availability of traffic control is not guaranteed and is subject to availability and schedule of TMI

crews and equipment. Allow up to 14 working days for traffic plan turn-around (from time of order to initial submittal.) Agency approval and turn-around time of traffic control plans may vary and cannot be guaranteed. 8) Permit approval and timeline often vary from Agency to Agency and no guarantee of approval or approval timeline is represented. 9) Compensation will be charged for jobs that require special safety training requirements and security clearance. 10) Unless stated otherwise, this estimate is based on work being performed during normal field working hours (7:00am to 3:30pm) Monday through Friday. Additional costs will be incurred and invoiced for after hours work, weekend and/or holidays. 11) ACCEPTANCE OF THIS ESTIMATE: Unless otherwise agreed in writing, acceptance of this estimate shall authorize TMI to perform all work as stated, and this document shall serve as the binding contract, subject to the terms and conditions herein. 12) FUEL SURCHARGE: A fuel surcharge may be applied to any services requiring travel, transportation or mobilization. 13) RENTAL PROTECTION PROGRAM: All rental orders will be automatically enrolled in Rental Protection Plan (RPP) unless opted out by customer. If customer opts out of RPP, customer assumes sole responsibility for damaged or lost equipment. RPP is not available for registered motor vehicles such as TMA's and traffic control trucks. RPP surcharge will only be applied to equipment rental charges, and not be applied to delivery, installation, removal, or other labor and service charges. RPP Coverage Exclusions: Lost, stolen, or missing equipment; damage resulting from customer misuse or negligence; damages of any kind to third parties.

x Enmanuel Toledo

TMI ESTIMATOR

x

CUSTOMER ACKNOWLEDGEMENT

DATE PREPARED:
8/7/2023

ESTIMATED TOTAL:
\$4,744.80

ESTIMATE N^o E-147098

877-763-5999

TRAFFIC MANAGEMENT, INC.

ITEM NO. 10.



690 Quinn Ave

San Jose, CA 95112

www.trafficmanagement.com

Page 1 of 3

COMPANY: Town of Los Gatos			PHONE:	FAX:
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CONTACT PERSON: Jessica Ertell	DIRECT PHONE/EXT:	DIRECT FAX:	CELL PHONE: 408-399-5734	EMAIL: jertell@losgatosca.gov
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COMPANY ADDRESS: 41 Miles Ave	CITY, STATE, ZIP: Los Gatos, CA 95030
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JOB LOCATION: N Santa Cruz Ave & W Main St	CITY / COMMUNITY: Los Gatos	T.B. MAP PAGE:
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PROJECT INFORMATION: Children's Christmas & Holidays Parade

OTHER INFO: Union Wages / Weekday Work	CUST. REF #: N/A	PLAN REFERENCE: San Jose Branch
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CUSTOMER WORK DESCRIPTION: Parade Work

APPROX. START DATE:	START TIME:	WORK HOURS / DURATION 1 Day	RFQ #:
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LN #	QTY	QTY	QTY	RATE	ITEM / DESCRIPTION	TOTAL
1		25 shts		\$275.00 per sheet	Traffic Control Planning (Non-Engineered) (1 Phase) Includes site verification survey and/or verification of existing conditions, traffic planning, and publication of traffic control plans. All plans are designed in accordance with the California M.U.T.C.D. (latest edition), and are submitted to the specifications of the requiring Agency. A four (4) hour minimum is charged on traffic plans, including the submittal of a standard non-engineered plan. Price includes the following: - All plans produced at 1:40" scale on B-size (11" x 17") sheets The following are not included in this price: - Traffic signal plans - Street Lighting plans - Agency plan check fees - Traffic studies (including traffic counting) - Meetings and/or presentations with Cities or other Agencies (other than initial job-walk / project meeting) - More than two (2) corrections from the agency or two (2) submittals - Design changes or modifications not discussed prior to the first draft and/or added after the initial plan submittal (requested by either Customer or Agency) - Plan sets after first four (4) bond and/or one (1) vellum - Traffic control services, equipment, or maintenance - Permits (encroachment, public works, street improvements, etc.) - Price will not include an engineer stamp on traffic control plans. - Special Provisions not provided at time of bid - Price will not include traffic control plans for traffic signal construction drawings - Price will not include traffic control plans for striping plans Price will be based on drawing one (1) phase of non-engineered traffic control plans for the locations listed below: Phase #1 N Santa Cruz Ave & W Main St [Road Closures w/ Detours] (Parade Special Event)	\$6,875.00
2		25 shts		(\$125.00) per sheet	Discount - DD1000 Discount will be applied to line item #1 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$3,125.00)
3		25 shts		\$175.00 per sheet	Engineer Review (If Needed) Plan review and stamp by Certified Traffic Engineer and/or Civil Engineer, fee is in addition to Traffic Control Planning.	\$4,375.00

4		25 shts		(\$100.00) per sheet	Discount - DD1000 Discount will be applied to line item #3 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$2,500.00)
5					Traffic Control (See Below) Final pricing to be determined upon approved plans.	
6	1 dy	6 ea	6 hrs	\$132.00 hourly	One-TC Traffic Control Operation (Portal to Portal) (ST) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controller (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based at an hourly rate (portal to portal) and applies to all travel, standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$185.00/hr.) apply after eight (8.0) hours and Saturdays. Double time rates (\$251.00/hr.) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps Final pricing to be determined upon approved plans.	\$4,752.00
7	1 dy	6 ea		\$39.60 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #4 (any services requiring travel, transportation or mobilization).	\$237.60
8	1 dy	6 ea		\$0.00 ea/dy	(DISCOUNTED) FAS (Flashing Arrow Sign) w/Service- RA100 Daily rental of one (1) Flashing Arrow Sign (FAS). Delivery, pickup, lost or damaged equipment, equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$75.00/day; \$275.00/wk; \$575.00/mo(4-wk)	\$0.00
9					Bidding Without Plans This estimate is based on description of scope of work as provided by Customer at time of request. Final estimated price to be determined when specific conditions/provisions are provided or traffic control plans have been approved by the Agency. Mobilization costs include up to forty (40) miles from TMI office.	

EXCLUSIONS:

The following is not included in this estimate: Tax; Encroachment Permits; Traffic Signal Plans; Posting of "No Parking" Signs; Lost or damaged equipment; Business and/or resident notification; Temporary striping or striping removal; Construction fencing; Steel/trench plates; Changeable message signs (CMS); Custom signage; Replacement or modification of existing facilities; Other

STANDARD TERMS & CONDITIONS:

1) Although TMI maintains standard general liability, workers compensation, and other insurance coverages, additional costs may be incurred for the issuance of insurance certificates that require special wording, endorsements, or additional coverages or policy changes. 2) Information provided herein should be relied on for estimating purposes only. 3) This estimate is based on information available and/or provided at the time of the estimate request, such as current permit rates and requirements from public agencies, and is subject to change without notice. 4) TMI reserves the right to modify this estimate should the scope of the project change or additional information is provided. 5) Unless otherwise specified, individual line items and rates are based on acceptance of the estimate as a whole. Significant changes in quantities, addition/deletion of line-items, or selection of single line-items may result in price changes. 6) Prices are valid for up to 60 days. 7) All orders for standard traffic control and equipment (without permit or posting requirements), will require at least three working days advance notice; additional time may be required for non-standard and/or large scale traffic control. General availability of traffic control is not guaranteed and is subject to availability and schedule of TMI

crews and equipment. Allow up to 14 working days for traffic plan turn-around (from time of order to initial submittal.) Agency approval and turn-around time of traffic control plans may vary and cannot be guaranteed. 8) Permit approval and timeline often vary from Agency to Agency and no guarantee of approval or approval timeline is represented. 9) Compensation will be charged for jobs that require special safety training requirements and security clearance. 10) Unless stated otherwise, this estimate is based on work being performed during normal field working hours (7:00am to 3:30pm) Monday through Friday. Additional costs will be incurred and invoiced for after hours work, weekend and/or holidays. 11) ACCEPTANCE OF THIS ESTIMATE: Unless otherwise agreed in writing, acceptance of this estimate shall authorize TMI to perform all work as stated, and this document shall serve as the binding contract, subject to the terms and conditions herein. 12) FUEL SURCHARGE: A fuel surcharge may be applied to any services requiring travel, transportation or mobilization. 13) RENTAL PROTECTION PROGRAM: All rental orders will be automatically enrolled in Rental Protection Plan (RPP) unless opted out by customer. If customer opts out of RPP, customer assumes sole responsibility for damaged or lost equipment. RPP is not available for registered motor vehicles such as TMA's and traffic control trucks. RPP surcharge will only be applied to equipment rental charges, and not be applied to delivery, installation, removal, or other labor and service charges. RPP Coverage Exclusions: Lost, stolen, or missing equipment; damage resulting from customer misuse or negligence; damages of any kind to third parties.

x <u>Enmanuel Toledo</u> TMI ESTIMATOR	x _____ CUSTOMER ACKNOWLEDGEMENT	DATE PREPARED: 8/7/2023	ESTIMATED TOTAL: \$10,614.60
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ESTIMATE N^o E-147098.3

877-763-5999

TRAFFIC MANAGEMENT, INC.

ITEM NO. 10.



690 Quinn Ave

San Jose, CA 95112

www.trafficmanagement.com

Page 1 of 3

COMPANY: Town of Los Gatos			PHONE:	FAX:
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CONTACT PERSON: Jessica Ertell	DIRECT PHONE/EXT:	DIRECT FAX:	CELL PHONE: 408-399-5734	EMAIL: jertell@losgatosca.gov
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COMPANY ADDRESS: 41 Miles Ave	CITY, STATE, ZIP: Los Gatos, CA 95030
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JOB LOCATION: N Santa Cruz Ave & W Main St	CITY / COMMUNITY: Los Gatos	T.B. MAP PAGE:
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PROJECT INFORMATION: Children's Christmas & Holidays Parade

OTHER INFO: Union Wages / Saturday Work	CUST. REF #: N/A	PLAN REFERENCE: San Jose Branch
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CUSTOMER WORK DESCRIPTION: Parade Work

APPROX. START DATE:	START TIME:	WORK HOURS / DURATION 1 Day	RFQ #:
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LN #	QTY	QTY	QTY	RATE	ITEM / DESCRIPTION	TOTAL
1		21 shts		\$275.00 per sheet	<p>Traffic Control Planning (Non-Engineered) (1 Phase)</p> <p>Includes site verification survey and/or verification of existing conditions, traffic planning, and publication of traffic control plans. All plans are designed in accordance with the California M.U.T.C.D. (latest edition), and are submitted to the specifications of the requiring Agency. A four (4) hour minimum is charged on traffic plans, including the submittal of a standard non-engineered plan.</p> <p>Price includes the following: - All plans produced at 1:40" scale on B-size (11" x 17") sheets</p> <p>The following are not included in this price: - Traffic signal plans - Street Lighting plans - Agency plan check fees - Traffic studies (including traffic counting) - Meetings and/or presentations with Cities or other Agencies (other than initial job-walk / project meeting) - More than two (2) corrections from the agency or two (2) submittals - Design changes or modifications not discussed prior to the first draft and/or added after the initial plan submittal (requested by either Customer or Agency) - Plan sets after first four (4) bond and/or one (1) vellum - Traffic control services, equipment, or maintenance - Permits (encroachment, public works, street improvements, etc.) - Price will not include an engineer stamp on traffic control plans. - Special Provisions not provided at time of bid - Price will not include traffic control plans for traffic signal construction drawings - Price will not include traffic control plans for striping plans</p> <p>Price will be based on drawing one (1) phase of non-engineered traffic control plans for the locations listed below: Phase #1 N Santa Cruz Ave & W Main St [Road Closures w/ Detours] (Parade Special Event)</p>	\$5,775.00
2		21 shts		(\$125.00) per sheet	<p>Traffic Control Planning Discount - DD1000</p> <p>Discount will be applied to line item #1 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.</p>	(\$2,625.00)
3		21 shts		\$175.00 per sheet	<p>Engineer Review</p> <p>Plan review and stamp by Certified Traffic Engineer and/or Civil Engineer, fee is in addition to Traffic Control Planning.</p>	\$3,675.00

4		21 shts		(\$100.00) per sheet	Engineer Review Discount - DD1000 Discount will be applied to line item #3 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$2,100.00)
5					Traffic Control (See Below) Final pricing to be determined upon approved plans.	
6	1 dy	10 ea	3.6 hrs	\$132.00 hourly	One-TC Traffic Control Operation (On-Job Hourly) (Sat) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controllers (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based for time On-Job only and applies to any standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. Mobilization includes up to 40 miles from the nearest TMI branch. Travel exceeding 40 miles will be billed at \$4.00/mile. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$189.00/hr) apply after eight (8.0) hours and Saturdays Double time rates (\$325.00/hr) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps	\$4,752.00
7	1 dy	10 ea		\$23.76 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #6 (any services requiring travel, transportation or mobilization).	\$237.60
8	1 dy	10 ea	7.4 hrs	\$239.00 hourly	One-TC Traffic Control Operation (On-Job Hourly) (Sat) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controllers (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based for time On-Job only and applies to any standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. Mobilization includes up to 40 miles from the nearest TMI branch. Travel exceeding 40 miles will be billed at \$4.00/mile. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$189.00/hr) apply after eight (8.0) hours and Saturdays Double time rates (\$325.00/hr) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps	\$17,686.00

N^o E-147098.3

Page 3 of 3

9	1 dy	10 ea	\$88.43 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #8 (any services requiring travel, transportation or mobilization).	\$884.30
10	1 dy	10 ea	\$65.00 ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental - RA100 Daily rental of one (1) Flashing Arrow Sign (FAS). Delivery, pickup, lost or damaged equipment, equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$75.00/day; \$275.00/wk; \$575.00/mo(4-wk)	\$650.00
11	1 dy	10 ea	(\$65.00) ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental - RA100 Discount - DD1000 Discount will be applied to line item #8 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$650.00)
12					
13	1 wk	4 ea	\$600.00 weekly	CMS (Changeable Message Sign) Rental - RA200 Weekly rental of one (1) Changeable Message Sign (CMS). Delivery, pickup, lost or damaged equipment, equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$200.00/day; \$600.00/wk; \$1,300.00/mo(4-wk)	\$2,400.00
14				Bidding Without Plans This estimate is based on description of scope of work as provided by Customer at time of request. Final estimated price to be determined when specific conditions/provisions are provided or traffic control plans have been approved by the Agency. Mobilization costs include up to forty (40) miles from TMI office.	

EXCLUSIONS:

The following is not included in this estimate: Tax; Encroachment Permits; Traffic Signal Plans; Posting of "No Parking" Signs; Lost or damaged equipment; Business and/or resident notification; Temporary striping or striping removal; Construction fencing; Steel/trench plates; Custom signage; Replacement or modification of existing facilities; Other

STANDARD TERMS & CONDITIONS:

1) Although TMI maintains standard general liability, workers compensation, and other insurance coverages, additional costs may be incurred for the issuance of insurance certificates that require special wording, endorsements, or additional coverages or policy changes. 2) Information provided herein should be relied on for estimating purposes only. 3) This estimate is based on information available and/or provided at the time of the estimate request, such as current permit rates and requirements from public agencies, and is subject to change without notice. 4) TMI reserves the right to modify this estimate should the scope of the project change or additional information is provided. 5) Unless otherwise specified, individual line items and rates are based on acceptance of the estimate as a whole. Significant changes in quantities, addition/deletion of line-items, or selection of single line-items may result in price changes. 6) Prices are valid for up to 60 days. 7) All orders for standard traffic control and equipment (without permit or posting requirements), will require at least three working days advance notice; additional time may be required for non-standard and/or large scale traffic control. General

availability of traffic control is not guaranteed and is subject to availability and schedule of TMI crews and equipment. Allow up to 14 working days for traffic plan turn-around (from time of order to initial submittal.) Agency approval and turn-around time of traffic control plans may vary and cannot be guaranteed. 8) Permit approval and timeline often vary from Agency to Agency and no guarantee of approval or approval timeline is represented. 9) Compensation will be charged for jobs that require special safety training requirements and security clearance. 10) Unless stated otherwise, this estimate is based on work being performed during normal field working hours (7:00am to 3:30pm) Monday through Friday. Additional costs will be incurred and invoiced for after hours work, weekend and/or holidays. 11) ACCEPTANCE OF THIS ESTIMATE: Unless otherwise agreed in writing, acceptance of this estimate shall authorize TMI to perform all work as stated, and this document shall serve as the binding contract, subject to the terms and conditions herein. 12) FUEL SURCHARGE: A fuel surcharge may be applied to any services requiring travel, transportation or mobilization. 13) RENTAL PROTECTION PROGRAM: All rental orders will be automatically enrolled in Rental Protection Plan (RPP) unless opted out by customer. If customer opts out of RPP, customer assumes sole responsibility for damaged or lost equipment. RPP is not available for registered motor vehicles such as TMA's and traffic control trucks. RPP surcharge will only be applied to equipment rental charges, and not be applied to delivery, installation, removal, or other labor and service charges. RPP Coverage Exclusions: Lost, stolen, or missing equipment; damage resulting from customer misuse or negligence; damages of any

x Enmanuel Toledo

TMI ESTIMATOR

x

CUSTOMER ACKNOWLEDGEMENT

DATE PREPARED:
11/17/2023

ESTIMATED TOTAL:
\$30,684.90

ESTIMATE N^o E-149152.1

877-763-5999

TRAFFIC MANAGEMENT, INC.

ITEM NO. 10.



690 Quinn Ave

San Jose, CA 95112

www.trafficmanagement.com

Page 1 of 3

COMPANY: Town of Los Gatos			PHONE:	FAX:
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CONTACT PERSON: Jessica Ertell	DIRECT PHONE/EXT:	DIRECT FAX:	CELL PHONE: 408-399-5734	EMAIL: jertell@losgatosca.gov
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COMPANY ADDRESS: 41 Miles Ave	CITY, STATE, ZIP: Los Gatos, CA 95030
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JOB LOCATION: Johnson Ave	CITY / COMMUNITY: Los Gatos	T.B. MAP PAGE:
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PROJECT INFORMATION: Johnson Ave - Special Event

OTHER INFO: Union Wages / Weekday Work	CUST. REF #: N/A	PLAN REFERENCE: San Jose Branch
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CUSTOMER WORK DESCRIPTION: Special Event

APPROX. START DATE:	START TIME:	WORK HOURS / DURATION 1 Day	RFQ #:
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LN #	QTY	QTY	QTY	RATE	ITEM / DESCRIPTION	TOTAL
1		12 shts		\$275.00 per sheet	Traffic Control Planning (Non-Engineered) (1 Phase) Includes site verification survey and/or verification of existing conditions, traffic planning, and publication of traffic control plans. All plans are designed in accordance with the California M.U.T.C.D. (latest edition), and are submitted to the specifications of the requiring Agency. A four (4) hour minimum is charged on traffic plans, including the submittal of a standard non-engineered plan. Price includes the following: - All plans produced at 1:40" scale on B-size (11" x 17") sheets The following are not included in this price: - Traffic signal plans - Street Lighting plans - Agency plan check fees - Traffic studies (including traffic counting) - Meetings and/or presentations with Cities or other Agencies (other than initial job-walk / project meeting) - More than two (2) corrections from the agency or two (2) submittals - Design changes or modifications not discussed prior to the first draft and/or added after the initial plan submittal (requested by either Customer or Agency) - Plan sets after first four (4) bond and/or one (1) vellum - Traffic control services, equipment, or maintenance - Permits (encroachment, public works, street improvements, etc.) - Price will not include an engineer stamp on traffic control plans. - Special Provisions not provided at time of bid - Price will not include traffic control plans for traffic signal construction drawings - Price will not include traffic control plans for striping plans Price will be based on drawing one (1) phase of non-engineered traffic control plans for the locations listed below: Phase #1: Johnson Ave [Road Closure w/Detours] (Special Event)	\$3,300.00
2		12 shts		(\$125.00) per sheet	Discount - DD1000 Discount will be applied to line item #1 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,500.00)
3		12 shts		\$175.00 per sheet	Engineer Review Plan review and stamp by Certified Traffic Engineer and/or Civil Engineer, fee is in addition to Traffic Control Planning.	\$2,100.00

4		12 shts		(\$100.00) per sheet	Engineer Review Discount - DD1000 Discount will be applied to line item #3 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,200.00)
5					Traffic Control (See Below)	
6	1 dy	6 ea	7 hrs	\$195.00 hourly	One-TC Traffic Control Operation (On-Job Hourly) (ST) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controllers (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based for time On-Job only and applies to any standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. Mobilization includes up to 40 miles from the nearest TMI branch. Travel exceeding 40 miles will be billed at \$4.00/mile. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$255.00/hr) apply after eight (8.0) hours and Saturdays Double time rates (\$350.00/hr) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps	\$8,190.00
7	1 dy	6 ea	7 hrs	(\$24.00) hourly	One-TC Traffic Control Discount - DD1000 Discount will be applied to line item #6 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,008.00)
8	1 dy	6 ea		\$68.25 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #6 (any services requiring travel, transportation or mobilization).	\$409.50
9	1 dy	6 ea		\$65.00 ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental - RA100 Daily rental of one (1) "Trailer Mounted Flashing Arrow Sign (FAS) Delivery and pickup not included. Price Excludes: -Traffic cones for FAS trailer taper (typically 9 ea. cones) The customer will be responsible for lost or damaged traffic control equipment. Equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$65.00/day; \$275.00/wk.; \$575.00 /mo.	\$390.00
10	1 dy	6 ea		(\$65.00) ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental Discount - DD1000 Discount will be applied to line item #9 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$390.00)

11					<p>Bidding Without Plans</p> <p>This estimate is based on description of scope of work as provided by Customer at time of request. Final estimated price to be determined when specific conditions/provisions are provided or traffic control plans have been approved by the Agency. Mobilization costs include up to forty (40) miles from TMI office.</p>
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STANDARD TERMS & CONDITIONS:

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crews and equipment. Allow up to 14 working days for traffic plan turn-around (from time of order to initial submittal.) Agency approval and turn-around time of traffic control plans may vary and cannot be guaranteed. 8) Permit approval and timeline often vary from Agency to Agency and no guarantee of approval or approval timeline is represented. 9) Compensation will be charged for jobs that require special safety training requirements and security clearance. 10) Unless stated otherwise, this estimate is based on work being performed during normal field working hours (7:00am to 3:30pm) Monday through Friday. Additional costs will be incurred and invoiced for after hours work, weekend and/or holidays. 11) ACCEPTANCE OF THIS ESTIMATE: Unless otherwise agreed in writing, acceptance of this estimate shall authorize TMI to perform all work as stated, and this document shall serve as the binding contract, subject to the terms and conditions herein. 12) FUEL SURCHARGE: A fuel surcharge may be applied to any services requiring travel, transportation or mobilization. 13) RENTAL PROTECTION PROGRAM: All rental orders will be automatically enrolled in Rental Protection Plan (RPP) unless opted out by customer. If customer opts out of RPP, customer assumes sole responsibility for damaged or lost equipment. RPP is not available for registered motor vehicles such as TMA's and traffic control trucks. RPP surcharge will only be applied to equipment rental charges, and not be applied to delivery, installation, removal, or other labor and service charges. RPP Coverage Exclusions: Lost, stolen, or missing equipment; damage resulting from customer misuse or negligence; damages of any kind to third parties.

x Enmanuel Toledo
TMI ESTIMATOR

x _____
CUSTOMER ACKNOWLEDGEMENT

DATE PREPARED:
10/25/2023

ESTIMATED TOTAL:
\$10,291.50

ESTIMATE N^o E-147103.1

877-763-5999

TRAFFIC MANAGEMENT, INC.

ITEM NO. 10.



690 Quinn Ave

San Jose, CA 95112

www.trafficmanagement.com

Page 1 of 3

COMPANY: Town of Los Gatos			PHONE:	FAX:
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CONTACT PERSON: Jessica Ertell	DIRECT PHONE/EXT:	DIRECT FAX:	CELL PHONE: 408-399-5734	EMAIL: jertell@losgatosca.gov
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COMPANY ADDRESS: 41 Miles Ave	CITY, STATE, ZIP: Los Gatos, CA 95030
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JOB LOCATION: Tait Ave and W Main St	CITY / COMMUNITY: Los Gatos	T.B. MAP PAGE:
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PROJECT INFORMATION: Neighborhood Trick or Treating (Tait Ave) Project

OTHER INFO: Union Wages / Weekday Work	CUST. REF #: N/A	PLAN REFERENCE: San Jose Branch
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CUSTOMER WORK DESCRIPTION: Special Event

APPROX. START DATE:	START TIME:	WORK HOURS / DURATION 1 Day	RFQ #:
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LN #	QTY	QTY	QTY	RATE	ITEM / DESCRIPTION	TOTAL
1		10 shts		\$275.00 per sheet	Traffic Control Planning (Non-Engineered) (1 Phase) Includes site verification survey and/or verification of existing conditions, traffic planning, and publication of traffic control plans. All plans are designed in accordance with the California M.U.T.C.D. (latest edition), and are submitted to the specifications of the requiring Agency. A four (4) hour minimum is charged on traffic plans, including the submittal of a standard non-engineered plan. Price includes the following: - All plans produced at 1:40" scale on B-size (11" x 17") sheets The following are not included in this price: - Traffic signal plans - Street Lighting plans - Agency plan check fees - Traffic studies (including traffic counting) - Meetings and/or presentations with Cities or other Agencies (other than initial job-walk / project meeting) - More than two (2) corrections from the agency or two (2) submittals - Design changes or modifications not discussed prior to the first draft and/or added after the initial plan submittal (requested by either Customer or Agency) - Plan sets after first four (4) bond and/or one (1) vellum - Traffic control services, equipment, or maintenance - Permits (encroachment, public works, street improvements, etc.) - Price will not include an engineer stamp on traffic control plans. - Special Provisions not provided at time of bid - Price will not include traffic control plans for traffic signal construction drawings - Price will not include traffic control plans for striping plans Price will be based on drawing one (1) phase of non-engineered traffic control plans for the locations listed below: Phase #1 Tait Ave [Road Closure w/Detours] (Special Event)	\$2,750.00
2		10 shts		(\$125.00) per sheet	Discount - DD1000 Discount will be applied to line item #1 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,250.00)
3		10 shts		\$175.00 per sheet	Engineer Review Plan review and stamp by Certified Traffic Engineer and/or Civil Engineer, fee is in addition to Traffic Control Planning.	\$1,750.00

4		10 shts		(\$100.00) per sheet	Discount - DD1000 Discount will be applied to line item #3 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$1,000.00)
5					Traffic Control (See Below) Final pricing to be determined upon approved plans.	
6	1 dy	4 ea	7 hrs	\$195.00 hourly	One-TC Traffic Control Operation (On-Job Hourly) (ST) Includes one (1) Traffic Control Truck with a Roof Mounted Flashing Arrow Board and one (1) professionally trained and equipped Traffic Controllers (flagger) to set up and maintain standard closures per MUTCD on rights-of-way up to forty-five (45) mph. Standard traffic control devices included are cones, signs, and barricades per MUTCD. Price is based for time On-Job only and applies to any standby, setup, maintenance, and removal time. Time will be billed in increments of 30 minutes. Mobilization includes up to 40 miles from the nearest TMI branch. Travel exceeding 40 miles will be billed at \$4.00/mile. A four (4.0) hour minimum applies to all labor including jobs canceled after crews are dispatched. Customer must call four (4.0) hours prior to scheduled dispatch or a four (4.0) hour minimum will apply. TMI 24/7 Dispatch Center: 888-722-6796 Overtime rates (\$255.00/hr) apply after eight (8.0) hours and Saturdays Double time rates (\$350.00/hr) apply after twelve (12.0) hours, Sundays, and Holidays. Emergency and/or Same-Day Callouts not included. Price Excludes: Trailer Mounted Flashing Arrow Board (FAS); Changeable Message Signs (CMS); Truck Mounted Attenuator (TMA); Site orientation classes; Safety Classes; Testing; Engineering; Design; Permits; Licenses; Applications; Mainline (Highway) Work; On/Off Ramps	\$5,460.00
7	1 dy	4 ea	7 hrs	(\$24.00) hourly	One-TC Traffic Control Discount - DD1000 Discount will be applied to line item #6 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$672.00)
8	1 dy	4 ea		\$68.25 ea/dy	Fuel Surcharge; 5% - SD300-1 A standard fuel surcharge will be applied to line item #6 (any services requiring travel, transportation or mobilization).	\$273.00
9	1 dy	4 ea		\$65.00 ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental - RA100 Daily rental of one (1) "Trailer Mounted Flashing Arrow Sign (FAS) Delivery and pickup not included. Price Excludes: -Traffic cones for FAS trailer taper (typically 9 ea. cones) The customer will be responsible for lost or damaged traffic control equipment. Equipment maintenance, and setup re-installation or modification not included. Additional rental rate of above equipment; - \$65.00/day; \$275.00/wk.; \$575.00 /mo.	\$260.00
10	1 dy	4 ea		(\$65.00) ea/dy	Trailer Mounted Flashing Arrow Sign (FAS) Rental Discount - DD1000 Discount will be applied to line item #9 and is subject to the following conditions; all payments relating to this project will be made subject to TMI's payment terms; performance of complete scope of work as described on this estimate.	(\$260.00)

11					<p>Bidding Without Plans</p> <p>This estimate is based on description of scope of work as provided by Customer at time of request. Final estimated price to be determined when specific conditions/provisions are provided or traffic control plans have been approved by the Agency. Mobilization costs include up to forty (40) miles from TMI office.</p>
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crews and equipment. Allow up to 14 working days for traffic plan turn-around (from time of order to initial submittal.) Agency approval and turn-around time of traffic control plans may vary and cannot be guaranteed. 8) Permit approval and timeline often vary from Agency to Agency and no guarantee of approval or approval timeline is represented. 9) Compensation will be charged for jobs that require special safety training requirements and security clearance. 10) Unless stated otherwise, this estimate is based on work being performed during normal field working hours (7:00am to 3:30pm) Monday through Friday. Additional costs will be incurred and invoiced for after hours work, weekend and/or holidays. 11) ACCEPTANCE OF THIS ESTIMATE: Unless otherwise agreed in writing, acceptance of this estimate shall authorize TMI to perform all work as stated, and this document shall serve as the binding contract, subject to the terms and conditions herein. 12) FUEL SURCHARGE: A fuel surcharge may be applied to any services requiring travel, transportation or mobilization. 13) RENTAL PROTECTION PROGRAM: All rental orders will be automatically enrolled in Rental Protection Plan (RPP) unless opted out by customer. If customer opts out of RPP, customer assumes sole responsibility for damaged or lost equipment. RPP is not available for registered motor vehicles such as TMA's and traffic control trucks. RPP surcharge will only be applied to equipment rental charges, and not be applied to delivery, installation, removal, or other labor and service charges. RPP Coverage Exclusions: Lost, stolen, or missing equipment; damage resulting from customer misuse or negligence; damages of any kind to third parties.

x Enmanuel Toledo

TMI ESTIMATOR

x

CUSTOMER ACKNOWLEDGEMENT

DATE PREPARED:
10/25/2023

ESTIMATED TOTAL:
\$7,311.00



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 11

ITEM NO. 11.

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Pass-Through Agreement with CSG, Inc. for Review and Inspection of Encroachment Permit Applications Related to Comcast Infrastructure; and Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$200,000 to Recognize the Comcast Deposit Revenue and Associated Expenditure for CSG Review Services

RECOMMENDATION:

Authorize the Town Manager to execute a pass-through agreement with CSG, Inc. for review and inspection of encroachment permit applications related to Comcast infrastructure; and authorize revenue and expenditure budget adjustments in the amount of \$200,000 to recognize the Comcast deposit revenue and associated expenditure for CSG review services.

BACKGROUND:

Encroachment permits are used by the Town to control work in the public right-of-way ("ROW"). Encroachment permit applications vary in scope from general maintenance activities such as inspection of overhead electrical appurtenances from a bucket truck to installation of new facilities such as fiber optic lines buried along the side of the road. Encroachment permit applications are required to ensure Town Codes are followed and work in the ROW is done safely with proper traffic control that accommodates all modes of transportation through the work area.

The Town has received a large increase in encroachment permit applications due to the expansion of new telecommunication technologies in the area, including fiber optic to homes. Frontier, AT&T, and Zayo have submitted 62 encroachment permit applications in the past year and a half that impacts most areas of the Town. Comcast has now begun submitting applications for their improvements in Los Gatos.

PREPARED BY: James Watson
Senior Civil Engineer – Land Development

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

PAGE 2 OF 3

SUBJECT: Authorize the Town Manager to /Execute a Pass-Through Agreement with CSG, Inc.

DATE: January 16, 2025

DISCUSSION:

Comcast has ambitious goals to improve service in the Town to serve residents interested in this new communication technology. Current staff does not have the capacity to review the applications in a timely manner and provide the subsequent inspections necessary to ensure the Town's interests are protected. Parks and Public Works issued a Request for Qualifications for On-Call Services in September 2023 and the Town Council approved the list of on-call consultants on February 20, 2024. CSG Consultants, Inc. ("CSG") was one of the firms approved to provide on-call services.

The proposed agreement would provide authorization to augment Town staff with services from CSG to review encroachment permit applications and inspect the work performed during the installation of facilities. The agreement is a pass-through arrangement meaning that Comcast will pay a deposit to the Town and the invoices from CSG for Comcast related services will be paid from the deposit.

The Town has executed three previous pass-through agreements with CSG for the review and inspection of encroachment permit applications from Frontier, AT&T, and Zayo. The cost of these reviews and inspections are fully funded by the encroachment permits applicants. Over time, staff will consolidate other telecommunication contracts, but at present, the Town has separate contracts with CSG for the work of Frontier, AT&T, and Zayo.

CONCLUSION:

If approved, the requested action will ensure that the Town provides a high level of service in both the quality and expediency of reviews and inspections for Comcast application.

COORDINATION:

This staff report has been coordinated with Finance Department and Town Attorney.

FISCAL IMPACT:

Staff recommends authorization of the proposed agreement with CSG to provide review and inspection services related to Comcast infrastructure. The proposed revenue and expenditure budget adjustments in the amount of \$200,000 will recognize the Comcast deposit revenue and to authorize expending for the third-party encroachment permit review services. The proposed contract will be a pass-through contract with a not-to-exceed ("NTE") amount of \$500,000. The additional \$300,000 will be recognized through the annual budget process. When the Comcast deposit is nearly exhausted, the Town will request supplemental funds from Comcast based on

PAGE 3 OF 3

SUBJECT: Authorize the Town Manager to /Execute a Pass-Through Agreement with CSG,
Inc.

DATE: January 16, 2025

the projection of future work. The current hourly billing rates for CSG will be included in the contract and include inflationary increases annually.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. CSG Agreement
2. CSG Agreement Exhibit A: Scope of Services
3. CSG Agreement Exhibit B: Fee Schedule

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification on this 21st day of January 2025 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and CSG Consultants, Inc. ("Consultant"), identified as a C Corporation and whose address is 550 Pilgrim Drive, Foster City, CA 94404. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide services to support the Comcast encroachment permit application plan review and inspection.
- 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 December 12, 2024 which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect upon execution through June 30, 2026. Consultant shall perform the services described in this agreement as described in 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 the Consultant's professional services shall be paid at the established hourly rates, as set forth in the Fee Schedule (Exhibit B), which is attached hereto. Payment shall be based upon Town approval of the Scope and Fee for each task and payment of fees by Comcast. The total not-to-exceed amount for this agreement shall not exceed **\$500,000**.
- 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

Email (preferred): AP@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: two million dollars (\$2,000,000) 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 elected and appointed officials, employees, and, agents 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 elected and appointed officials, employees, and agents. 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 elected and appointed officials, agents, 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: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

CSG Consultants, Inc.
550 Pilgrim Drive
Foster City, CA 94404

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:

Chris Constantin, Town Manager

Cyrus Kianpour, President

Recommended by:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Gabrielle Whelan, Town Attorney

Attest:

Wendy Wood, CMC, Town Clerk



December 12, 2024

Gary Heap,
Town Engineer
Town of Los Gatos
41 Miles Avenue
Los Gatos, CA 95030

RE: Comcast Encroachment Permit Plan Review - Proposal

Dear Gary:

CSG Consultants, Inc. is pleased to present this proposal to assist the Town of Los Gatos with Plan Review for the Comcast Encroachment permit application.

Comcast proposes to install communication lines within the Town of Los Gatos Public Right-of-Way..

Work to be performed under this proposal will include the following:

Plan Review

- 1) Plan Review:
 - Review plans for conflicts with existing surface improvements.
 - Review plans for conflicts with existing utilities. Identify utilities that may require potholing prior to construction.
 - Review plans for consistency with Town trench resurfacing standards.
 - Confirm plans show appropriate repairs to other surface improvements (concrete, pavers, landscaping) where these improvements are impacted.
- 2) Prepare a comment letter for each review. Meet with staff and/or the applicant as needed to review comments and how comments will be addressed.
- 3) Complete subsequent reviews as needed.
- 4) Review traffic control plans and provide comment letters and meet with Town staff and Comcast as needed.
- 5) Attend other meetings as needed.

Sandra Meditch, P.E., will serve as the point of contact, oversee plan review work, and conduct QA/QC.

Fee

Our fee for performing the work described above will be on a time and materials basis, based on our 2024 Standard Fee Schedule. See attached.

Inspection Services

CSG stands ready to provide inspection services if and when needed. Enforcing traffic control requirements and the permit provisions are vital on this type of work. Also working closely with the contractor to ensure all utilities are marked and trenches are backfilled according to project plans and Town/Caltrans standards. As the level of effort and the contractor's schedule are unknown, it is very difficult to arrive at a cost at this time. However, as a place holder we suggest the Town set aside \$10,000 to be finalized upon the determination of the level of effort desired by the Town and number of working days dictated by the contract.

Thank you for considering CSG Consultants for this work. We look forward to working with you on this project. Please feel free to call Sandra Meditch at (650) 522-2629 if you would like to discuss this further.

Sincerely,



Sandra A. Meditch, P.E.
Principal Engineer

cc: Hatem Ahmed, P.E.
Nourdin Khayata, P.E.
Sophie Truong, PE, PLS

Attachment

CSG Engineering Division Hourly Rates

Calendar Year 2024

San Francisco Bay Area



CSG Consultants' services are billed on a time-and-materials basis according to our standard rates, shown below.

PROFESSIONAL ENGINEERING SERVICES	HOURLY RATE
Administrative Assistant	\$90
Analyst	\$150
Construction Inspector	\$165
Assistant Resident Engineer	\$195
Assistant Engineer	\$165
Associate Engineer	\$200
Associate Surveyor	\$195
Senior Construction Inspector	\$185
Senior Engineer	\$220
Senior Land Surveyor	\$220
Resident Engineer	\$240
Structure Representative	\$240
Senior Project Manager	\$245
Principal Engineer	\$270
Senior Principal Engineer	\$290
Two-Person Survey Crew	\$395

All hourly rates include overhead costs including, but not limited to, salaries, benefits, workers' compensation insurance, travel and office expenses. CSG will coordinate the pickup and return of plans between CSG and agency offices. Overtime services and services provided outside of normal business hours will be billed at 1.5x the applicable hourly rate. On July 1 of each year following the contract start year, CSG will initiate a rate increase based on change in CPI for the applicable region. CSG will deliver an invoice every month for services rendered during the previous month.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 12

ITEM NO. 12.

DATE: January 6, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Weed Abatement Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2025 Weed Abatement Program Commencement Report and Order the Abatement

RECOMMENDATION:

Conduct a weed abatement public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2025 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement by motion.

BACKGROUND:

The Weed Abatement Program (the Program) is a different, but complementary program to the Brush Abatement Program. Both programs work to protect the Town by preventing fire hazards created by vegetative growth and the accumulation of combustible debris with the goal of voluntary compliance. The Town of Los Gatos Municipal Code Chapter 11, Article II, requires property owners to prevent potential fire hazards to provide protection for the property and any nearby structures by clearing hazards. The Program is administered by the County of Santa Clara (County).

County staff perform inspections to confirm compliance with the requirements defined in the Santa Clara County Weed Abatement Program <https://weedabatement.santaclaracounty.gov/home>. If the property owner has not complied with the requirements of the Program by the time of the County inspection, then the Town authorizes the County to remove the weeds. The County recovers its costs through a special assessment on each parcel's property tax bill. Every year while in the program, each of the property owners is charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees.

PREPARED BY: Meredith Johnston
Administrative Technician

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

PAGE 2 OF 4

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2025 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 6, 2025

The annual compliance inspection fee is currently \$105.

DISCUSSION:

On December 3, 2024, the Town Council passed Resolution 2024-051 (Attachment 2) declaring hazardous vegetation (weeds) a public nuisance, providing for their abatement, and setting January 21, 2025 as a public hearing date for the annual program to consider objections for proposed removal and to order the abatement. On December 10, 2024, the County mailed informational weed abatement program packets, including the schedule and price list, to all property owners. The December 10, 2024 packets contained the wrong public hearing date. On December 17, 2024, the County mailed a corrected informational letter and Notice to Destroy to all property owners (Attachment 3). In accordance with Town Code Section 11.20.020(c), the Notice was also published in the newspaper twice and posted at three prominent locations in Town.

The weed abatement process consists of eight steps that begin in November and go through August of each year. Currently, the process is at Step 4 on the list as illustrated below.

1. When properties are identified as having hazardous weeds, they are placed in the program, monitored, and must be compliant for three consecutive years in order to be removed from the program. County prepares a report of all properties that have been identified and provides the report to the Town (Attachment 1) (November).
2. Town Council adopts resolution declaring weeds a nuisance and sets a hearing date to hear objections by property owners to having their property listed on the report (Attachment 2) (December).
3. County sends notice to property owners on the report notifying them of the hearing date, along with guidelines on the Weed Abatement Program explaining that they must remove weeds by the abatement deadline or it will be done for them, and the cost of the abatement plus administrative costs will be assessed by the County Tax Collector against the respective property (Attachment 3) (December).
4. Town Council holds a public hearing to consider objections by property owners and orders abatement (January).
5. County sends a courtesy letter to property owners on the report notifying them again of the abatement deadline (January).

PAGE 3 OF 4

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2025 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 6, 2025

6. After the April parcel abatement deadline, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County creates an assessment report of all costs associated with the abatement and provides that report to the Town (June-July).
7. Town notifies the property owners on the assessment report notifying them of the hearing date (July).
8. Town Council holds a public hearing, notes any disputes, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2025 Weed Abatement Program Commencement Report (Attachment 1) and make motion to order the abatement. At the time of this report's preparation, staff had not been contacted regarding potential objections.

COORDINATION:

This program has been coordinated with the Santa Clara County Consumer and Environmental Protection Agency - Weed Abatement Program.

FISCAL IMPACT:

The County's Weed Abatement Program administers services for 12 local agencies under a cost recovery model, paid for by fees imposed on the parcel owners. The estimated program cost related to each agency is based on the number of parcels per agency. Should the funding associated with the assessments fall short of the total program cost, the Town will be billed for a pro-rata share of the program such that the County achieves full cost recovery. If the County needs to request additional funds, this would be absorbed in the Parks and Public Works Operating Budget (111-5101). The Adopted Fiscal Year (FY) 2024/25 Parks and Public Works General Fund Operating Budget (111-5101-62316) includes sufficient funds to cover the cost of publishing all required legal notices.

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on the 2025 Weed Abatement Program Commencement Report and Order the Abatement

DATE: January 6, 2025

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15304, the Town's weed abatement program is categorically exempt from CEQA as a minor alteration to land.

Attachments:

1. 2025 Weed Abatement Program Commencement Report
2. Resolution 2024-051
3. Abatement Program Packet Mailed to Parcel Owners

**2025 Weed Abatement Program
Commencement Report
Town of Los Gatos**

ITEM NO. 12.

Situs			APN
831	POLLARD	RD	406-26-011
102	VIA TERESA		407-12-016
	CALLE MARGUERITA		409-04-049
	CALLE MARGUERITA		409-04-052
	WEDGEWOOD	AV	409-08-001
17351	WEDGEWOOD	AVE	409-14-017
14344	LA RINCINADA	DR	409-14-019
14330	LA RINCINADA	DR	409-14-020
14341	BROWNS	LN	409-14-035
14329	MULBERRY	DR	409-15-021
17631	WEDGEWOOD	AVE	409-17-010
103	SPORLEDER	CT	409-24-035
109	SPORLEDER	CT	409-24-036
110	SPORLEDER	CT	409-24-037
104	SPORLEDER	CT	409-24-038
14810	CLARA	ST	409-25-030
14821	GOLF LINKS	DR	409-27-005
14885	LA RINCINADA	DR	409-32-004
14635	GOLF LINKS	DR	409-46-025
215	DRAKES BAY	AV	421-27-018
16245	BURTON	RD	424-06-115
	BURTON	RD	424-06-116
14823	LOS GATOS	BL	424-07-065
14990	TERRENO DE FLORES	LN	424-10-004
14926	LOS GATOS	BL	424-10-009
14911	NATIONAL	AVE	424-10-058
142	LESTER	LN	424-13-061
16171	SUN RAY	DR	424-19-070
15710	WINCHESTER	BLVD	424-27-013
17094	SUMMIT	WY	424-30-037
	LAUREL	AV	510-41-068
	WOOD	RD	510-46-006
	WOOD	RD	510-46-007
110	WOOD	RD	510-47-038
138	WOOD	RD	510-47-044
148	HILLBROOK	DR	523-11-018
120	HILLBROOK	DR	523-11-025
15839	DEL CERRO	CT	523-24-036
	UNION	AVE	523-42-011
72	DRYSDALE	DR	527-02-007
101	DRYSDALE	DR	527-04-008

Situs			APN
15777	SHADY	LN	527-05-005
	CAMINO DEL CERRO		527-08-001
	CAMINO DEL CERRO		527-08-002
16065	CAMINO DEL CERRO		527-08-003
16045	CAMINO DEL CERRO		527-08-009
16300	GREENRIDGE	TR	527-12-003
16084	GREENRIDGE	TER	527-15-002
	LARGA VISTA	DR	527-16-013
401	SURMONT	DR	527-20-002
14510	BLOSSOM HILL	RD	527-23-027
110	BELVALE	DR	527-30-020
125	BELVALE	DR	527-30-028
175	BELWOOD	GATEWAY	527-30-032
14841	BLOSSOM HILL	RD	527-42-003
310	SANTA ROSA	DR	527-55-036
615	BLOSSOM HILL	RD	529-16-026
17045	PINE	AVE	529-20-011
	BELLA VISTA	AVE	529-23-015
	BELLA VISTA	AVE	529-23-016
401	ALBERTO	WY	529-23-018
	BELLA VISTA	AVE	529-23-019
	BELLA VISTA	AVE	529-23-020
50	RESERVOIR	RD	529-29-065
30	RESERVOIR	RD	529-29-066
39	RESERVOIR	RD	529-33-022
63	HIGHLAND	AVE	529-36-044
140	FOSTER	RD	529-37-015
	TOURNEY	RD	529-39-047
16461	KENNEDY	RD	532-17-027
16481	KENNEDY	RD	532-17-028
150	BROOKE ACRES	DR	532-18-039
17511	PHILLIPS	AV	532-39-009
17435	PHILLIPS	AVE	532-39-013
15310	KENNEDY	RD	537-15-001
233	FORRESTER	RD	537-21-010
135	WOODED VIEW		537-23-042
15876	SHANNON	RD	537-26-009
15780	SHANNON	RD	537-26-016
15760	SHANNON	RD	537-26-018
209	FORRESTER	RD	537-28-005
15975	CERRO VISTA	DR	537-30-007

20769	LOCUST DR		558-20-089
16380	HARWOOD	RD	567-18-068
16220	HARWOOD	RD	567-18-076
104	ALMOND BLOSSOM	LN	567-18-077

ITEM NO. 12.

RESOLUTION 2024-051

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DECLARING CERTAIN HAZARDOUS VEGETATION GROWING IN
THE TOWN OF LOS GATOS TO BE A PUBLIC NUISANCE, DESCRIBING PROPERTIES
WHERE SUCH NUISANCE EXISTS; ORDERING ABATEMENT AND SETTING A PUBLIC
HEARING DATE OF JANUARY 21, 2025 TO CONSIDER OBJECTIONS FOR PROPOSED
ABATEMENT**

WHEREAS, Section 39501 and Section 39502 of the Government Code of the State of California authorizes the Town of Los Gatos to prescribe a procedure for compelling the owner, lessees, or occupant of buildings, grounds, or lots to remove hazardous vegetation (weeds) from such buildings or grounds and adjacent sidewalks, and, upon his failure to do so, to remove such hazardous vegetation (weeds) at owner's expense, making the cost thereof a lien upon such property; and

WHEREAS, the Town of Los Gatos, by ordinance, has adopted such a procedure, codified in Chapter 11, Article II, Sections 11.20.010 through 11.20.045 of the Los Gatos Town Code.

NOW, THEREFORE, BE IT RESOLVED: that the Town Council hereby finds that hazardous vegetation "weeds," as that term is defined in Section 11.20.010, are growing upon and adjacent to certain private property within the Town of Los Gatos as presented in Exhibit A, and declares that all hazardous vegetation (weeds) growing upon any private property or properties, and in any sidewalk street, or alley within the Town of Los Gatos are a public nuisance and should be abated.

BE IT FURTHER RESOLVED that unless such nuisance be abated by the destruction or removal of such hazardous vegetation (weeds) within thirty (30) days after the adoption of this resolution, or within the time specified in a written agreement with the Town of Los Gatos Director of Parks and Public Works, or their representative, whichever time shall be later, as provided in Chapter 11, Article II, of the Los Gatos Town Code, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots and lands from which, or in the front and rear of which, such hazardous vegetation (weeds) shall have been destroyed or removed, such expense constituting a lien upon such lots or lands until paid, and to be collected upon the next tax roll upon which general municipal taxes are collected.

BE IT FURTHER RESOLVED that the Town Engineer shall execute a "Notice to Destroy Hazardous Vegetation (Weeds)" in the form set forth in Section 11.20.020(b) and shall cause same to be published and posted in the manner prescribed by Section 11.20.020(c).

BE IT FURTHER RESOLVED that on the 21st day of January 2025 at a meeting of the Town Council beginning at 7:00 p.m. in the Council Chambers of the Civic Center, 110 E. Main Street, Los Gatos, California, and via Teleconference, a public hearing will be held during which all property owners in the Town of Los Gatos having any objections to the proposed destruction or removal of such hazardous vegetation (weeds) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of December, 2024, by the following vote:

COUNCIL MEMBERS:

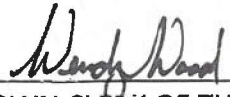
- AYES:** Maria Ristow, Rob Rennie, Rob Moore, Matthew Hudes, Mayor Mary Badame
- NAYS:** None
- ABSENT:** None
- ABSTAIN:** None

SIGNED:



 MAYOR OF THE TOWN OF LOS GATOS
 LOS GATOS, CALIFORNIA

ATTEST:



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

County of Santa Clara

Consumer and Environmental Protection Agency

Agriculture and Environmental Management
1553 Berger Drive, Building 1 San Jose, CA 95112
80 W. Highland Avenue, Building K San Martin, CA 95046
12425 Monterey Road, San Martin, CA 95046

Vector Control District
1580 Berger Drive, San Jose, CA 95112



ITEM NO. 12.

<https://cepa.santaclaracounty.gov>

December 17, 2024

Dear Property Owner,

The County of Santa Clara Weed Abatement Program sent a packet of information to you on December 13, 2024, describing requirements for compliance with minimum fire safety standards on your property during the fire season. It has come to my attention that a typographical error was made pertaining to the date of the public hearing in your jurisdiction. Please see the attached Notice to Destroy with the corrected date of the public hearing listed as **January 21, 2024, at 7:00 PM, and will be held at 110 E Main St, Los Gatos, CA 95030 in the Council Chambers.**

I apologize for any confusion this may have caused. If you have any questions, please feel free to contact me directly by phone at 408-282-3186 or by email at Garik.iosilevsky@cep.sccgov.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garik Iosilevsky".

Garik Iosilevsky
Weed Abatement Manager
County of Santa Clara Weed Abatement Program
408-282-3186
Garik.iosilevsky@cep.sccgov.org

Board of Supervisors: Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: James R. Williams

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 3, 2024, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Public Works of the Town of Los Gatos, or the Director of Parks and Public Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 21, 2025 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

ITEM NO. 12.

January 21, 2025 Public hearing to consider objections to Abatement List.

April 15, 2025 PARCEL ABATEMENT DEADLINE
Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.

July-August, 2025 Assessment Hearing to protest abatement charges
(Date subject to change, please confirm with City Clerk)

2025 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$105.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 15th deadline will be charged a processing fee of \$597.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$961.00 per parcel. For those parcels requiring a warrant a fee of \$1,323.00 per parcel will be assessed.

2025 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	=	Total Discs
0-12,500 sq.ft.	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u>
Larger than 1 Acre	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

B) HANDWORK	<u>\$ TBD PER 100 Square Feet (SF)</u>
C) FLAIL	<u>6 Foot Mower \$ TBD PER 1,000 SF</u>
MOWING	<u>12 Foot Mower \$ TBD PER 1,000 SF</u>
D) LOADER WORK	<u>\$ TBD PER HOUR</u>
E) DUMP TRUCK	<u>\$ TBD PER HOUR</u>
F) BRUSH WORK	<u>\$ TBD PER 100 SF</u>
G) DEBRIS REMOVAL	<u>\$ TBD PER HOUR</u>
H) DUMP FEE	<u>100%</u>

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

County of Santa Clara

Consumer and Environmental Protection Agency

ITEM NO. 12.

Agriculture and Environmental Management
1553 Berger Drive, Building 1 San Jose, CA 95112
80 W. Highland Avenue, Building K San Martin, CA 95046
12425 Monterey Road, San Martin, CA 95046

Vector Control District
1580 Berger Drive, San Jose, CA 95112
Fax (408) 286-2460



<http://cepa.santaclaracounty.gov>

December 10, 2024

IMPORTANT NOTICE TO ABATE WEEDS

Dear Parcel Owner:

Fire safety is essential to protect lives, preserve property, ensure the well-being of our communities, and minimize the environmental impact. Implementing fire safety measures by removing fire hazards from your parcel is a proactive way to reduce the risk of injury, death, and extensive damage caused by fires. Effective prevention and preparedness measures not only save lives but also safeguard our environment and reduce economic losses. Maintaining proper clearance requirements, known as *Minimum Fire Safety Standards*, is a shared responsibility. Since fire doesn't respect property boundaries, your jurisdictional city (or County if in unincorporated areas) contracts with the County of Santa Clara Weed Abatement Program to ensure that all parcels meet these *Minimum Fire Safety Standards* obligations. You are receiving this notice and information because our team has determined that your parcel is under the jurisdiction of the Weed Abatement Program. Please read the information carefully and contact us for clarification or additional information.

The governing body representing this parcel has or will adopt a resolution declaring your parcel as one that may contain fire hazards from weeds or other debris. Following this action, your governing body will conduct a public Commencement Hearing as part of a public meeting to consider an abatement order requiring you to remove any hazardous vegetation or combustible debris before the deadline in the included *Weed Abatement Program Schedule*. The public Commencement Hearing will be held on the date and at the place stated in the enclosed *Notice to Destroy*. It will provide an opportunity for you to raise any objections or concerns about this requirement and the parcel being on the Weed Abatement Program.

If you believe your parcel includes an environmentally sensitive habitat, please check the box on the blue *Return Reply Form* and provide any additional information on the *Return Reply Form* to assist us in determining the best approach to abating your parcel from fire hazards.

If, after the public Commencement Hearing, the Weed Abatement Program is approved for your parcel, the County is authorized by your city, and the California Health and Safety Code sections §14875-14922 to inspect your parcel to confirm that the parcel has been cleared of hazards and is compliant with *Minimum Fire Safety Standards* (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work before your jurisdiction's deadline. All parcels designated to be part of the Weed Abatement Program will have a \$105 annual inspection fee to cover the cost of the program. This \$105 cost will be included on your property tax bill as a special assessment.

In addition to the \$105 annual inspection fee, if the parcel is found non-compliant at the time of our inspection, the parcel will be assessed a processing fee of \$597 per parcel, and the property will be scheduled for abatement by the County-designated contractor. You will not incur additional charges if the abatement work is completed before the County-designated contractor arrives. However, should the County-designated contractor perform the abatement work, the parcel will incur the cost associated with the contractor's work plus an additional County administrative fee of \$961 per parcel.

For those parcels requiring a warrant, a fee of \$1,323 per parcel will be assessed.

Board of Supervisors: Sylvia Arenas, Betty Duong, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: James R. Williams

The County will use the lowest cost method of abatement considering the physical characteristics of your property, other environmental or related concerns. Fees are detailed on the price list included in the *Notice to Destroy*. The amount of fees incurred will be included as a special assessment on your property tax bill following confirmation of the charges by your city (or the County if the parcel is in an unincorporated area) at a public Assessment Hearing. This Assessment Hearing will be scheduled in late spring/early summer, with the exact date determined by your governing body. Typically, Assessment Hearing information is posted at the physical location of the governing body (typically at a city hall building or other government center and most also publish this information on their websites) prior to the meeting.

You can avoid all costs, other than the \$105 annual inspection fee, by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs March through October. Parcels will be removed from the program after three consecutive years of voluntary compliance (work completed by parcel owner prior to the deadline and confirmed by our inspection).

In preparation for this program, please complete and return the enclosed blue Return Reply Form so we are notified of your plans for abating your property.

If you designate on your *Return Reply Form* that you intend to abate the weeds yourself, you need to complete the abatement before the deadline listed on the attached abatement program schedule and maintain fire-safe conditions for the duration of the fire season. Responding that you intend to provide maintenance does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. The County will abate hazardous vegetation as required after the deadline for your jurisdiction at your cost.

Enclosed you will find the following information:

- √ ***Return Reply Form* specific to your parcel. Please complete and return it to us.**
- √ ***Notice to Destroy Weeds* informing you of an upcoming public Commencement Hearing (that you may attend if you have any objections to the proposed removal of hazardous vegetation or debris from your parcel). Your jurisdiction may offer you the ability to participate in this meeting virtually; please confirm directly with your jurisdiction.**
- √ ***Weed Abatement Program Schedule* for your city with current County abatement fees.**
- √ ***County of Santa Clara Weed Abatement Brochure*.**

Please be aware that any abatement performed by the County must comply with all applicable regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods used to remove vegetation may be regulated by specific laws or local ordinances.

If you are no longer the parcel owner identified by this mailing, please notify us immediately at (408) 282-3145. If you sell your parcel after the date of this letter, it is your responsibility to notify the new owner and include the obligation to pay any abatement costs in your sale agreement. Without taking this action, you will be responsible for all hazard abatement charges assessed to the parcel.

Our goals are voluntary compliance with the Minimum Fire Safety Standards and that all properties remain safe from fire. If you have any questions or need on-site advice to help you achieve compliance with the Minimum Fire Safety Standards, please call us at (408) 282-3145.

Sincerely,

Edgar Nolasco, Director
Consumer and Environmental Protection Agency

Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 3, 2024, pursuant to the provisions of Section 11.20.020 of the Town Code of the Town of Los Gatos, the Town Council of said Town adopted a Resolution declaring that all weeds growing upon any private property or in any street, sidewalk or alley, as defined in Section 11.20.020 of such code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall within thirty days after the adoption of such resolution, or within the time specified in a written agreement with the Director of Parks and Public Works of the Town of Los Gatos, or the Director of Parks and Public Works' representative, whichever time shall be later, remove all such weeds from their property, the abutting sidewalks, and the abutting half of the street in front, and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the Town of Los Gatos, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Town Council of such Town to be held in the Council Chambers of said Town at 110 East Main Street, Los Gatos, California, on **Tuesday, January 2, 2025 at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration. *The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

LOS GATOS WEED ABATEMENT PROGRAM SCHEDULE

January 2, 2025 Public hearing to consider objections to Abatement List.

April 15, 2025 PARCEL ABATEMENT DEADLINE
Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.

July-August, 2025 Assessment Hearing to protest abatement charges
(Date subject to change, please confirm with City Clerk)

2025 COUNTY WEED ABATEMENT FEES

Properties in the Weed Abatement Program, you will be responsible for an annual inspection fee of \$105.00 per parcel.

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 15th deadline will be charged a processing fee of \$597.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of \$961.00 per parcel. For those parcels requiring a warrant a fee of \$1,323.00 per parcel will be assessed.

2025 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST

A) Disc Work**

PARCEL SIZE:	1 st Disc	+	2 nd Disc	=	Total Discs
0-12,500 sq.ft.	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u>
Larger than 1 Acre	<u>\$ TBD</u>		<u>\$ TBD</u>		<u>\$ TBD</u> (PER ACRE)

** It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

- B) HANDWORK** \$ TBD PER 100 Square Feet (SF)
- C) FLAIL** 6 Foot Mower \$ TBD PER 1,000 SF
- MOWING** 12 Foot Mower \$ TBD PER 1,000 SF
- D) LOADER WORK** \$ TBD PER HOUR
- E) DUMP TRUCK** \$ TBD PER HOUR
- F) BRUSH WORK** \$ TBD PER 100 SF
- G) DEBRIS REMOVAL** \$ TBD PER HOUR
- H) DUMP FEE** 100%

Added to orders with debris removal at 100% of the dump site charge.

***Please note this program does not offer herbicide application as a method of abatement.**

2025 Return Reply Form

ITEM NO. 12.

14823 LGB LLC

IMPORTANT: Please complete this form and mail back to the Weed Abatement Program **within 15 days of receipt of this notice.** Thank you.

TRA: 03



14823 LGB LLC
2600 EL CAMINO REAL, SUITE 410
PALO ALTO, CA 94366-1719

424-07-065

SAMPLE

Please check the box that applies for each parcel (see explanations below):

Parcel Number	Site Address	A	B	C
424-07-065	14823 LOS GATOS LOS GATOS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A I am no longer the owner of this property, and the new owner information is listed below. Please return Reply Form immediately.

B I intend to maintain this parcel in a manner consistent with the Minimum Fire Safety Standards from **April 15, 2025 through the end of the fire season (typically runs through October)**. All parcels on the abatement list remain subject to inspection and fee to ascertain compliance. Non-compliance by the deadline will result in an Inspection fee and the abatement of weeds by the County contractor and the resulting charges added to the property tax.

C I request that the County Contractor perform weed abatement work on this parcel. Charges for this work will be added to my property tax bill. **(All County fees Apply)**

Please provide any additional information such as new owners, presence of piping, irrigation, crops or other improvement. If your property is fenced/locked, please provide instructions on how to enter the property. If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after December 1st, 2024, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be liable for all hazard abatement charges assessed to the property. Thank you

Please check if you feel this parcel is environmentally sensitive

Signature

Name (please print)

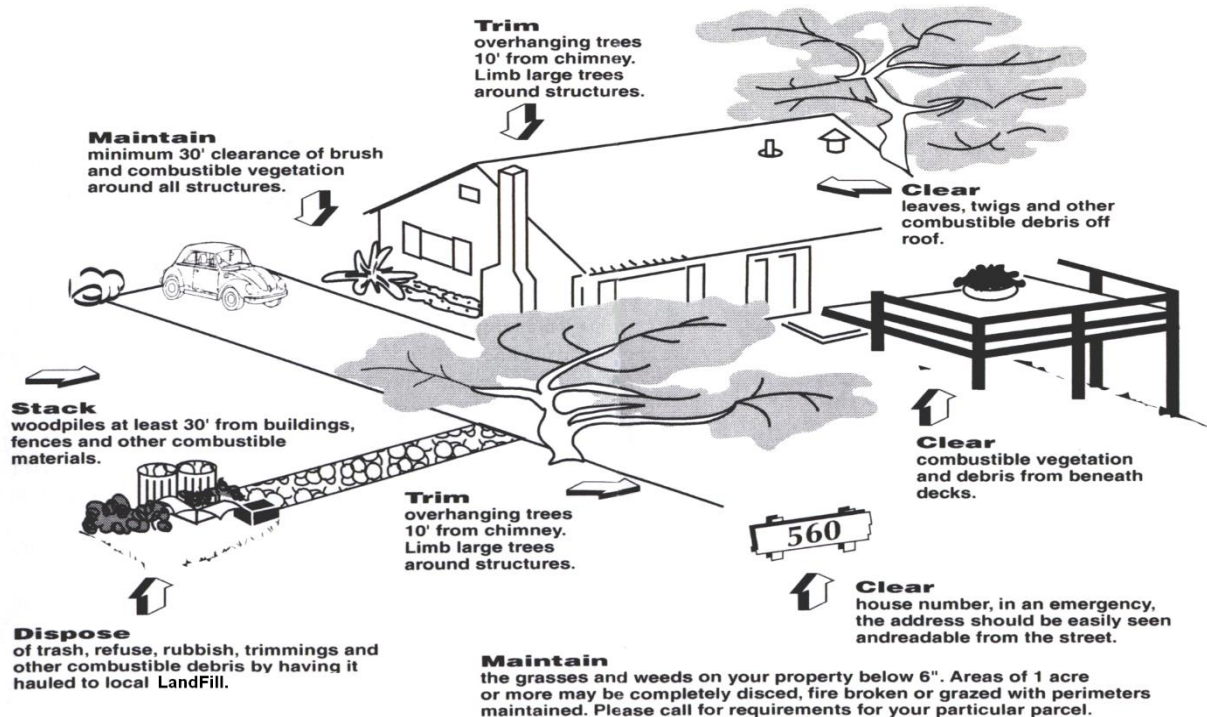
Date

()
Day time phone

MINIMUM FIRE SAFETY STANDARDS (MFSS)

ITEM NO. 12.

1. **Vegetation must not exceed 6 inches in height any time after the compliance deadline.**
2. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes. Roads and driveways must maintain a clearance of 10' W by 13'6" H for all vegetation.
3. Clear flammable vegetation a minimum of 30 feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100 foot clearance.
4. Parcels one acre or less shall be completely abated. Parcels over one acre up to five acres require 30 foot clearance around structures and perimeter property lines. Additional 30 foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30 foot clearance around structures and perimeter property lines in addition to 30-foot cross fuel breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least 10 feet away from chimneys. Trim tree branches up from the ground to provide at least 6 feet of vertical clearance.
9. Clear leaves, pine needles and debris from roof and gutters.



Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area. All grasses, including those purportedly fire resistant, must be maintained below 6" in height.

Trees:

African Sumac
Pepper

Shrubs:

Bearberry
Carmel Creeper
Carolina Cherry
Catalina Cherry

Escallonia

Hopseed Bush
Lemonade Berry

Groundcover:

Aaron's Beard
Australian Daisy
Candytuft
Sterile Capeweed

Freeway Daisy

Rock Rose (except Gum Variety)

Fire Safety Through Vegetation Management

Santa Clara County
Consumer and Environmental
Protection Agency

Weed Abatement Program



1553 Berger Drive #1
San Jose, Ca 95112
Phone (408) 282-3145
Fax: (408) 286-2460

SCC.WeedAbatement@cep.sccgov.org

The Santa Clara County Weed Abatement Program

The Santa Clara County Consumer and Environmental Protection Agency and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

Our Goal Is Voluntary Compliance

Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement.

- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to releasing the work order.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Weed Abatement Program will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you **must** use another form of weed abatement such as mowing or weed-eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

Frequently Asked Questions

Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Weed Abatement Program.

Q. What is required of me now that I am in the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

Q. The grasses planted on my property are fire resistant. Are they exempt from the Weed Abatement program?

A. No. Even grasses that possess some fire resistant qualities are not fire proof, and they can add fuel to any site that is subject to a fire. Additionally, fire resistant grasses are rarely found in a pure, homogenous stand but rather are usually found to occur mixed with other common introduced annual grasses that are highly flammable and hazardous in a fire event. Finally, many grasses occur in Santa Clara County and species identification is difficult in the field, especially after the spring when the reproductive portions required for identification have dried and dispersed. Weed Abatement Inspectors can only focus on the presence of grasses and weeds on your property and the Minimum Fire Safety Standards, and not on grass species identification. Therefore, all grasses are required to be below 6 inches in height.

Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

More FAQ:

ITEM NO. 12.

Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time, your property may be removed from the program.

Q. How much will this cost me?

A. There will be an annual fee to cover the cost of the compliance inspection. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged additional fees. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

Q. How will I be billed?

A. Any charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring minimizes the volume of combustible material before the hazards increase and dries out completely during the peak fire season.

Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have **not** been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.

Q. I have Grazing Animals do I need to perform abatement?

A. Grazing animals do not absolve you of your responsibilities to provide a fire safe condition on your property. You will need to check with our office to determine if grazing is adequate or if additional work is required.

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



ITEM NO. 12.

AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Madeline Wieh, declares as follows: That he/she is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Madeline Wieh, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: 12/18/24

By: Madeline Wieh

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123

County of Santa Clara

Consumer and Environmental Protection Agency
Weed Abatement Division

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3145
Fax (408) 286-2460



ITEM NO. 12.

AFFIDAVIT OF MAILING

Notice of Public Hearing for the Jurisdictions of: Los Gatos

Madeline Wien, declares as follows: That he/she is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee/agent of the County of Santa Clara.

Madeline Wien, deposited in the United States Post Office, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California and the addresses shown on the attached mailing list.

I declare under penalty of perjury that
the foregoing is true and correct.

Date: 12/13/24

By: Madeline Wien

1553 Berger Drive
Building 1
San Jose, CA 95112
(408) 282-3123



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 13

ITEM NO. 13.

DATE: January 15, 2025
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof

RECOMMENDATION:

Conduct a public hearing to hear an appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for violations of the Los Gatos Town Code related to grading and building, and adopt a resolution upholding the administrative citation and imposing costs according to proof.

BACKGROUND:

At the appellant's request, this appeal hearing was rescheduled to the January 21, 2025, Town Council meeting from the December 17, 2024, Town Council meeting.

On September 16, 2024, the Town Code Compliance Officer issued an Administrative Citation against Theodore and Lauri Deffenbaugh, the owners of the property located at 16660 Cypress Way ("subject property") (Attachment 19). The citation alleged violations of the Los Gatos Town Code ("LGTC") for unpermitted construction and unpermitted grading. The citation asserted that there were violations of LGTC section 6.150.010, incorporating California Residential Code section R105.1, regarding four buildings and one retaining wall. The citation also asserted that there was a violation of LGTC section 12.20.010 regarding failing to have the required grading permit. The citation imposed an administrative penalty of \$9,250.00 for the violations of section 6.150.010 and \$1,850.00 for the violation of section 12.20.010. The locations that are the subject of the citation are shown on the aerial photograph in Attachment 4.

PREPARED BY: Lance Bayer
Special Counsel

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

PAGE 2 OF 5

SUBJECT: Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building

DATE: January 15, 2025

LGMC section 1.10.040(d) states that every day of violation constitutes a separate offense. The administrative penalties in the citation were calculated from the compliance date on the Administrative Warning dated 7/8/2024.

Mr. and Ms. Deffenbaugh have appealed the citation and are entitled to an appeal hearing. In hearing this appeal, the Town Council is acting both as the Hearing Officer under LGTC section 1.30.040 and as the Board of Appeals under California Residential Code section R112.1.¹ The Council shall determine whether to uphold or cancel the citation. The Council also may assess administrative costs against the violator when the Hearing Officer determines that a violation has occurred and that compliance was not achieved. Administrative costs may include any and all costs incurred by the Town (both direct and indirect costs) in investigating and commencing administrative proceedings for the violation as well as any and all costs incurred by the Town in connection with the hearing before the Hearing Officer, including but not limited to costs the Enforcement Officer incurred in preparation for the hearing and for participating in the hearing itself, and costs of the Town to conduct the hearing.

DISCUSSION:

On September 27, 2016, Theodore and Lauri Deffenbaugh (“the Deffenbaughs”) purchased the property located at 16660 Cypress Way (Attachment 22). Aerial photographs show grading and paving activity taking place without the required permits in May and August of 2018 (Attachments 1,2, and 3).

In the summer of 2019, Town staff became aware of the violations of the LGTC at the subject property. The Town Code Compliance Officer sent an Administrative Warning to the Deffenbaughs on July 17, 2019, describing observed violations consisting of new buildings, retaining walls, grading, interior remodeling, electrical, plumbing, and HVAC (Attachment 8). The Administrative Warning requested the Deffenbaughs contact Town staff to schedule a meeting to discuss the scope of work. After the Deffenbaughs failed to respond, a second notice was sent on August 22, 2019 (Attachment 9).

The subject property contains a large residential accessory unit that was built with permits. In 2019, several marketing internet sites showed unpermitted construction inside the unit. This construction was done without obtaining the necessary permits (Attachments 5, 6, and 7).

The Deffenbaughs submitted an application for a grading permit and an architectural and site approval at the subject property on July 9, 2021 (Attachment 10). The accompanying letter of justification cited previously unpermitted “emergency” construction and proposed to mitigate the non-conforming installations. The letter of justification did not address the unpermitted construction involving accessory structures.

¹ California Health and Safety Code section 17920.5

PAGE 3 OF 5

SUBJECT: Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building

DATE: January 15, 2025

Town staff conducted a site inspection on August 24, 2021, and took photographs (Attachment 11). Some photographs show unpermitted retaining walls. The Town provided the Deffenbaughs with a Staff Technical Review addressing numerous deficiencies in the Deffenbaughs' application, including the failure to provide a full scope of work, failure to address hillside development standards, and failure to describe the proposed design that will mitigate the unpermitted work (Attachment 12).

The Deffenbaughs did not respond to the Staff Technical Review. A pending civil lawsuit between the Deffenbaughs and their neighbors, *Deffenbaugh v. Watson, et. al.*, addressed issues regarding grading and the retaining walls as well as a structure of the Deffenbaughs that purportedly straddled the property line between the two neighbors. The Town's code enforcement action is independent of the litigation between the Deffenbaughs and their neighbors.

On October 30, 2023, the Town notified the Deffenbaughs and their attorney that the Town would renew its code enforcement efforts at the subject property, beginning with a site inspection (Attachment 13). On December 13, 2023, the Deffenbaughs submitted an updated letter of justification for their July 9, 2021 application (Attachment 14). On January 31, 2024, the Town provided the Deffenbaughs with a Staff Technical Review addressing numerous deficiencies in the Deffenbaughs revised application, including the failure to provide a full scope of work, failure to address hillside development standards, and failure to describe the proposed design that will mitigate the unpermitted work (Attachment 15). The Deffenbaughs have not responded to the Staff Technical Review.

After efforts by Town staff to obtain consent to inspect the subject property were unsuccessful, the Town applied to the superior court and obtained an inspection warrant for the subject property on May 20, 2024 (Attachment 16).

The inspection took place on May 30, 2024. It was conducted by the Town Chief Building Official and included other members of Town staff. During the inspection, staff took photographs and observed: (1) The interior of an ADU above the garage (Attachment 4, #1). There was an interior remodel of the kitchen and bathroom areas without obtaining the required permits. The sleeping room lacked sufficient emergency egress and the bathroom window was not tempered as required in a wet hazard area. The front entrance deck, stairs, and railings were unstable and appeared unsafe. The railings were far below the minimum requirement and had openings exceeding a 4" diameter sphere; (2) A detached "office structure" beside the ADU (Attachment 4, #2). The structure was constructed without obtaining the required permits. It did not appear to be used for sleeping. It did not appear to have a foundation or seismic restraint. The power was provided via an extension cord (possibly a 12-gauge cord with ground). The structure was approximately 124 square feet with electrical. Although the building would require a building permit, the Zoning Code does not allow a

SUBJECT: Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building
DATE: January 15, 2025

structure at that location; (3) A storage structure behind the ADU (Attachment 4, #3). The structure was constructed without obtaining the required permits. The primary use appears to be storage but is wired for electrical and plumbed for what may be a future restroom. When asked about the electricity to the structure, the property owner stated it was provided via a battery system and is not connected to permanent power. The source or termination of the plumbing was not determined. The structure was approximately 197 sq. ft. with electrical and plumbing. Although the structure would require a building permit, the Zoning Code does not allow a structure at that location; and (4) The garage structure near the second living unit and pool (Attachment 4, #4). The structure was constructed without obtaining the required permits. This structure appeared to be a garage/storage with electrical provided from the second living unit. The structure was approximately 294 sq. ft. with electrical. The structure would require a building permit; however, the structure crosses a property line boundary and must be demolished (Attachment 17).

The Town Code Compliance Officer sent an Administrative Warning to the Deffenbaughs on July 8, 2024, describing observed code violations (Attachment 18). The warning provided a compliance date of September 8, 2024. The warning advised the Deffenbaughs that failure to comply “may result in daily fines and/or any other available legal remedies.” The Deffenbaughs did not meet the compliance requirements.

On September 16, 2024, the Town Code Compliance Officer issued an Administrative Citation against the Deffenbaughs (Attachment 19). On October 14, 2024, the Deffenbaughs submitted an Administrative Citation Hearing Request Form (Attachment 21). On the same date, attorney Richard M. Harris, representing the Deffenbaughs, submitted a letter to the Town Community Development Department regarding the appeal (Attachment 22). Notice of the Administrative Appeal hearing was sent to the Deffenbaughs and their legal counsel on November 7, 2024 (Attachment 23).

Town staff have calculated their costs related to the enforcement of this action as follows:

Employee	Amount of Hours	Hourly Rate (including benefits)	Total
Town Code Compliance Officer	23.5	\$ 140.27	\$3296.34
Town Chief Building Official	6	\$ 208.88	\$1253.28
Senior Planner	8	\$ 159.33	\$1274.64
			TOTAL \$5824.26

CONCLUSION:

Town staff respectfully requests the Town Council adopt a resolution (Attachment 24) upholding the administrative citation and imposing costs according to proof.

PAGE 5 OF 5

SUBJECT: Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building

DATE: January 15, 2025

ALTERNATIVES:

The Town Council has the following alternatives:

1. Uphold the administrative citation.
2. Cancel the administrative citation.
3. Impose costs.
4. Not impose costs.

FISCAL IMPACT:

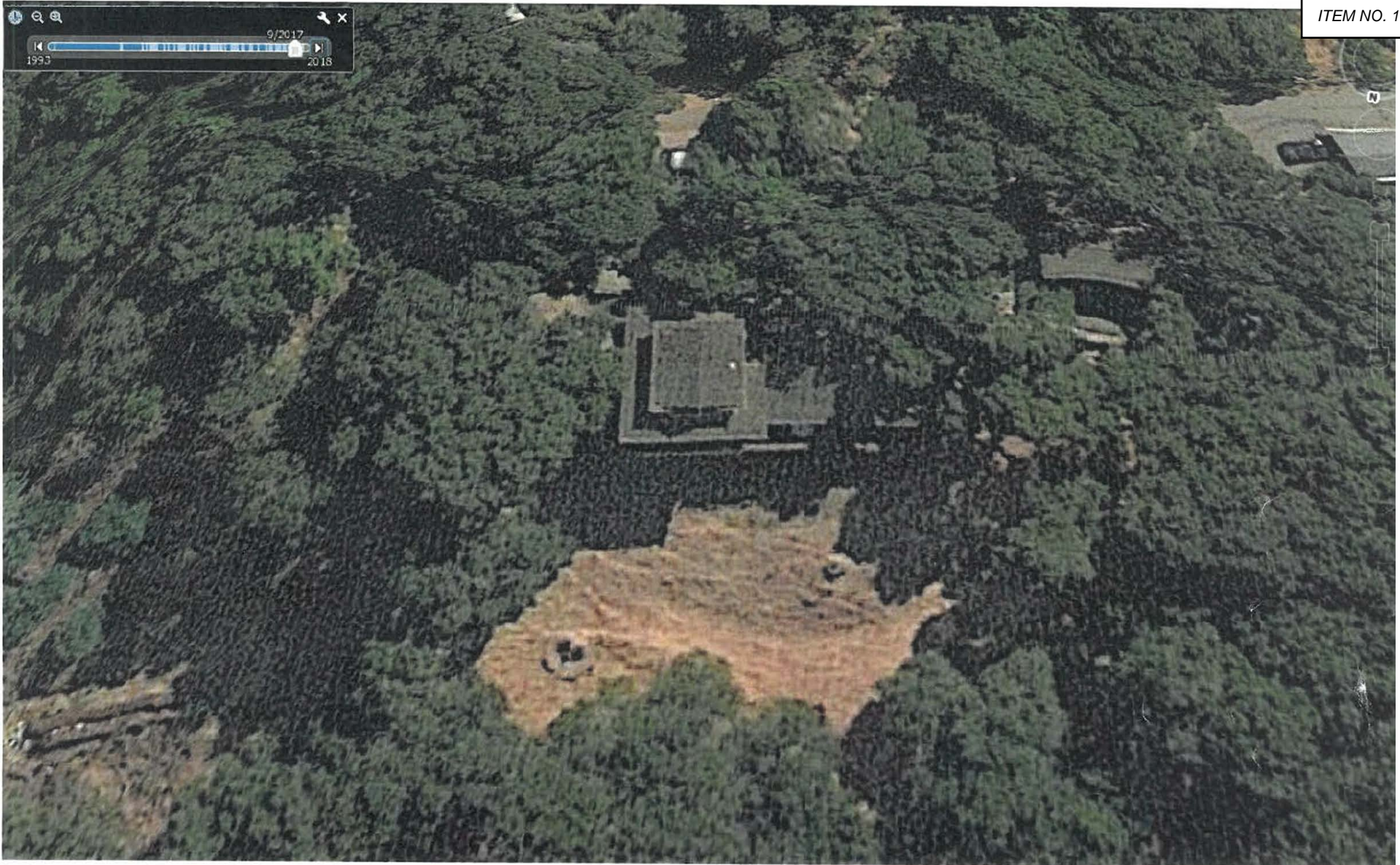
None.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Aerial View of Subject Property 9/2017
2. Aerial View of Subject Property 5/2018 Showing Grading in Progress
3. Aerial View of Subject Property 8/2018 Showing Completed Paving
4. Aerial View of Subject Property Showing Locations of Structures in Violation
5. Hotpads Internet Posting, Showing Violations
6. Trulia Internet Posting, Showing Violations
7. Realtor.com Internet Posting, Showing Violations
8. Administrative Warning Dated 7/17/2019
9. Administrative Warning (2nd notice) Dated 8/22/2019
10. Application for Grading Permit and Architecture and Site Approval dated 7/9/2021 and Letter of Justification and Project Description Dated 7/8/2021
11. Photos of Town Inspection on 8/24/2021
12. Staff Technical Review Dated 8/24/2021 and 8/25/2021
13. Email from Town Attorney Dated 10/30/2023
14. Updated Letter of Justification Regarding Application Dated 12/13/2023
15. Staff Technical Review Dated 1/31/2024
16. Letter dated 5/22/2024 and Inspection Warrant Dated 5/20/2024
17. Description and Photos of Site Inspection of Subject Property on May 30, 2024
18. Administrative Warning Dated 7/8/2024
19. Administrative Citation Dated 9/16/2024
20. Property Detail Report
21. Administrative Citation Hearing Request Dated 10/14/2024
22. Letter to Town Community Development Department from Attorney Rogers Joseph Dated 10/14/2024
23. Notice of Appeal Hearing
24. Proposed Resolution



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May 2018

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August 2018

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Not to scale

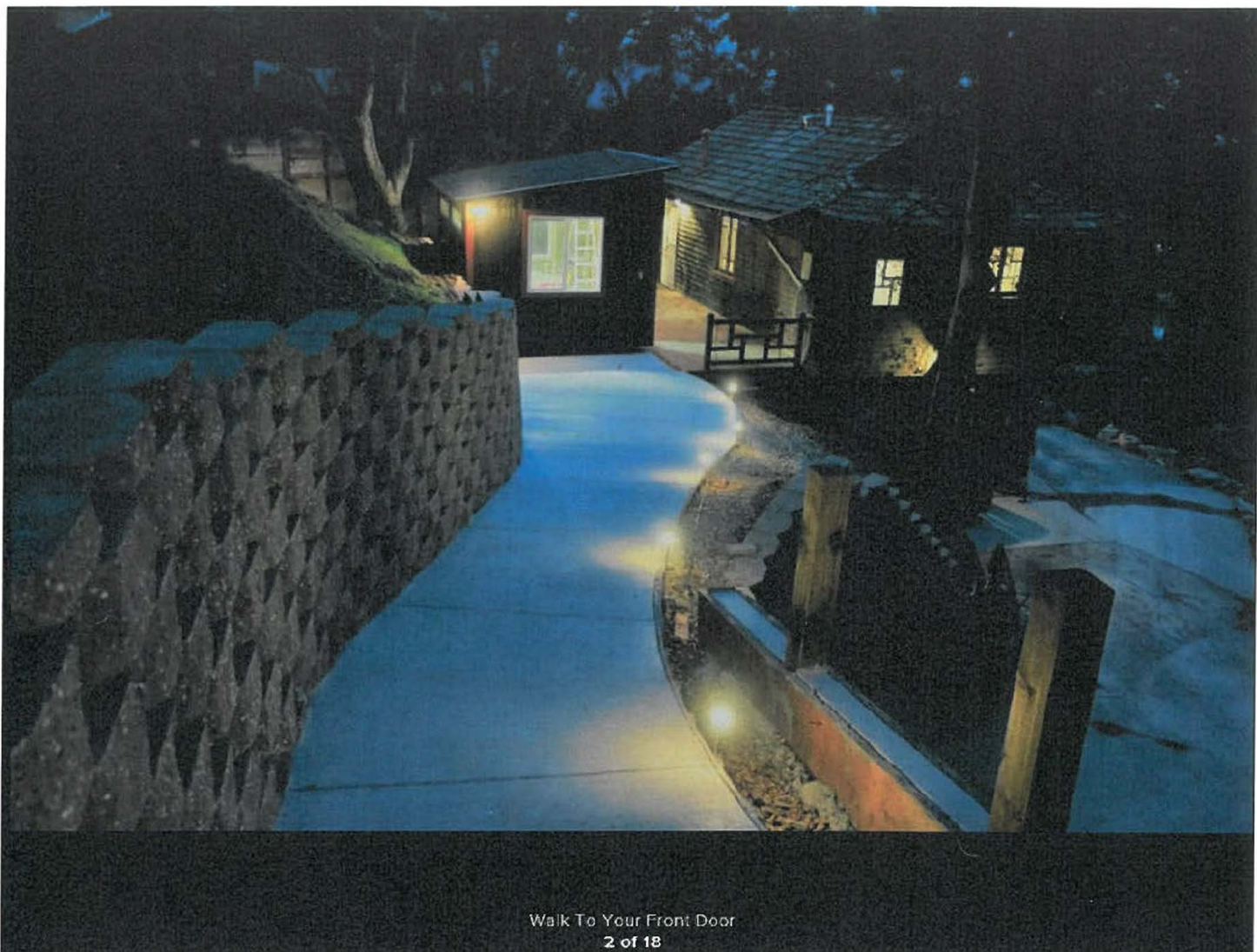


Large Retaining Wall



- Building #1-ADU
- Building #2-Office Shed 124 sf
- Building #3-Storage Building 197 sf
- Building #4-Garage 294 sf

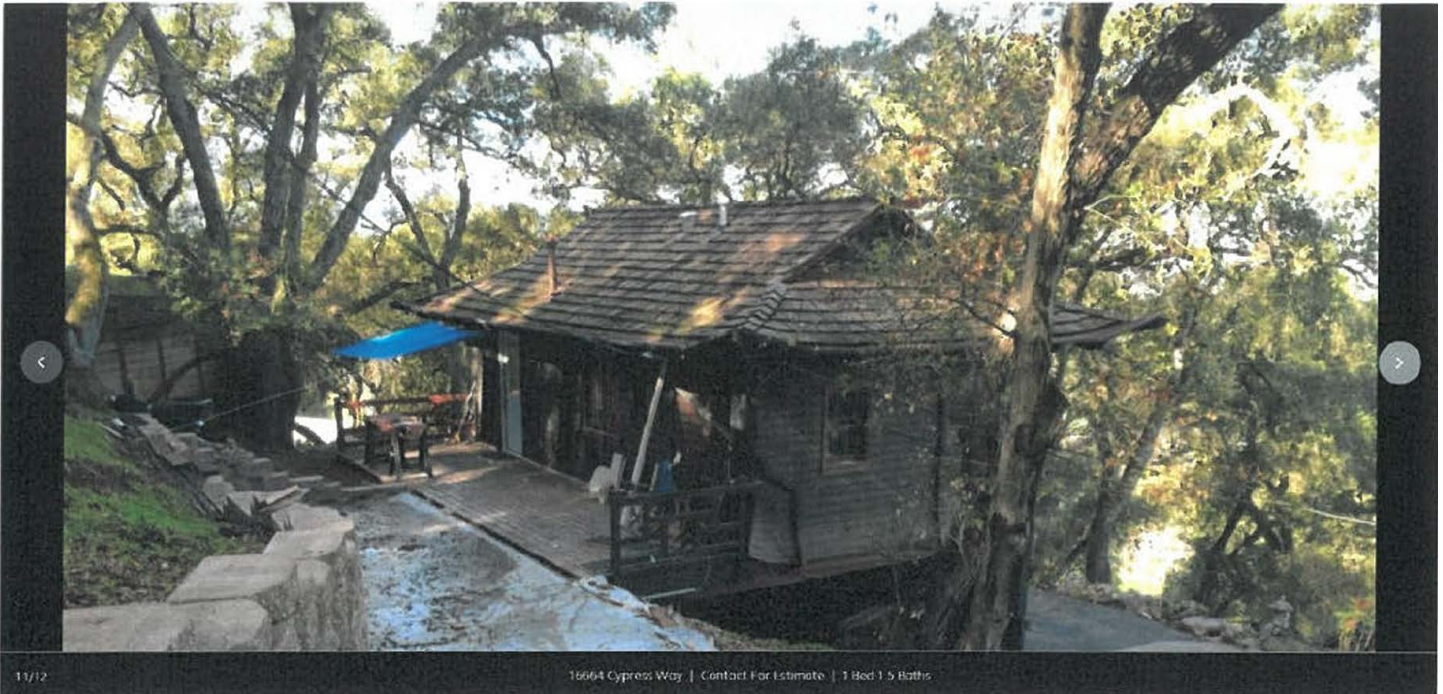
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Walk To Your Front Door
2 of 18

LANDSCAPE

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11/12

16664 Cypress Way | Contact For Estimate | 1 Bed 1.5 Baths

Outside parking for your horse or horseless carriage. Up to 120 square foot out-building will be built depending on your desire. While a one year lease is offered, preference will be given to individuals that will sign a 2 year lease, with second year locked in at 5% higher rental rate than first year.

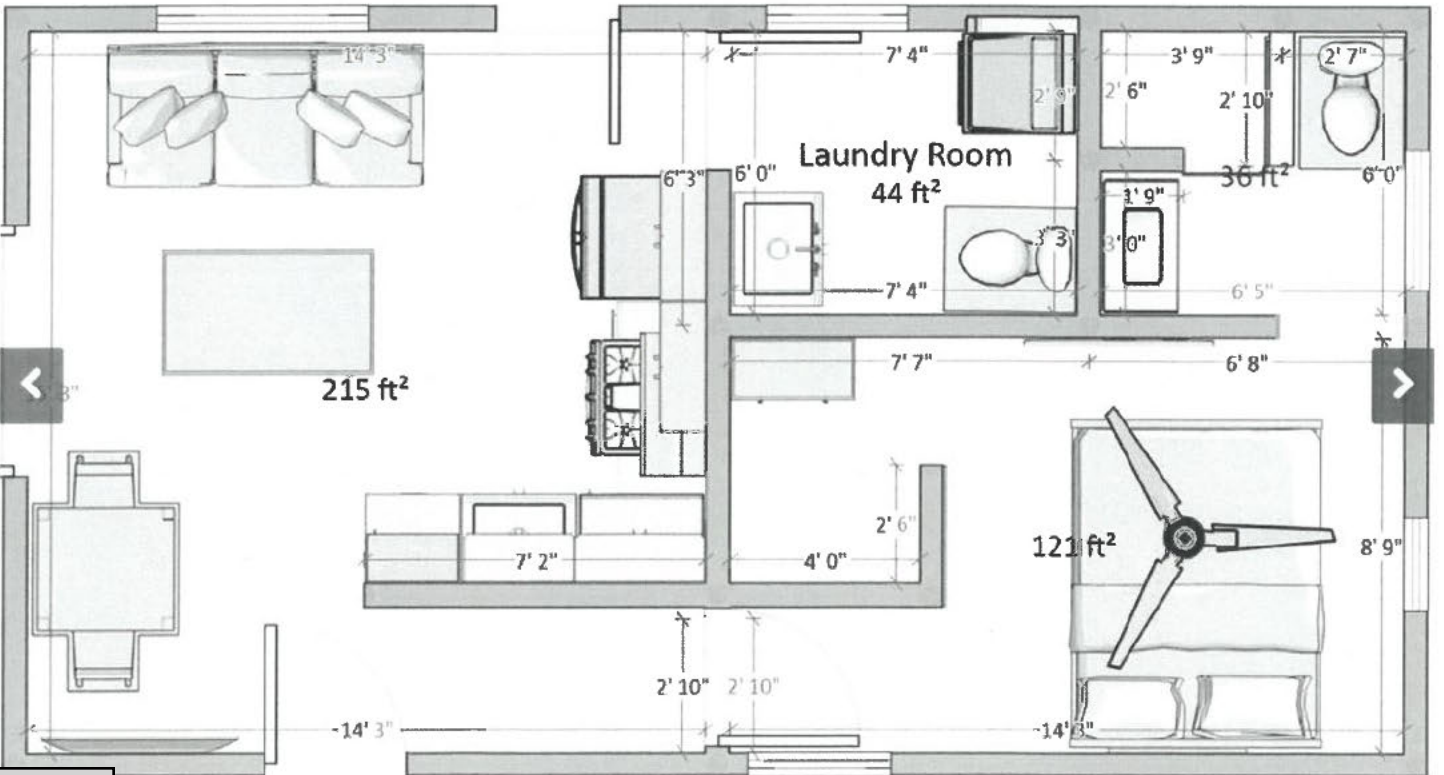
We are in final stages of the refresh, and are targeting a March 1st move in date. If you act now, you will be able to help us finalize the window coverings, laundry room sink, washer and dryer combo, and specify what you would like in the outbuilding, which can be a workshop storage or possibly even extra space for a separate office.

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16664 Cypress Way- https://www.realtor.com/realestateandhomes-detail/16664-Cypress-Way_Los-Gatos_CA_95030_M19889-26473













120 Square Foot Outdoor Office, Yoga Studio, or Weight Room
13 of 18



TOWN OF LOS GATOS

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

July 17, 2019

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Administrative Warning

Re: Code violation at 16660 Cypress Way, Los Gatos

The Town of Los Gatos Community Development Department has been made aware of/observed multiple code violations on the above referenced property. The violations consist of new buildings, retaining walls, grading, interior remodeling, electrical, plumbing, and Hvac on the referenced property without the benefit of a permit.

Please be advised that pursuant to Town Code Section 6.150.010 (R 105.1) Permit Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Pursuant to Town Code Section 12.20.010 Required. Except for the exemptions listed hereinafter, no person may grade or do grading work or perform any other land-disturbing or landfilling activity without first obtaining a grading permit.

Accordingly, we are asking you to schedule a meeting with Town Staff to discuss the scope of work and next steps. Please bring any construction documents that you may have. I can be reached at ameyer@losgatosca.gov or at 408-399-5746.

Respectfully yours,

Allen Meyer
Code Compliance Officer
Town of Los Gatos



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TOWN OF LOS GATOS

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

August 22, 2019

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Administrative Warning (2nd notice)

Re: Code violation at 16660 Cypress Way, Los Gatos

The Town of Los Gatos Community Development Department has been made aware of/observed multiple code violations on the above referenced property. The violations consist of new buildings, retaining walls, grading, interior remodeling, electrical, plumbing, and Hvac on the referenced property without the benefit of a permit.

Please be advised that pursuant to Town Code Section 6.150.010 (R 105.1) Permit Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Pursuant to Town Code Section 12.20.010 Required. Except for the exemptions listed hereinafter, no person may grade or do grading work or perform any other land-disturbing or landfilling activity without first obtaining a grading permit.

Accordingly, we are asking you to schedule a meeting with Town Staff to discuss the scope of work and next steps by **September 6, 2019**. Please bring any construction documents that you may have. I can be reached at ameyer@losgatosca.gov or at 408-399-5746.

Respectfully yours,

Allen Meyer
Code Compliance Officer
Town of Los Gatos



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TOWN OF LOS GATOS COMMUNITY DEVELOPMENT DEPARTMENT

Terence J Szewczyk	1776 Technology Dr	San Jose, CA 95110	(408)316-2696
NAME OF APPLICANT	ADDRESS	ZIP CODE	TELEPHONE
<i>Terence J Szewczyk</i>		4.08 acres	terry@tscivil.com
APPLICANT'S SIGNATURE		SITE AREA	EMAIL
16660 Cypress Way, Los Gatos		532-23-106	HR 2.5
ADDRESS OR LOCATION OF PROJECT SITE		PARCEL NUMBER	ZONING

APPLICANT SUBMITTAL CHECKLIST

NOTE TO APPLICANTS

A Development Application must include certain minimum information before a project will be accepted and processed for review as the submittal begins a legal time limit. The applicant is responsible for submitting the general information listed below as well as the specific application requirements indicated on the attached sheets. All information, including plans, must be clear, legible, and easily readable. Incomplete, inaccurate, or illegible information will not be accepted and will delay processing of the application.

1. COMPLETED APPLICATION FORM - Form must include the signature of the property owner(s).
2. COMMUNITY DEVELOPMENT APPLICATION PROCESS AGREEMENT
3. APPLICATION FILING FEE - Fee for proposed application based on Planning fee schedule.
4. WRITTEN DESCRIPTION OF PROPOSED PROJECT - A complete written description of the proposal.
5. LETTER OF JUSTIFICATION - For all applications except a single-family residence with no demolition.
6. VERIFICATION OF PROPERTY OWNERSHIP AND EASEMENTS – One (1) copy of a grant deed for the subject property. Two (2) copies of a preliminary title report for the subject property if new development (i.e. new construction, additions, grading, subdivisions, etc.) is proposed.
7. STRUCTURE CONDITION REPORT - For demolition of any residential structure.
8. ENVIRONMENTAL CHECKLIST FORM - When applicable, form must be completely filled out. Available online at www.losgatosca.gov/planning.
9. HAZARDOUS MATERIALS/AIR QUALITY CHECKLIST – Form must be completely filled out.
10. BUILD IT GREEN GREENPOINT RATED CHECKLIST – For residential projects. There is a list for remodels, new single – family residential, and new multi-family residential. Available at www.builditgreen.org.
11. HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES COMPLIANCE CHECKLIST - For hillside projects.
12. HOW TO READ YOUR NEIGHBORHOOD WORKBOOK – For non-hillside residential projects.
13. C.3 DATA FORM or SMALL PROJECTS WORKSHEET – Available online at www.losgatosca.gov (Parks and Public Works Dept, Engineering Services - Stormwater Regulations).
14. PHOTOS OF PROPERTY - Photos of the subject property from each side and photos of adjacent properties.
15. MINIMUM SIX (6) SETS OF COMPLETE DEVELOPMENT PLANS AND AN ELECTRONIC COPY - If the application is for a Planned Development of five (5) or more lots or if the application is for a subdivision of five (5) or more lots that is not a PD – sixteen (16) sets of the map is also required.

AUTHORIZATION AND CERTIFICATION OF PROPERTY OWNER

I/We certify that, as the property owner(s), I/we authorize the filing of this application. I/We understand that pursuant to the Code of the Town of Los Gatos, conditions of approval are binding upon both the applicant and property owner(s). I/We agree to implement the conditions of approval to the best of my/our ability.

Lauri Deffenbaugh	16660 Cypress Way, Los Gatos, CA 95030	[REDACTED]
Name (please print)	Address (with zip code)	Telephone
<i>Lauri A. Deffenbaugh</i>		07 / 09 / 2021
Signature		Date

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July 8, 2021

Job No: 21-213

Erin Walters - Associate Planner
 Town of Los Gatos
 Community Development Department
 110 E. Main Street,
 Los Gatos CA 95030

Subject: Letter of Justification & Project Description
 Grading Permit & Architecture & Site Approval
 Previously Unpermitted Emergency Construction
 16660 Cypress Way, Los Gatos

Dear Erin.

The Deffenbaughs purchased this historic residence as a labor of love, intending to restore and preserve the legacy of the building and grounds. They had recently moved from Orange County, California where they witnessed devastating wildfires with destruction of existing residences and envisioned that the same could occur with this property.

Emergency Construction

Consequently, when they were presented with an opportunity to create defensible space on the downslope side of the house, they jumped at it with a local landscape contractor. This unpermitted construction involved a significant fill for the turnaround and north of the house with numerous walls in excess of the 5' maximum guideline per the Town HDG&S. This application seeks to mitigate the non-conforming installations.

Further Improvements Proposed

The turnaround is not the only improvement that will make this property more fire-safe. There is a need to add a firetruck turnout at the south side of the house with access to new water tanks. We propose two 5000-gallon tanks with a 4 inch wharf hydrant as shown on the plan. Although the site has a San Jose Water Company service and the current ADU is fire sprinklered, there simply are no public hydrants within the Cypress Way frontage.

Additionally, there is a need for an emergency escape road (only 7' to 8' wide) downhill to the intersection of Cypress with Phillips Ave. This roadway can informally connect to the cluster of driveways serving 16600 & 16700 Cypress Way at a location within the

Erin Walters
Job No. 21-213
Page 2 of 2
July 8, 2021

public street right of way. Note that the slope of the escape road is 25% maximum and it is intended only for resident passenger vehicles traveling northerly and downhill.

In summary, with the creative input from Planning, Fire, and PPW we can collaborate to make this project fire-safe(r) and remedy the violations.

Should you require additional information please contact me by email: terry@tscivil.com.



TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer

TOWN OF LOS GATOS - COMMUNITY DEVELOPMENT DEPARTMENT

CIVIC CENTER:

110 E. MAIN STREET
LOS GATOS, CA 95030

PHONE (408) 354-6874

FAX (408) 354-7593

APPLICATION FOR DEVELOPMENT PERMITS

(PLEASE TYPE OR PRINT CLEARLY)

1. APPLICANT REQUEST: (Check appropriate boxes)
[checked] Architecture & Site
[] Variance
[] Conditional Use Permit
[] Subdivision
[] Environmental Impact Assessment
[] Other
[] Zone Change (Rezone from ... to ...)
2. PROPERTY DETAIL:
Lot Size 4.08 acres
Average Slope
Existing or Last Previous Use: Residential

3. PROPERTY LOCATION:
Address of subject property: 16660 Cypress Way, Los Gatos, CA, 95030
Zoning HR110 Assessor's Parcel Number(s) 532-23-106

4. REQUESTED ACTION: (Attach separate sheet if necessary)
Description of requested action see letter of justification

5. APPLICANT:
NAME Terence J. Szewczyk PHONE (408)316-2696
EMAIL terry@tscivil.com ADDRESS 1776 Technology Drive
CITY San Jose STATE CA ZIP 95110

I certify under penalty of perjury that all application materials and plans are true and correct.

SIGNATURE OF APPLICANT Terence J. Szewczyk DATE 7/7/2021

6. PROPERTY OWNER: (If same as above check here)
NAME Theodore & Lauri Deffenbaugh PHONE
EMAIL ADDRESS 16660 Cypress Way
CITY Los Gatos STATE CA ZIP 95110

I hereby certify that I am the owner of record of the property described in Item #3 above, and that I approve of the action requested herein.

SIGNATURE OF OWNER Lauri A. Deffenbaugh DATE 07 / 09 / 2021

7. OTHERS INVOLVED: (WILL NOT GET COPY OF AGENDA OR CORRESPONDENCE)
(Architect, engineer, planner, landscape architect, etc.; attached addition sheet if necessary)
CAPACITY NAME (Please print) FIRM & ADDRESS (include ZIP Code) PHONE/EMAIL

DO NOT WRITE BELOW THIS LINE

8. RECEIVED BY STAFF MEETING HPC AGENDA
APPLICATION NO.

Please Note: The information contained in this application is considered part of the public record. Therefore, it will appear in both the public record file for the site address, which is available upon request, and on the permitting system on the official Town of Los Gatos website at www.losgatosca.gov.

Table with 2 columns: Fee Type (PLPERMIT, PLTRACK, PLANAP, ENGDEV, TOTAL) and Amount (\$).

TOWN OF LOS GATOS

DEVELOPMENT APPLICATION SUPPLEMENT HAZARDOUS WASTES AND SUBSTANCES STATEMENT

California Government Code Section 65962.5 requires that "before a lead agency accepts as complete an application for any development project . . . the applicant shall consult the lists" contained in this section which identify sites determined to contain hazardous wastes or contamination, as reported by the Secretary for Environmental Protection. These lists are available in the Community Development Department. The form, properly completed and signed, must accompany the development application submitted to the Town Community Development Department.

Please complete the following information:

Site Address: 16660 Cypress Way, Los Gatos, CA Zip Code 95030

Assessor's Parcel Number (APN): 532-23-106

APPLICANT	PROPERTY OWNER
Name/Company TS Civil Engineering	Name/Company Theodore & Lauri Deffenbaugh
Mailing Address 1776 Technology Drive, San Jose, CA, 95110	Mailing Address 16660 Cypress Way, Los Gatos, CA, 95030
Telephone (408)316-2696	Telephone (949)231-2077

I hereby acknowledge that I have reviewed these lists and declare that the project site:

- Is not included on any Hazardous Wastes and Substances Sites List.
- Is included on the following list pursuant to Section 65962.5 of the Government Code:

Regulator identification number: _____

Date of List: _____

Terence J Szewczyk
Applicant Signature

_____ 7/7/2021
Date

Note: State of California/Hazardous Waste & Substances Sites List for Los Gatos is attached.

Community Development Application Process Agreement

This document explains the decision-making process used by the Town of Los Gatos for all land-use related applications and permits being considered by the Planning Commission and/or the Town Council. All applicants and their representatives are required to read, understand, acknowledge, and sign this disclosure prior to their application being deemed complete and ready for consideration.

All applications and permits presented to the Planning Commission and/or Town Council are solely at the discretion of those bodies, including General Plan Amendments, Zoning changes, Planned Developments, Architecture and Site Applications, Conditional Use Permits, or Conditions of Approval. Staff and consultant recommendations, including those of the consulting architect, are in no way limiting on or indicative of any subsequent decision or direction from the Planning Commission and/or Town Council.

Staff and consultant recommendations are based solely on the application of the Town’s General Plan, Zoning and other ordinances, Specific Plans, Guidelines, and adopted policies. Staff’s role is not to advocate for or support the interests of the applicant, but to ensure compliance with the aforementioned policy direction and to consider the proposed development’s impacts on both the immediate neighborhood and the broader community.

Town Council policy prohibits the Planning Commission from discussing pending applications or permits with either the proponents or opponents of the application. **Applicants and their representatives are prohibited from directly or indirectly contacting or communicating with Planning Commissioners regarding the application except through publicly disclosed written communications.**

For Planning Commission matters appealed to the Town Council, the Town Council must make one of the following findings to reverse or modify a Planning Commission decision:

1. There was an error or abuse of discretion on the part of the Planning Commission;
2. New information was presented to Council that was “not readily or reasonably available” for submission to the Planning Commission*; or
3. There was an issue or policy which the Council must decide, not the Planning Commission.

*Unless the new information has a minimal effect, the application is returned to the Planning Commission with the new information.

The undersigned Town staff representative has provided and discussed this document with the applicant and the applicant’s representatives:

Staff: _____ **DATE:** _____

Applicant: Terence J Szewczyk **DATE:** July 8th, 2021

Property Owner: Lauri A. Deffenbaugh **DATE:** 07 / 09 / 2021

Architect: _____ **DATE:** _____



Business Owner: _____ **DATE:** _____

Other: _____ **DATE:** _____

Legal Counsel: _____ **DATE:** _____

TITLE	A&S Application
FILE NAME	210708_21-213 Application.pdf
DOCUMENT ID	36ebf506c10d601b7a7710f3e7aa9e2c8ffeac34
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History

 SENT	07 / 08 / 2021 19:19:29 UTC	Sent for signature to Lauri Deffenbaugh [REDACTED] from terry@tscivil.com IP: 162.236.129.121
 VIEWED	07 / 09 / 2021 14:44:30 UTC	Viewed by Lauri Deffenbaugh [REDACTED] IP: 76.103.216.142
 SIGNED	07 / 09 / 2021 14:49:02 UTC	Signed by Lauri Deffenbaugh [REDACTED] IP: 76.103.216.142
 COMPLETED	07 / 09 / 2021 14:49:02 UTC	The document has been completed.







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TOWN OF LOS GATOS
BUILDING DIVISION CONDITIONS OF APPROVAL

STAFF TECHNICAL REVIEW

Building Division

August 24, 2021

ITEM: 16660 Cypress Way
Architecture and Site Application S-21-024
 First Review

Request for approval for site improvements requiring a grading permit on property zoned HR-2-1/2. APN: 532-23-106.

PROPERTY OWNER: Theodore and Laurie Deffenbaugh
 APPLICANT: Terence J. Szewczyk
 PROJECT PLANNER: Erin Walters

GENERAL COMMENTS:

1. A comprehensive plan review has not been completed for this project under consideration by the Development Review Committee or Town Council. Advisory Comments may be provided by the Building Division as part of a cursory review. Comprehensive Plan review will be part of the separate building permit application process. Once the Development Review Committee and/or Planning Commission approvals have been obtained and the requisite appeal period has passed, submit complete sets of construction drawings and documents to the Building Counter. No construction work can be commenced without an appropriate building permit.
2. Please include on the drawings, any unpermitted work that has been completed, or is in progress on the subject property that would require a Building or Planning permit.
3. Please label all unpermitted retaining walls and provide a chart that defines the length, max height, and top and bottom elevations.
4. Please provide construction details of all unpermitted retaining walls including foundation, backfill, and drainage.
5. Please provide a signed and stamped letter from a structural engineer stating that each unpermitted retaining wall is adequately constructed to minimum code or accepted industry standard.

DRAFT CONDITIONS:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

(Building Division)

1. **PERMITS REQUIRED:** A Building Permit will be required for all structures exceeding 120 sq. ft. and all retaining walls that support a surcharge.
2. **APPLICABLE CODES:** The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
3. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.

BUILDING DIVISION CONDITIONS OF APPROVAL

4. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
5. **SOILS REPORT:** A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
6. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
7. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
8. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
9. **TOWN RESIDENTIAL ACCESSIBILITY STANDARDS:** New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
 - d. A door buzzer, bell or chime shall be hard wired at primary entrance.
10. **BACKWATER VALVE:** The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
11. **HAZARDOUS FIRE ZONE:** All projects in the Town of Los Gatos require Class A roof assemblies.
12. **WILDLAND-URBAN INTERFACE:** This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
13. **PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN:** Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
14. **PRIOR TO FINAL INSPECTION:** Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.

15. **SPECIAL INSPECTIONS:** When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
16. **BLUEPRINT FOR A CLEAN BAY SHEET:** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
17. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

Robert Gray, CBO
Chief Building Official
rgray@losgatosca.gov

N:\DEV\Robert Gray\Conditions of Approval\2021\CypressWay16660_v1.docx



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **21 3367**
 BLDG PERMIT No. _____

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

No scope provided. In letter of justification there is mention of legalization of grading done without permit and addition of a private fire protection water system.

Plan Status:

Plans are **NOT APPROVED**. Revise and resubmit drawings and provide a response letter addressing comments on this plan review.

Plan Review Comments:

- Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.**
- Provide project scope on the plans.**
- Fire Department (Engine) Driveway Turnaround Required:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. [CFC Section 503.2.5]. **Show on the plans a conforming driveway turnaround.**
- Fire Apparatus (Engine) Access Driveway Required:** Provide an access driveway with a paved all-weather surface, a minimum unobstructed width of 14 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1. **Indicate on the plans the width and slope of the driveway.**

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	08/10/2021	1 OF 3
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Site Work			
NAME OF PROJECT						LOCATION				
SFR						16660 Cypress Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI		BY	
									Flanagan, Caleb	

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **21 3367**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

5. Private Fire Protection System: Residential fire protection systems shall comply with Fire Department Standards W-1 and manufacturer's requirements. Fire protection water systems shall be permitted, installed and approved by the Fire Prevention Office. The wharf hydrant shall be accessible at all times. Tank systems providing both the domestic supply and supply to the sprinkler system and/or hydrant may require cross contamination protection. Check with the local Building Department for specific requirements related to protection of the domestic supply. Hydrants and tank outlets shall be installed such that the center of the hose connection is not less than eighteen (18") inches nor more than thirty (30") inches above the final grade. *Two new 5000 gallon water tanks to be installed. Indicate on plans. Indicate on the plans that the private fire protection system will conform with the W-1 standard.*

6. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

7. Address identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	08/10/2021	2 OF 3
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Site Work			
NAME OF PROJECT						LOCATION				
SFR						16660 Cypress Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI	BY		
								Flanagan, Caleb		

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14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. 21 3367
 BLDG PERMIT No. _____

DEVELOPMENTAL REVIEW COMMENTS

8. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

City	PLANS	SPECS NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE	
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	08/10/2021	3 OF 3	
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
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SFR						16660 Cypress Way Los Gatos				
TABULAR FIRE FLOW			REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI			BY		
			<input type="text"/>					Flanagan, Caleb		

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



**TOWN OF LOS GATOS
COMMENTS**

**STAFF TECHNICAL REVIEW
PLANNING DIVISION
August 25, 2021**

**16660 Cypress Way
Architecture and Site Application S-21-024**

Request for approval for site improvements requiring a grading permit on property zoned HR-2-1/2. APN: 532-23-106.

PROPERTY OWNERS: Theodore and Laurie Deffenbaugh

APPLICANT: Terence J. Szewczyk

PROJECT PLANNER: Erin Walters, Associate Planner

LAST REVIEWED BY STAFF: First Review

Urgency Ordinance 2305 Suspending Deadlines re: Land Use Entitlements

Please note that all provisions of laws, ordinances, regulations, resolutions, rules and statutes, including but not limited to, provisions contained in the California Permit Streamlining Act (PSA), the California Environmental Quality Act (CEQA), the California Subdivision Map Act (SMA), the Housing Accountability Act (HAA), SB 35, Town Subdivision Regulations, Town Zoning Regulations, and Town application policies and procedures, establishing review deadlines and authorizing automatic approvals are suspended for the duration of urgency Ordinance 2305, adopted March 24, 2020, in response to the COVID-19 pandemic outbreak, and in effect 45 days from and after the date of its adoption, unless the same is extended.

NOTE: This Architecture and Site Application submittal is NOT COMPLETE. This item will be heard at a Planning Commission public hearing once the item is deemed complete and noticed.

This project is subject to the Hillside Development Standards and Guidelines (HDS&G) <https://www.losgatosca.gov/1117/Hillside-Development-Standards-Guideline> and the Town Code.

1. The Town's Consulting Arborist report is pending. Once provided provide a separate letter describing how each recommendation have been addressed.
2. Provide the average slope.
3. Provide the net lot size.
4. Update Letter of Justification/Project Description to include:
 - a. What is the full scope of work?
 - b. Does the project meet the (HDS&G)?
 - c. Describe the proposed design that will mitigate the unpermitted work completed and will bring the project into conformance with the HDS&G.
 - d. What exceptions from the HDS&G are being requested?
 - e. Max linear cut/fill?



TOWN OF LOS GATOS
COMMENTS

-
- f. Max retaining wall height.? (5 feet max), etc.
 - g. How does the project meet the defensible space requirements? HDS&G and <https://www.losgatosca.gov/2581/Be-Wildfire-Ready>
 - h. How does the project mitigate the tree damage/ removal due to the unpermitted work? See arborist report.
5. Has there been any modification to the historic residence without the benefit of permits?
 6. Is there any unpermitted work that has been completed or is in progress on the subject property that would require a building or planning permit? If so, please denote on plans, and provide a separate letter providing a description, justification, and photos.
 7. Provide additional photos of the work completed without permits- each retaining wall and area.
 8. Complete the HDS&G compliance checklist.
<https://www.losgatosca.gov/DocumentCenter/View/1103/Hillside-Development-Compliance-Checklist?bidId=>
 9. Provide complete development plans per the Community Development requirements for preparation of development plans-
<https://www.losgatosca.gov/DocumentCenter/View/361/Development-Review-Application-Package?bidId=>
Page 1-6. See the following sections.
 - a. General Requirements
 - b. Site Plan
 - c. Landscape/Tree Plan
 - d. WELO
 - e. Exterior Lighting
 - f. Other Information
 10. Label all buildings on property, label addresses and type of building and if permitted or not permitted.
 11. Provide (3) site plans (topo):
 - a. Pre-construction without permits;
 - b. Current conditions (work without permits); and
 - c. Proposed mitigation design of project to meet the HDS&G.
 12. Dimension all roads or paths and label material.
 13. Provide details of retaining walls (proposed and built without permits). Provide a keyed chart referring to each retaining wall- provide max height, max cut or max fill and call out finish and material.
 - a. See HDS&G for retaining wall standards and guidelines.
 14. Provide sections for each retaining wall - dimensioning the max linear cut and max fill.
 15. Provide a landscape plan and tree plan per the HDS&G, Town Code and the arborist report.
 16. We encourage you to speak with your neighbors (property owners, tenants, residents, and customers) about your proposal. Please submit a separate letter with the following information as part of your resubmittal materials.
 - a. What neighbors you have spoken to (name and address).
 - b. What neighbors you did not speak to and why.
 - c. When you met with neighbors.



**TOWN OF LOS GATOS
COMMENTS**

GENERAL COMMENTS:

This application will be heard at a Planning Commission public hearing.

1. This application will be heard at a Planning Commission public hearing. There will be public noticing, and
2. Pursuant to the adopted fee schedule, in the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant or his/her agents or representatives, the applicant shall pay an additional fee as determined by the Director of Community Development to cover the actual cost.
3. Pursuant to the adopted fee schedule, if the requested information from any of the Tech Review Staff is not submitted within 180 days of this meeting, the applicant will be required to pay a fee of 10% of the current application fee at the time the requested information is submitted. Any resubmittal after one year will be processed as a new application, subject to new fees.
4. Pursuant to the adopted fee schedule, if after three meetings, any additional review is required by the Technical Review Committee and/or DRC, there will be an additional fee based on time and material cost.

PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL STAFF TECHNICAL REVIEW COMMENTS.

A handwritten signature in black ink, appearing to read "Erin Walters".

Erin Walters
Associate Planner
EWalters@losgatosca.gov



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

STAFF TECHNICAL REVIEW
Engineering Division
August 25, 2021

ITEM: **16660 Cypress Way; APN: 532-23-106**
Architecture and Site Application S-21-024
 Request for approval for site improvements requiring a grading permit on property zoned HR-2-½.
PROPERTY OWNER: Theodore and Laurie Deffenbaugh
APPLICANT: Terence J. Szewczyk

PROJECT PLANNER: Erin Walters
LAST REVIEWED: First Submittal

DEFICIENCIES: (GENERAL)

- 1) Please update the plan set to include a vicinity map, legend, list of abbreviations, index sheet, and adjacent properties labeled as to use or owner.
- 2) For clarification, please include sheet(s) that shows individual site plans for the original conditions, existing conditions and proposed improvements.
- 3) Please update the plan set:
 - a) Update the scale to show the completed improvements at a larger size and with more detail.
 - b) Display all existing public and private easements as referenced in the submitted Title Report.
 - c) Show the locations of all existing public and private utilities and services, including but not limited to PG&E, telephone, cable television, sewage, water, fire hydrants, etc.
 - d) Illustrate and label all existing and planned development including but not limiting to building, driveway, walkway, decks, patios, trees, accessory structures, etc.
 - e) Provide a table of pre-existing and now current impervious areas, also identifying the square footage of impervious area that was created and/or replaced with the improvements.
 - f) Provide a table of earthwork quantities (in cubic yards) with identification of individual areas of cut and fill (driveway, landscape, etc.). Include the maximum completed cut and fill depths for each area per the Maximum Graded Cuts and Fills as found in Table 1 in Section III of the Town's Hillside Development Standards and Guidelines.
 - g) Provide additional topographic information, including now current contours in addition to the pre-existing contours, drainage features of the area, etc.
 - h) List the total disturbed area in square feet or acre.



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- i) Delineate the limit of grading/disturbed area.
- j) Provide rim and invert elevations for all existing gravity structures.
- k) Label the pipe diameter, material and slope for all proposed and existing storm drain and sanitary sewer pipe.
- l) Show the Least Restrictive Development Area (LRDA) per Section II of the Town's Hillside Development Standards and Guidelines. The LRDA shall be shown as a dashed line on all site and grading plans for the entire site.
- m) Please provide the property's average slope.
- n) Please enlarge text as needed to ensure that all information provided is legible.
- 4) Additional plan check comments are likely to be provided upon submittal of more complete plan set with the data and information requested in comments 2 and 3 inclusive above.
- 5) If this project created and/or replaced more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies will be required. Please confirm.
- 6) Please provide a cut/fill site plan map with the various depths of cut/fill represented by differing colors. This should be a color-coded grid map with cut and fill depths that displays the earthwork quantities that were part of the previously completed grading activities and retaining wall construction.
- 7) Please provide cost estimates for all previously completed work associated with grading, drainage, and erosion/sediment control.
- 8) A Soils Report for Geologic and Geotechnical Review is required. The report must discuss the geologic and seismic hazards, and conclude that there is a geotechnically feasible building envelope on each proposed lot, in addition to providing geotechnical design recommendations. A deposit in the amount of **\$5,750.00** for report review along with a copy of the Report and Plan will be required for this step.

Please provide a compliance memorandum showing how all the deficiencies and comments have been addressed. PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL PLAN CHECK COMMENTS OR CONDITIONS.

GENERAL COMMENTS:

- 1) Retaining walls shall include provisions for drainage.
- 2) Final grading plans shall include a complete erosion control plan. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, etc.



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

DRAFT CONDITIONS:

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

(Engineering Division)

- 1) **GENERAL:** All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner and/or Applicant's expense.
- 2) **APPROVAL:** This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
- 3) **CONSTRUCTION PLAN REQUIREMENTS:** Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are [available for download from the Town's website](#).
- 4) **GENERAL LIABILITY INSURANCE:** The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
- 5) **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 6) **GRADING PERMIT FEES:** Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review. All remaining fees shall be deposited prior to the issuance of a grading permit.
- 7) **GRADING PERMIT:** A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- and closing out on the issued grading permit, the Owner/Applicant's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.
- 8) **ILLEGAL GRADING:** Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
 - 9) **DESIGN CHANGES:** Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner and/or Applicant's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
 - 10) **PLANS AND STUDIES:** All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
 - 11) **GRADING ACTIVITY RESTRICTIONS:** Upon receipt of a grading permit, any and all grading activities and operations shall not commence until after/occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15), has ended.
 - 12) **COMPLIANCE WITH HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES:** All grading activities and operations shall be in compliance with Section III of the Town's Hillside Development Standards and Guidelines. All development shall be in compliance with Section II of the Town's Hillside Development Standards and Guidelines.
 - 13) **DRAINAGE IMPROVEMENT:** Prior to the issuance of any grading/improvement permits, whichever comes first, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
 - 14) **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
 - 15) **SURVEYING CONTROLS:** Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a) Retaining wall: top of wall elevations and locations.
 - b) Toe and top of cut and fill slopes.
 - 16) **PRECONSTRUCTION MEETING:** Prior to issuance of any grading or building permits, the general contractor shall:



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- a) Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b) Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
- 17) **RETAINING WALLS:** A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
 - 18) **SOILS REPORT:** One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
 - 19) **SOILS REVIEW:** Prior to Town approval of a development application, the Owner and/or Applicant's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner and/or Applicant, and subsequent approval by the Town. The Owner and/or Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Owner and/or Applicant's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
 - 20) **SOILS ENGINEER CONSTRUCTION OBSERVATION:** During construction, all excavations and grading shall be inspected by the Owner and/or Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner and/or Applicant's soils engineer and submitted to the Town prior to Engineering signing off and closing out on the issued grading permit.
 - 21) **SOIL RECOMMENDATIONS:** The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner and/or Applicant's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner and/or Applicant.



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- 22) **CONSTRUCTION VEHICLE PARKING:** Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
- 23) **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- 24) **CONSTRUCTION HOURS:** All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 25) **CONSTRUCTION NOISE:** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
- 26) **CONSTRUCTION MANAGEMENT PLAN SHEET:** Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's [Construction Management Plan Guidelines](#) document for additional information.
- 27) **BEST MANAGEMENT PRACTICES (BMPs):** The Owner and/or Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- 28) **SITE DESIGN MEASURES:** All projects shall incorporate at least one of the following measures:
- a) Protect sensitive areas and minimize changes to the natural topography.
 - b) Minimize impervious surface areas.
 - c) Direct roof downspouts to vegetated areas.
 - d) Use porous or pervious pavement surfaces on the driveway, at a minimum.
 - e) Use landscaping to treat stormwater.
- 29) **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
- 30) **DUST CONTROL:** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
- 31) **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

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



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

- 34) **SITE DRAINAGE:** No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- 35) **SILT AND MUD IN PUBLIC RIGHT-OF-WAY:** It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- 36) **GOOD HOUSEKEEPING:** Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner and/or Applicant's expense.
- 37) **PERMIT ISSUANCE:** Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
- 38) **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

Mike Weisz
Senior Civil Engineer
mweisz@losgatosca.gov
(408) 354-5236

Gabrielle Whelan

From: Gabrielle Whelan
Sent: Monday, October 30, 2023 1:36 PM
To: Lauri Deffenbaugh; Sean O'Neill
Cc: Erin Walters; Lance Bayer; Robert Gray; Allen Meyer
Subject: RE: 16660 Cypress Way, outstanding code violations

Hello, Ms. Deffenbaugh and Mr. O'Neill.

Since over three years have elapsed and conditions may have changed since 2020, the Town is starting its code enforcement procedures at the beginning with a site inspection.

Thank you.

**Gabrielle Whelan • Town Attorney**

Town Attorney's Office • 110 E Main Street, Los Gatos, CA 95030
 Desk: 408.354.6818 • gwhelan@losgatosca.gov
www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Lauri Deffenbaugh <[REDACTED]>
Sent: Friday, October 27, 2023 1:56 PM
To: Allen Meyer <AMeyer@losgatosca.gov>
Cc: Gabrielle Whelan <GWhelan@losgatosca.gov>; Sean O'Neill <sean@oneillplc.com>; Erin Walters <EWalters@losgatosca.gov>; Lance Bayer <bayer.lance@gmail.com>; Robert Gray <RGray@losgatosca.gov>
Subject: Re: 16660 Cypress Way, outstanding code violations

[EXTERNAL SENDER]

Hi Allen,

In 2020, we agreed with Lynne Lampros that we would get the walls permitted, then we would discuss what other areas need to get permitted.

Your request is a change of what we agreed to.

I will ask that our lawyer give the background on this also

Thank you.

On Fri, Oct 27, 2023 at 12:49 PM Allen Meyer <AMeyer@losgatosca.gov> wrote:

Good afternoon Mrs. Deffenbaugh,

The Town of Los Gatos Code Compliance Division is restarting its investigation into the many code violations observed on your property in 2019. As stated in the July 17, 2019 Administrative Warning, the violations consist of new buildings, retaining walls, grading, interior remodeling, electrical, plumbing, and HVAC on the property without the benefit of a

permit. At this time, we are asking for your permission to conduct an exterior and interior inspection of the property. Code Compliance has not been permitted on the property to inspect. The interior inspection will consist in inspecting the treehouse ADU, the two accessory structures adjacent to the treehouse ADU, and the garage. Additional staff from the Building, Planning, and Engineering Departments shall accompany me on this inspection so we can be as thorough as possible. The exterior inspection will consist of the exterior property area.

Additionally, it has been recently brought to our attention that a crack has formed in your driveway. Accordingly, we would like to have a Public Works Engineer inspect the crack to get an understanding of what might be causing it.

Please contact me no later than November 10, 2023, with a few possible dates/times for the Town to visit the property for inspection. I can be reached at ameyer@losgatosca.gov or 408-399-5746.

Respectfully yours,



Allen Meyer • Code Compliance Officer

Community Development Department • 110 E Main Street, Los Gatos CA 95030

Ph: 408.399.5746 • ameyer@losgatosca.gov

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

Regular Code Compliance hours:

7:00 AM – 3:30 PM, Monday – Friday

All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the Building and Planning webpages.

CONFIDENTIALITY DISCLAIMER



December 13, 2023
Job No. 21-213

Erin Walters - Associate Planner
Town of Los Gatos - Planning Division
110 E. Main Street
Los Gatos, CA 95030

**Subject: Updated Letter of Justification
16660 Cypress Way
Architecture and Site Application S-21-024
Unpermitted Grading Remediation**

Dear Erin:

This historic residence is merely 24' wide but was built precariously across an existing slope of 42%. The upper driveway and residence width was approximately 66' and sat across 24' of vertical difference from elevation 820 to 796. The house does comply with HDS&G standards for terracing of three floor levels to match the existing terrain with orientation parallel to contours.

However, the owners witnessed horrific wildfires in Southern California and as a matter of self-preservation created a broad fire break of 24' width below and immediately north of the home. That flattened area is now paved with asphalt to double as parking and circulation for a length of 110'. An excessively high gravity retaining wall was installed at an average height of 8' for a run of 90'. This wall height and continuous length is not in compliance with the HDS&G which limits height to 5' and length to 50'. A new 4' planter wall will be installed to mask the lower half of the wall with a planter width of approximately 3' at a 3:1 slope to reduce the upper wall to a compliant 5' exposed height.

In addition to the remedial work for refinement of the unpermitted grading work and walls, there will be fire protection enhancements installed:

1) Emergency Evacuation Roadway

The primary site access road is a shared driveway named Yung See San Fong Court. It is typically 12' wide with a moderately steep uphill gradient from Cypress of 400' length at 12.5% grade to the main residence. All of this driveway is compliant with Town of Los Gatos Hillside Standards. It remains to be seen how Central Fire will respond given their continuing misinterpretation of PRC 4290.

The driveway is shared with the adjoining residences at 16664 & 16668 Cypress and is at

Erin Walters
Job No. 21-213
Page 2 of 2
December 13, 2023

high risk failure for evacuation due to the single lane operation. Consequently, the Defenbaughs desire to create a second means of evacuation from their residence to Cypress Way at 660' northeast to exit onto Cypress Way just 250' east of the intersection with Phillips Avenue. That intersection provides further escape to the east or west depending on fire conditions.

2) Fire Protection System Upgrades

We will construct a new fire truck turnout near the southeast corner of the house. The Fire Department requires a 55' setback for their equipment but needs to reach all combustible construction within 150' of the turnout. Two new water tanks of 10,000 gallon fire and 5,000 gallon domestic will be installed above the upper driveway retaining wall. This will assure positive flow to the new wharf hydrant. Having a new fire truck staging area, wharf hydrant, and 15,000 gallons of water will greatly enhance fire safety for this delicate historic residence. Note that the water system will be continuously recharged by a 1" fire service at some 200' higher than the site itself.

While it is ultimately unfortunate that no grading and retaining wall permits were sought for this work, we are doing our best to recover and retrofit the good work that was installed. Should you have any questions or concerns please contact me at (408) 316-2696 or terry@tscivil.com.

Sincerely,



TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

STAFF TECHNICAL REVIEW
Engineering Division
January 31, 2024

ITEM: **16660 Cypress Way; APN: 532-23-106**
Architecture and Site Application S-21-024
 Request for approval for site improvements requiring a grading permit on property zoned HR-2-½.
PROPERTY OWNER: Theodore and Laurie Deffenbaugh
APPLICANT: Terence J. Szewczyk

PROJECT PLANNER: Erin Walters
LAST REVIEWED: 8/25/2021

DEFICIENCIES: (GENERAL)

- 1) Please update the plan set to include an index sheet and adjacent properties labeled as to use or owner.
- 2) Please include grading sheets for original, existing conditions and proposed conditions.
- 3) For clarification, please include sheet(s) that shows individual site plans for the original conditions, existing conditions, and proposed improvements.
- 4) Since this project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies will be required.
- 5) Please include detailed section cuts of the site with elevations.
- 6) Please provide a cut/fill site plan map with the various depths of cut/fill represented by differing colors. This should be a color-coded grid map with cut and fill depths that displays the earthwork quantities that were part of the previously completed grading activities and retaining wall construction.
- 7) Please update the site plans:
 - a) Illustrate and label all existing and planned development including but not limiting to building, driveway, walkway, decks, patios, trees, accessory structures, etc.
 - b) Provide a table of pre-existing and now current impervious areas, also identifying the square footage of impervious area that was created and/or replaced with the improvements.
 - c) List the total disturbed area in square feet or acre.
 - d) Show all trees that were removed or are planned to be removed.
 - e) Show existing/proposed utilities.
- 8) Please include/update grading plans:



**TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS**

- a) Provide a table of grading quantities with identification of individual areas of cut and fill (basement/cellar, driveway, pool, landscape, etc.). Include the maximum proposed cut and fill depths for each area per the Maximum Graded Cuts and Fills as found in Table 1 in Section III of the Town’s Hillside Development Standards and Guidelines.

Average Slope: _____	Earthwork/Agg (CY)		Max Cut/Fill Depth (ft)		(CY)	
Site Element	Cut	Fill	Cut	Fill	Import	Export
Driveway/Parking						
House Footprint						
Porch/Patio						
Garage						
Landscape						
Misc. Hardscape						
Basement/Cellar						
Pool						
Total						

- b) Additional existing topography and sections at the perimeter showing that the proposed improvements do not divert runoff or negatively affect the adjacent properties.
 - c) Please show pad and finished floor elevation.
 - d) Provide top and bottom of wall elevations for existing and proposed retaining walls at all endpoints, angle points and critical points.
 - e) Provide spot grades at the corners of the residence and hardscapes, top and bottom of stairways, retaining walls, drainage features of the area, pad and finish floor elevations.
 - f) Delineate the limit of grading/disturbed area.
- 9) Please ensure all fences are relocated along property lines.
 - 10) Additional plan check comments are likely to be provided upon submittal of more complete plan set with the data and information requested.
 - 11) A Soils Report for Geologic and Geotechnical Review is required. The report must discuss the geologic and seismic hazards and conclude that there is a geotechnically feasible building envelope on each proposed lot, in addition to providing geotechnical design recommendations. A deposit in the amount of **\$5,750.00** for report review along with a copy of the Report and Plan will be required for this step.
 - 12) The scope of the project would lead to its classification as a Regulated Project per Provision C.3.b.ii. Please implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d.



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

Please provide a compliance memorandum showing how all the deficiencies and comments have been addressed. PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL PLAN CHECK COMMENTS OR CONDITIONS.

GENERAL COMMENTS:

- 1) Retaining walls shall include provisions for drainage.
- 2) Final grading plans shall include a complete erosion control plan. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, etc.

REQUIRED AFTER PUBLIC HEARING APPROVAL/PRIOR TO PERMIT ISSUANCE:

- 3) **Geotechnical Recommendations: TBD**
- 4) **C.3. Recommendations: TBD**
- 5) **Grading Permit:** Grading permit plans required. Please see items 238-256 in Town of Los Gatos Fee Schedule for pricing. More information provided in conditions of approval below and after DRC/PC approval.
- 6) **Tree Removal Permit:** Please send application materials to trobnett-illges@losgatosca.gov to apply.

Corvell Sparks
PPW Engineer
CSparks@losgatosca.gov
408.395.5340

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TOWN OF LOS GATOS
BUILDING DIVISION CONDITIONS OF APPROVAL

STAFF TECHNICAL REVIEW

Building Division

January 30, 2024

ITEM: 16660 Cypress Way
Architecture and Site Application S-21-024
Last reviewed August 24, 2021

Request for approval for site improvements requiring a grading permit on property zoned HR-2-1/2. APN: 532-23-106.

PROPERTY OWNER: Theodore and Laurie Deffenbaugh
APPLICANT: Terence J. Szewczyk
PROJECT PLANNER: Erin Walters

GENERAL COMMENTS:

1. A comprehensive plan review has not been completed for this project under consideration by the Development Review Committee or Town Council. Advisory Comments may be provided by the Building Division as part of a cursory review. Comprehensive Plan review will be part of the separate building permit application process. Once the Development Review Committee and/or Planning Commission approvals have been obtained and the requisite appeal period has passed, submit complete sets of construction drawings and documents to the Building Counter. No construction work can be commenced without an appropriate building permit.

DEFICIENCIES:

1. Include on the drawings, any unpermitted structures that require a Building Permit. Staff can confirm multiple retaining walls and detached structures that do not appear on the Town's record of Building Permits.
2. Structures less than 120 sq. ft. may be exempt from permitting requirements however they must still meet the requirements of CRC Section R337 Materials and Construction Methods for Exterior Wildfire Exposure. Any sub-trades such as electrical, mechanical, or plumbing will require a Building Permit. Regardless of size, these structures must be dimensioned and shown on the drawings.
3. Number and label all unpermitted retaining walls and provide a chart that defines the length and max height.
4. Pursuant to CRC Section R105.2 #3, all retaining walls supporting a surcharge require a Building Permit. Provide construction details of all unpermitted retaining walls including foundation, backfill, and drainage.
5. Provide a signed and stamped letter from a structural engineer stating that each unpermitted retaining wall is adequately constructed to minimum building code and/or accepted industry standard. If a structural engineer is unable to provide this confirmation letter, a detailed plan to modify or remediate the unpermitted walls will be required at the Building Permit submittal.
6. The concrete stairs located to the east of the main structure must comply with CRC Section 311.7 and be accurately shown on the submitted drawings.

7. Walkway shown above the cellar to the south of the main structure appears to be located on the neighboring property. Provide easement, and details of construction including guards where fall is greater than 30" measured 36" horizontal from edge of the open side.

DRAFT CONDITIONS:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Building Division)

1. **PERMITS REQUIRED:** A Building Permit will be required for all structures exceeding 120 sq. ft. and all retaining walls that support a surcharge.
2. **APPLICABLE CODES:** The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
3. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
4. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
5. **SOILS REPORT:** A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
6. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
7. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
8. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
9. **TOWN RESIDENTIAL ACCESSIBILITY STANDARDS:** New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. **Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.**
 - b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
 - d. A door buzzer, bell or chime shall be hard wired at primary entrance.

BUILDING DIVISION CONDITIONS OF APPROVAL

10. **BACKWATER VALVE:** The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
11. **HAZARDOUS FIRE ZONE:** All projects in the Town of Los Gatos require Class A roof assemblies.
12. **WILDLAND-URBAN INTERFACE:** This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
13. **PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN:** Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
14. **PRIOR TO FINAL INSPECTION:** Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
15. **SPECIAL INSPECTIONS:** When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
16. **BLUEPRINT FOR A CLEAN BAY SHEET:** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
17. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

Robert Gray, CBO, CASP
 Chief Building Official / ADA Coordinator
rgray@losgatosca.gov



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **24 0253**
 BLDG PERMIT No. _____

DEVELOPMENTAL REVIEW COMMENTS

Plans and Scope of Review:

This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

The scope of this project includes the following:

Proposed legalization of new retaining walls to an existing two-story single family dwelling. No work conducted on the existing house.

Plan Status:

No Fire Department Comments.

Plan Review Comments:

1. **Site to remain existing non-conforming**, future projects may require full water and access review, and be subject for PRC 4290 regulations.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6] S-21-024

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE	
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	01/30/2024	1 OF 1	
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM				
			Residential Development				Site Work				
NAME OF PROJECT						LOCATION					
SFR						16660 Cypress Way Los Gatos					
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI			BY	
										Ip, Kenny	

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



**TOWN OF LOS GATOS
CODE COMPLIANCE DIVISION**

May 22, 2024

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Dear Mr. and Mrs. Deffenbaugh,

On May 20, 2024, Judge Evette D. Pennypacker of the Superior Court of Santa Clara County issued a warrant and order for the inspection of the exterior portions of the premises known as 16660 Cypress Way, Los Gatos (APN #532-23-106), including any yards, and the interior portions of an accessory structure within the premises and commonly known as 16664 Cypress Way, Los Gatos, and all sheds pursuant to California Code of Civil Procedure section 1822.50. A copy of the warrant is attached.

Notice is further given that an inspection of the premises known as 16660 Cypress Way and 16664 Cypress Way, Los Gatos, may be made by employees of the Town of Los Gatos and other public agencies whose duties and responsibilities include the investigation, enforcement and abatement provisions of the Town of Los Gatos Code relating to building, housing, and fire safety within the limits described in the warrant.

Unless otherwise agreed upon by the Town of Los Gatos, the inspection shall occur on Friday **May 24, 2024, at 2:00 pm** or as soon thereafter as is reasonably practical.

Any person who willfully refuses to permit the inspection lawfully authorized by this warrant may be found guilty of a misdemeanor under the provisions of the Code of Civil Procedure section 1822.57.

If you have any questions, or if you have a request to reschedule, please contact me by calling 408-399-5746 or by emailing me at ameyer@losgatosca.gov. The inspection cannot be rescheduled unless you have my prior approval. Further, we must return to court on June 4, 2024, so any rescheduling must occur prior to that date.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Meyer".

Allen Meyer
Code Compliance Officer
Town of Los Gatos

Cc: Gabrielle Whalen
Sean O'Neill

Filed
May 21, 2024
Clerk of the Court
Superior Court of CA
County of Santa Clara
24CV439135
By: rburciaga

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

In the matter of the Application of THE)
TOWN OF LOS GATOS for)
Inspection Warrant Re Premises at 16660)
Cypress Way, Los Gatos)
_____)

NO. 24CV439135
INSPECTION WARRANT
(C.C.P. SECTION 1822.50)

THE PEOPLE OF THE STATE OF CALIFORNIA, TO THE TOWN ATTORNEY FOR THE
TOWN OF LOS GATOS and duly authorized representatives:

Upon good cause shown to the Court:

YOU ARE COMMANDED TO CONDUCT an inspection of the exterior portions of the
premises known as 16660 Cypress Way, Los Gatos (APN #532-23-106), including any yards,
and the interior portions of an accessory structure within the premises and commonly known as
16664 Cypress Way, Los Gatos, and all sheds, pursuant to Code of Civil Procedure sections
1822.50 et. seq. for the purpose of conducting an inspection pursuant to the Los Gatos Town
Code provisions relating to health and safety.

Proof, by declaration having been made this day before me by Allen Meyer, that there is
reason to believe that a condition of nonconformity exists on the premises located at 16660
Cypress Way, Los Gatos (APN #532-23-106), with respect to substandard and dangerous
building conditions in violation of the Los Gatos Municipal Code and the technical codes as
adopted.

Proof, by declaration having been made this day before me by Allen Meyer that Sean
O'Neill, the attorney representing the owner of the premises located at 16660 Cypress Way, Los
Gatos, has been requested to consent to inspection and has refused and has failed to give

1 permission to allow code enforcement officers to conduct the inspection of said premises under
2 circumstances that reasonably justifying the failure to seek such consent.

3 The inspection pursuant to this warrant may be made during the hours of 8:00 a.m. and
4 6:00 p.m. and during the period from the date of issuance of this warrant to and including the
5 date fourteen (14) days thereafter.

6 The inspection shall be conducted by means of observation of physical conditions or
7 processes and may be recorded through photographs, videotape, or other means. The inspection
8 shall be conducted for the duration necessary to ascertain compliance with Los Gatos Municipal
9 Code provisions relating to health and safety. Inspection of the entirety of the premises is hereby
10 authorized, including any motor vehicles or yards.

11 Inspection of the premises shall be made by employees of the Town of Los Gatos whose
12 duties and responsibilities include the investigation, enforcement and abatement provisions of the
13 Los Gatos Municipal Code relating to health and safety violations, including the code
14 compliance officer and any outside contractors or support personnel necessary to carry out the
15 provisions of this warrant and order. The personnel authorized to inspect the premises may be
16 accompanied by sworn members of the Los Gatos/Monte Sereno Police Department to ensure
17 the security of the personnel conducting the inspection. The sworn members shall not conduct
18 any inspection of the premises other than observations made in the course of providing for the
19 security of the personnel conducting the inspection.

20 This warrant maynot be executed by means of forcible entry by authority of Code of
21 Civil Procedure section 1822.56.

22 A return to this warrant shall be made within fourteen (14) days from its issuance. Any
23 person who willfully refuses to permit the inspection authorized by this warrant may be found to
24 be guilty of a misdemeanor under Code of Civil Procedure section 1822.57.

25 Given under my hand, and dated this . May 20, 2024

26
27 
28 _____
JUDGE
Hon. Evette D. Pennypacker

1 GABRIELLE WHELAN, Town Attorney (SBN #173608)
2 LANCE BAYER, Special Counsel (SBN #81549)
3 110 East Main Street
4 Los Gatos, California 95030
Attorneys for Applicant
TOWN OF LOS GATOS

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 6/3/2024 5:02 PM
Reviewed By: A. Rodriguez
Case #24CV439135
Envelope: 15524558**

5 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
6 IN AND FOR THE COUNTY OF SANTA CLARA

7 In the matter of the Application of THE) NO. 24CV439135
8 TOWN OF LOS GATOS for)
9 Inspection Warrant Re Premises at 16660) RETURN OF INSPECTION
10 Cypress Way, Los Gatos) WARRANT AND ORDER
11)

12 I, ROBERT GRAY, declare:

13 1. I am the Chief Building Official of the Town of Los Gatos (“Town”).

14 2. I arrived at 16660 Cypress Way on May 30, 2024 at approximately 8:55 a.m.
15 pursuant to the Inspection Warrant issued by this Court. I was accompanied by Town Associate
16 Planner Erin Walters and Town Senior Inspector Roy Alba.

17 3. We were provided access to the site by the owners, who were accompanied by
18 legal counsel. We first inspected the interior of the ADU above the garage. I determined that the
19 sleeping room lacked sufficient emergency egress and the bathroom window was not tempered as
20 required in a wet hazard area. The front entrance deck, stairs, and railings are unstable and appear
21 unsafe. The railings are far below minimum requirement and have openings exceeding a 4”
22 diameter sphere.

23 4. We inspected the detached “office structure” beside the ADU. It did not appear to
24 be used for sleeping. It did not appear to have a foundation or seismic restraint. The power is
25 provided via an extension cord (possibly 12-gauge cord with ground). The structure is
26 approximately 124 square feet with electrical therefore would require a building permit, however
27 Planning will not allow the accessory structure in this zone.
28

1 5. We inspected the interior and exterior of the storage structure behind the ADU. The
 2 primary use appears to be storage but is wired for electrical and plumbed for what may be a future
 3 restroom. When asked about the electricity to the structure, the property owner stated it was
 4 provided via a battery system and is not connected to permanent power. I was unable to determine
 5 the source or termination of the plumbing. The structure is approximately 197 sq. ft. with
 6 electrical and plumbing therefore would require a building permit, however Planning will not
 7 allow the accessory structure in this zone.

8 6. We inspected the interior and exterior of the garage structure near the second living
 9 unit and pool. This structure is the source of current litigation and appeal between the property
 10 owner and adjacent neighbor. The structure appears to be a garage/storage with electrical provided
 11 from the second living unit. The structure is approximately 294 sq. ft. with electrical therefore
 12 would require a building permit, however it was confirmed today by the property owner's attorney
 13 that the structure crosses a property line boundary. The structure cannot remain in its current
 14 location therefore must be demolished..

15
 16 I declare under penalty of perjury under the laws of the State of California that the
 17 foregoing is true and correct.

18
 19 DATED: 6-3-2024


 ROBERT GRAY

20
 21 Read and Reviewed:

22
 23 DATED: _____

 JUDGE

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SUMMARY OF SITE OBSERVATIONS

Date: May 30, 2024

Time: 9:00 am to 9:45 am

Address: 16660 Cypress Way, Los Gatos, CA

Zoned: HR-2-1/2 – Historic Site

Property Placed on the National Registry of Historic Places on 09/08/83

In Attendance:

- Robert Gray, Town of Los Gatos, Chief Building Official
- Roy Alba, Town of Los Gatos, Senior Building Inspector
- Erin Walters, Town of Los Gatos, Associate Planner
- Ted Deffenbaugh, property owner
- Lauri Deffenbaugh, property owner
- Applicant's Attorney

Detached Accessory Structure- Unpermitted Interior Improvements to a Permitted ADU on 2nd Floor/Over Garage

- ADU permitted on 08-27-87 (D-85-7)
- Unpermitted interior improvements
- Action: Obtain building permits for unpermitted improvements.



Detached Accessory Structure – Office behind Unpermitted ADU

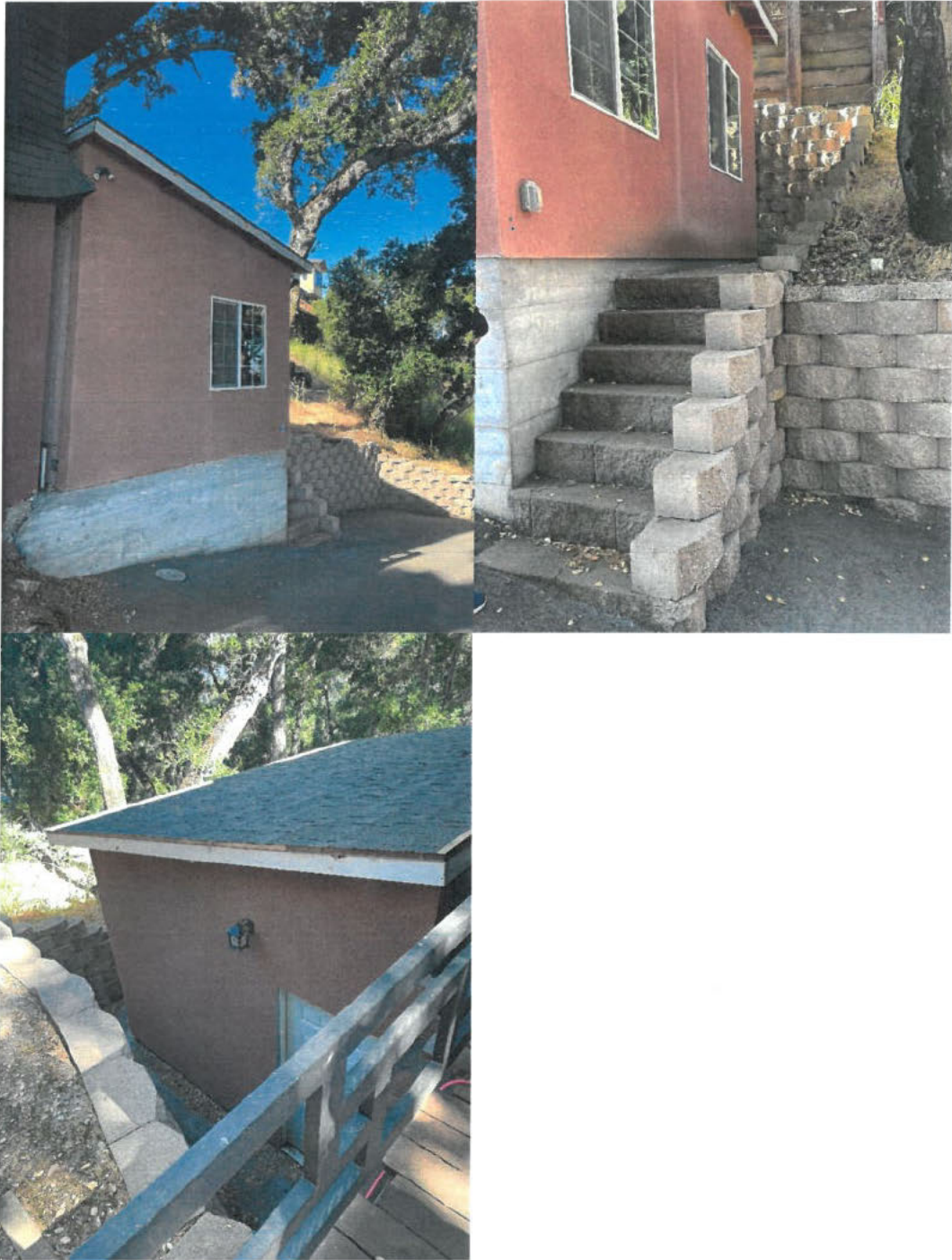
- Unpermitted with power
 - o Power is provided via extension cord from ADU
- Does not meet setbacks for an accessory structure in the HR-2-1/2 zone
- Building Size: Approx: 124 s.f.
- Building Height: Approx: 10 ft – 2 in.
- Action: Obtain demolition permit from Building Department and demolish structure



Detached Accessory Structure – Storage to Adjacent to the Unpermitted ADU

- Unpermitted
- Less than 5 feet between accessory structures
- Does not meet setbacks for an accessory structure in the HR-2-1/2 zone
- Building Size: Approx: 197 s.f.
- Building Height: Approx: 14 ft – 1 in.
- Action: Obtain demolition permit from Building Department and demolish structure





Detached Accessory Structure – Garage next to Pool

- Unpermitted with power
- Crosses property line
- Does not meet setbacks for an accessory structure in the HR-2-1/2 zone
- Building Size: Approx: - 294 s.f.
- Building Height: 14ft
- Action: Obtain demolition permit from Building Department and demolish structure



Other Sheds Observed on Site



Architecture and Site Application S-21-024 for Unpermitted Site Improvements Requiring a Grading Permit (Including Retaining Walls, Site Drainage, Grading and Tree Removal)

- Erin Walters, Associate Planner, asked for the status of the resubmittal of materials addressing the Staff Technical Review comments provided on January 31, 2024.
- Ted Defenbaugh, Property Owner, said he would check with the project Civil Engineer, Terry Szewczyk, on the status of resubmittal.
- Action: Code Enforcement to send a Compliance Order to resubmit required documents within 60 days or impose fines.





**TOWN OF LOS GATOS
CODE COMPLIANCE DIVISION**

July 8, 2024

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Administrative Warning

Re: Code violations at 16660 Cypress Way, Los Gatos

Due to the amount of time that has passed since the last Administrative Warning, the Town of Los Gatos Community Development Department is restarting its investigation into the code violations on the above referenced property. Regarding the Administrative Appeal requested on October 30, 2019, the Town of Los Gatos will be returning your advance deposit of \$200.00 and drop the associated citation due to the amount of time that has transpired.

On May 20, 2024, the Town of Los Gatos obtained an Inspection Warrant from the Santa Clara County Superior Court. On May 30, 2024, Community Development Department staff executed the Inspection Warrant and conducted an inspection of the ADU above a garage, an office structure beside the ADU, a storage structure behind the ADU, and a garage structure near a pool.

The following violations were observed during the inspection and need to be remedied:

1. During the inspection it was discovered that the sleeping room in the ADU lacked sufficient emergency egress, the bathroom window was not tempered as required in a wet hazard area, the front entrance deck, stairs, and railings are unstable and appear unsafe, the railings are far below minimum requirement and have openings exceeding a 4" diameter sphere. All of these items will need to be addressed in the permit. **Obtain a building permit including electrical, plumbing, and HVAC for the interior remodel of 16664 Cypress Way.**

2. The approximate 124 square foot office structure beside the ADU must be removed due to its inability to meet zoning setbacks. The unpermitted structure also has unpermitted and potentially hazardous electrical. **Obtain a demolition permit from the Building Department and demolish the structure.**
3. The approximate 197 square foot storage structure behind the ADU must be removed due to its inability to meet zoning setbacks. The unpermitted structure also contains unpermitted plumbing. **Obtain a demolition permit from the Building Department and demolish the structure.**
4. The approximately 294 square foot garage structure near the pool must be removed due to its inability to meet zoning setbacks and the structure crosses property lines. The unpermitted structure also contains unpermitted electrical. **Obtain a demolition permit from the Building Department and demolish the structure.**
5. **Resubmit Architecture and Site Application S-21-024 addressing the Staff Technical Review comments provided on January 31, 2024, by July 31, 2024, in order to avoid a penalty for late submittal (see below).** This Architecture and Site application is for all unpermitted site improvements including all retaining walls, site drainage, grading, and tree removals on the site.

*Fees for Lack of Progress - If additional information is required by the Town for an application and the requested information is not submitted within 180 days, the applicant will be required to pay a fee of 10 percent of the current application fee at the time the requested information is submitted. Any re-submittal after one year will be processed as a new application, subject to new fees.

Pursuant to Town Code Section 6.150.010 (R 105.1) Permit Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Pursuant to the Town of Los Gatos Hillside Development Standards and Guidelines:

VI. Site Elements

E. Accessory buildings, accessory dwelling units, pools, and sport courts.

Standards:

1. Accessory buildings and accessory dwelling units (ADUs) are permitted in compliance with the Town of Los Gatos Zoning Ordinance. Accessory buildings and ADUs shall have the same setback requirements as the main building in the hillside area.

Pursuant to Town Code Section 29.40.270. - Yards. The minimum yards in HR zones shall be as follows:

- (1) Front30 feet
- (2) Side20 feet
- (3) Rear25 feet
- (4) Side abutting street20 feet

Accordingly, we are asking that all the above bolded items be resolved by **September 8, 2024 (except for the Architecture and Site Application)**. Failure to comply may result in daily fines and/or any other available legal remedies. I can be reached at ameyer@losgatosca.gov or at 408-399-5746.

Respectfully yours,



Allen Meyer
Code Compliance Officer
Town of Los Gatos

cc: Lance Bayer, Special Council
Gabrielle Whelan, Town Attorney
Sean O'Neill, Esq.

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Town of Los Gatos

Administrative Warning/Citation

Code Compliance
110 E. Main Street
Los Gatos, CA 95030
(408) 399-5746
PLADMCIT

Date Issued: 9/16/24 Time: _____

Code Compliance Violation NO. VL- 19-362 Zone: _____

Violation Address: 16660 Cypress Way Town: Los Gatos State: CA Zip: 95030

Name (Responsible person/business): Theodore and Lauri Deffenbaugh

Mailing Address: _____

Town/City: _____ State: _____ Zip: _____ Same as Violation Address

Document Issued: WARNING CORRECTION NOTICE ADMINISTRATIVE CITE

Issuing Department: CDD Compliance Date: 9/8/24 Inspection Date: 9/13/24

The total penalty is now due. Instructions for payment are listed on reverse page.

In order to comply with the Los Gatos Town Code, you will need to:

Obtain building permit for ADU remodel at 16664 Cypress Way. Obtain demolition permit and demolish approximately 124 sf office structure beside ADU, 197 sf storage structure behind ADU, and 294 sf garage structure adjacent to pool. Obtain retaining wall permit for unpermitted retaining walls. Obtain grading permit for unpermitted grading. Violations are accrued on a daily basis after the compliance date. \$100.00 for first violation, \$250.00 for second violation, \$500.00 for every violation thereafter. This citation is for September 9-13, 2024. *See attached for breakdown


Code Section	Description	Penalty Amount
6.150.010 (R105.1)	Permit required (4 buildings, 1 retaining wall)	\$9250.00
12.20.010	Grading permit required (grading associated with retaining walls and roadways)	\$1850.00

Photos Taken: (Circle one) YES / NO Quantity: 3 photos Total: \$11,100.00

Appeal of this Administrative Citation may be made by filling out a Hearing Request. Contact the Town of Los Gatos Community Development Department, 110 E. Main Street, Los Gatos, CA 95030 or by e-mail at CodeCompliance@LosGatosCA.gov for an application. Additional citations may be issued each day the violation exists.

NOTE: PERMIT(S) FROM THE PLANNING, BUILDING AND/OR PARKS AND PARKS AND PUBLIC WORKS DEPARTMENTS MAY ALSO BE REQUIRED FOR VIOLATIONS INVOLVING STRUCTURES, GRADING, ENCROACHMENTS AND TREE REMOVALS. WORK PERFORMED WITHOUT THE REQUIRED PERMIT(S) AND TOWN INSPECTION IS A VIOLATION OF THE TOWN OF LOS GATOS TOWN CODE AND WILL NOT QUALIFY AS COMPLIANCE.

Issuing Official: Allen Meyer Badge/Title NO.: Code Compliance Officer

Signature:  Date: 9/16/24 Phone: 408-399-5746

Signature: _____ Print Name: _____

Proof of Service: Via US Mail and email on September 16, 2024

Order: You are ordered to immediately cease the commission of the Town Code violation(s) listed on the front of this Administrative Citation.

Administrative Citation: Pursuant to Chapter 1.30.010 through 1.30.070 of the Town of Los Gatos Town Code, if you continue to repeat the commission of the Town Code violation(s) listed on this Administrative Citation, the Town may issue you another Citation or pursue any other legal remedy available to the Town against you.

Payment of Penalty: The amounts of the penalties for code violation(s) of the Los Gatos Town Code are listed on the front of this Administrative Citation. The penalty shall be paid to the Town within thirty (30) days from the date of the Administrative Citation.

You may pay and deliver the Administrative fine(s) to the Town by mail or in person at the Town of Los Gatos Finance Department, 110 E. Main Street, Los Gatos, CA 95030. Payment should be in the form of a personal check payable to the Town of Los Gatos or cash. Unless you have requested a hearing to contest the Administrative Citation, you will be subject to the imposition of a 10% late payment penalty, plus interest, if you fail to pay the Administrative fine(s) by the due date. Payment of Administrative fines does not excuse or discharge any continuation or repeated occurrence of the Town Code violation(s) listed on this Administrative Citation.

Hearing Request: Any recipient of an Administrative Citation may appeal the Citation by completing a hearing request form and returning it to the Town within thirty (30) days from the date of the Administrative Citation together with an advance deposit of the total penalty amount or advance deposit hardship waiver (explained below) application form as described in Section 1.30.035. The Hearing Request form can be obtained by calling (408) 399-5746 or from the Town of Los Gatos Community Development Department, 110 E. Main Street, Los Gatos, CA 95030. You will be notified of the date and time set for your hearing at least ten (10) days prior to the date of the hearing. If you fail to appear at your hearing, this failure shall constitute a forfeiture of the penalty and no further administrative remedy is available.

Advance Deposit Hardship Waiver: Any person who intends to request a hearing to appeal an Administrative Citation, and who is financially unable to make the advance deposit of the penalty as required in Section 1.30.070, may file a request for an advance deposit hardship waiver which shall include a sworn affidavit. The waiver form can be obtained at the Town of Los Gatos Community Development Department, 110 Main Street, CA 95030. The decision to waive this requirement is made by the Town Manager. The request shall be filed, along with the request for hearing form, with the Town Attorney's Office on an advance deposit hardship waiver application form, available from the Town of Los Gatos Community Development Department, within thirty (30) days of the date of the Administrative Citation.

Late Payment Charges: Any person who fails to pay to the Town any penalty imposed pursuant to the provision of this Article on or before the date that penalty is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of penalties.

Right to Judicial Review: Any person aggrieved by an administrative decision of the Hearing Officer on an Administrative decision by filing a petition for review with the Supreme Court in Santa Clara County in accordance with the time and provision set forth in California Government Code Section 53069.4.



**TOWN OF LOS GATOS
CODE COMPLIANCE DIVISION**

September 16, 2024

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, CA 95030

Re: Code violations at 16660 Cypress Way, Los Gatos

On July 8, 2024, an Administrative Warning was issued to you regarding the necessity of a building permit for a remodel of the ADU above the garage, a demolition permit for a 124 square foot office structure, a demolition permit for 197 square foot storage structure, and a demolition permit for 294 square foot garage structure.

On July 17, 2019, an Administrative Warning was issued regarding the necessity of a retaining wall permit and grading permit for the unpermitted retaining wall work. An Architectural and Site Application was applied for on July 9, 2021, for the unpermitted grading and retaining walls. The Town provided Technical Review comments on January 31, 2024, with a reply date of July 31, 2024. No re-submittals have been received to date.

Below is the dollar amount breakdown of the citation issued on September 16, 2024. Violations are accrued on a daily basis after the compliance date. \$100.00 for first violation, \$250.00 for second violation, \$500.00 for every violation thereafter.

Four demolition permits and one retaining wall permit (September 9-13, 2024):

September 9, 2024- five permits x \$100.00 = \$500.00
 September 10, 2024- five permits x \$250.00=\$1250.00
 September 11, 2024- five permits x \$500.00=\$2500.00
 September 12, 2024- five permits x \$500.00=\$2500.00
 September 13, 2024- five permits x \$500.00=\$2500.00
 =\$9250.00

One grading permit (September 9-13, 2024):

September 9, 2024 - one permit x \$100.00 = \$100.00
 September 10, 2024 - one permit x \$250.00=\$250.00
 September 11, 2024 - one permit x \$500.00=\$500.00
 September 12, 2024 - one permit x \$500.00=\$500.00
 September 13, 2024 - one permit x \$500.00=\$500.00
 =\$1850.00

I can be reached at ameyer@losgatosca.gov or at 408-399-5746 if you should have any questions.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Meyer".

Allen Meyer
Code Compliance Officer
Town of Los Gatos

cc: Lance Bayer, Special Council
Gabrielle Whelan, Town Attorney
Sean O'Neill, Esq.



09/13/2024 15:17



09/13/2024 15:16



DECLARATION OF SERVICE BY MAIL

State of California, County of Santa Clara

I am employed in the County of Santa Clara, State of California. I am over the age of eighteen (18) and not a party to the within cause or claim. My business address is 110 E. Main Street, Los Gatos, CA 95030.

Alternative No. 1

I served the foregoing document (Name of Document) by depositing a true copy thereof in the United States mail in (Location), State of California, on (Date), enclosed in a sealed envelope, with fully prepaid postage thereon, addressed as follows: (Name and Address of Claimant)

Alternative No. 2

I am familiar with the practice of Town of Los Gatos's (Name of Entity) collection and processing of correspondence for mailing within the United States Postal Service. Under that practice, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing. I placed the foregoing document (Name of Document) by placing a true copy thereof for collection and mailing, in the course of ordinary business practice, with other correspondence of Town of Los Gatos (Name of Entity), located at 110 E Main Street, Los Gatos CA, 95030 (Entity Address), on September 16, 2024, enclosed in a sealed envelope, with fully prepaid postage thereon, addressed as follows: (Name and Address of Claimant) Theodore and Lauri Deffenbaugh, 16660 Cypress Way, Los Gatos, CA 95030

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Los Gatos (City), California, on September 16, 2024 (Date)

Allen Meyer (Type or Print Name)

Allen Meyer (Signature)

Property Detail Report
For Property Located At :
16660 CYPRESS WAY, LOS GATOS, CA 95030-7531

**Owner Information**

Bldg Card: 000 of 002

Owner Name: **DEFFENBAUGH THEODORE E/DEFFENBAUGH LAURI A**
Mailing Address: **16660 CYPRESS WAY, LOS GATOS CA 95030-7531 C014**
Vesting Codes: **//**

Location Information

Legal Description: **LOT 2**
County: **SANTA CLARA, CA** APN: **532-23-106**
Census Tract / Block: **5070.02 / 2** Alternate APN:
Township-Range-Sect: Subdivision: **DAVIS & COWELL**
Legal Book/Page: Map Reference: **71-A6 /**
Legal Lot: **2** Tract #:
Legal Block: School District: **LOS GATOS UN**
Market Area: **16** School District Name: **LOS GATOS UN**
Neighbor Code: Munic/Township: **TOWN OF LOS GATOS**

Owner Transfer Information

Recording/Sale Date: **/** Deed Type:
Sale Price: 1st Mtg Document #:
Document #:

Last Market Sale Information

Recording/Sale Date: **10/05/2016 / 09/27/2016** 1st Mtg Amount/Type: **\$2,400,000 / CONV**
Sale Price: **\$3,200,000** 1st Mtg Int. Rate/Type: **/**
Sale Type: **FULL** 1st Mtg Document #: **23453987**
Document #: **23453986** 2nd Mtg Amount/Type: **/**
Deed Type: **GRANT DEED** 2nd Mtg Int. Rate/Type: **/**
Transfer Document #: Price Per SqFt: **\$620.52**
New Construction: Multi/Split Sale:
Title Company: **CORNERSTONE TITLE CO**
Lender: **WELLS FARGO BK NA**
Seller Name: **WATSON MARGARET M**

Prior Sale Information

Prior Rec/Sale Date: **01/21/1998 / 12/31/1997** Prior Lender:
Prior Sale Price: Prior 1st Mtg Amt/Type: **/**
Prior Doc Number: **14019394** Prior 1st Mtg Rate/Type: **/**
Prior Deed Type: **GRANT DEED**

Property Characteristics

Gross Area: 5,157	Parking Type: GARAGE	Construction: WOOD
Living Area: 5,157	Garage Area: 660	Heat Type: HEATED
Tot Adj Area:	Garage Capacity:	Exterior wall:
Above Grade:	Parking Spaces:	Porch Type: NONE
Total Rooms: 19	Basement Area:	Patio Type: NONE
Bedrooms: 7	Finish Bsmnt Area:	Pool:
Bath(F/H): 6 / 1	Basement Type:	Air Cond:
Year Built / Eff: 1908 / 1908	Roof Type:	Style: H-SHAPE
Fireplace: /	Foundation:	Quality: EXCELLENT
# of Stories: 3	Roof Material:	Condition: AVERAGE
Other Improvements: LAUNDRY ROOM		

Site Information

Zoning: HR110	Acres: 4.28	County Use: RESID SINGLE FAMILY (01)
Lot Area: 186,437	Lot Width/Depth: x	State Use:
Land Use: SFR	Res/Comm Units: /	Water Type:
Site Influence:		Sewer Type:

Tax Information

Total Value: \$3,569,657	Assessed Year: 2023	Property Tax: \$42,482.98
Land Value: \$2,231,037	Improved %: 37%	Tax Area: 03050
Improvement Value: \$1,338,620	Tax Year: 2023	Tax Exemption: HOMEOWNER
Total Taxable Value: \$3,562,657		

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TOWN OF LOS GATOS

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

**ADMINISTRATIVE CITATION
HEARING REQUEST FORM**

PAID
OCT 14 2024
BP 41588
TOWN OF LOS GATOS

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal the Administrative Citation and/or Correction Notice as follows:

CASE NUMBER: No Case # found on citation / see attached

DATE CITATION ISSUED: 9/16/24

TOTAL AMOUNT DUE: \$ 11,100.00

LIST REASON(S) FOR THE APPEAL (attach additional sheets if more space is needed):

See attached letter from lawyer

IMPORTANT:

1. HEARING REQUEST FORM **MUST** BE RETURNED TO THE TOWN WITHIN THIRTY (30) DAYS FROM THE DATE OF THE ADMINISTRATIVE CITATION AND/OR CORRECTION NOTICE, TOGETHER WITH AN ADVANCE DEPOSIT OF THE TOTAL PENALTY AMOUNT OR ADVANCE DEPOSIT HARDSHIP WAIVER APPLICATION.
2. YOU WILL BE NOTIFIED IN WRITING OF THE DATE, TIME & LOCATION OF YOUR HEARING AT LEAST TEN (10) DAYS PRIOR TO THE DATE OF YOUR HEARING
3. IF YOU FAIL TO APPEAR AT YOUR HEARING, THIS FAILURE SHALL CONSTITUTE A FORFEITURE OF THE PENALTY AND NO FURTHER ADMINISTRATIVE REMEDY IS AVAILABLE.

RETURN HEARING REQUEST FORM TO COMMUNITY DEVELOPMENT

PRINT NAME: Lauri Deffenbaugh SIGNATURE Lauri Deffenbaugh

DATE COMPLETED: 9/16/24 MAILING ADDRESS: 16660 Cypress Way, LG 95030

CITY: Los Gatos STATE: CA ZIP: 95030

PHONE NO.: [REDACTED]
But please contact lawyer as per attached form

VIOLATION ADDRESS: 16660 Cypress Way
Los Gatos, CA 95030



Town of Los Gatos

Administrative Warning/Citation

Code Compliance
110 E. Main Street
Los Gatos, CA 95030
(408) 399-5746
PLADMCIT

PAID
OCT 14 2024
BP 41588
TOWN OF LOS GATOS

Date Issued: 9/16/24 Time: _____

Code Compliance Violation NO. VL- 19-362 Zone: _____

Violation Address: 16660 Cypress Way Town: Los Gatos State: CA Zip: 95030

Name (Responsible person/business): Theodore and Lauri Deffenbaugh

Mailing Address: _____

Town/City: _____ State: _____ Zip: _____ Same as Violation Address

Document Issued: WARNING CORRECTION NOTICE ADMINISTRATIVE CITE

Issuing Department: CDD Compliance Date: 9/8/24 Inspection Date: 9/13/24

The total penalty is now due. Instructions for payment are listed on reverse page.

In order to comply with the Los Gatos Town Code, you will need to:

Obtain building permit for ADU remodel at 16664 Cypress Way. Obtain demolition permit and demolish approximately 124 sf office structure beside ADU, 197 sf storage structure behind ADU, and 294 sf garage structure adjacent to pool. Obtain retaining wall permit for unpermitted retaining walls. Obtain grading permit for unpermitted grading. Violations are accrued on a daily basis after the compliance date. \$100.00 for first violation, \$250.00 for second violation, \$500.00 for every violation thereafter. This citation is for September 9-13, 2024. See attached for breakdown

Code Section	Description	Penalty Amount
6.150.010 (R105.1)	Permit required (4 buildings, 1 retaining wall)	\$9250.00
12.20.010	Grading permit required (grading associated with retaining walls and roadways)	\$1850.00

Photos Taken: (Circle one) YES / NO Quantity: 3 photos Total: **\$11,100.00**

Appeal of this Administrative Citation may be made by filing out a Hearing Request. Contact the Town of Los Gatos Community Development Department, 110 E. Main Street, Los Gatos, CA 95030 or by e-mail at CodeCompliance@LosGatosCA.gov for an application. Additional citations may be issued each day the violation exists.

NOTE: PERMIT(S) FROM THE PLANNING, BUILDING AND/OR PARKS AND PUBLIC WORKS DEPARTMENTS MAY ALSO BE REQUIRED FOR VIOLATIONS INVOLVING STRUCTURES, GRADING, ENCROACHMENTS AND TREE REMOVALS. WORK PERFORMED WITHOUT THE REQUIRED PERMIT(S) AND TOWN INSPECTION IS A VIOLATION OF THE TOWN OF LOS GATOS TOWN CODE AND WILL NOT QUALIFY AS COMPLIANCE.

Issuing Official: Allen Meyer Badge/Title NO.: Code Compliance Officer

Signature: *Allen Meyer* Date: 9/16/24 Phone: 408-399-5746

Signature: _____ Print Name: _____

Service: Via US Mail and email on September 16, 2024

415.956.2828 (t)
415.956.6457 (f)

Robert Doll
311 California
Flr.
San Francisco CA 94104

ITEM NO. 13.

202.777.8950 (t)

1500 K Street, NW, Suite
800

202.347.8429 (f)

Washington DC 20005

ROGERS JOSEPH

Richard M. Harris
415.365.5306 (d)
rharris@rjo.com

October 14, 2024

VIA E-MAIL AND HAND DELIVERY

CodeCompliance@LosGatosCA.gov

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

Re: Appeal of citation issued by Town of Los Gatos

The Deffenbaughs, through counsel, appeal the administrative citation received by email on September 16, 2024. The Deffenbaughs object to the citation's issuance. There is no factual basis to support any of the citations claimed violations. The Deffenbaughs further object to the issuance of the citation on the following grounds:

1. The administrative citation process violates the Deffenbaughs' due process rights.
2. The administrative citation process violates section 1.8.8.1 of the building code, as the Town of Los Gatos has not enacted and used an appropriate appellate procedure.
3. The procedure by which the hearing officer is chosen violates the Deffenbaugh's due process rights.
4. The "Administrative Warning" document sent by the Town of Los Gatos failed to adequately describe the alleged violations.
5. The citation fails to adequately describe the alleged violations.
6. The citation amount is excessive and in violation of the Deffenbaugh's due process rights and a violation of the 8th amendment of the US Constitution and Article I, section 17 of the California Constitution, as well as the Bane Act.
7. The evidence to be adduced at the hearing is inadmissible as it was gathered in violation of the Fourth Amendment of the US Constitution.

=Community Development Department
10/10/2024
Page 2

8. The citation claims that an inspection occurred on September 13, 2024. This inspection did not occur, and any such inspection was in violation of the Fourth Amendment of the US Constitution.
9. The Town is estopped from enforcing these alleged violations because it agreed to wait until the Deffenbaughs' civil litigation was complete.

This list is not intended to be exhaustive, and the Deffenbaughs reserve every defense. The Town must attempt to prove every element required to enforce its citation, as well as show that it is complying with the Federal, State, and local law. Please provide all supporting documentation you Town intends to rely on at the hearing with enough time for the Deffenbaughs to prepare for the hearing.

Please contact me at your earliest convenience to schedule the appropriate information exchange prior to any hearing.

Very truly yours,



Richard M. Harris

RMH:sci



**TOWN OF LOS GATOS
CODE COMPLIANCE DIVISION**

November 7, 2024

Theodore and Lauri Deffenbaugh
16660 Cypress Way
Los Gatos, California 95030

Theodore and Lauri Deffenbaugh
c/o Richard M. Harris, Esq
Rogers Joseph O'Donnell, a Professional Law Corporation
311 California Street, 10th floor
San Francisco, California 94104

Notice of Administrative Appeal Hearing

Dear Mr. and Ms. Deffenbaugh and Mr. Harris:

The Town has received your October 14th appeal of Administrative Citation VL-19-362 (16660 Cypress Way) issued by the Town on September 16, 2024.

An Administrative Appeal Hearing has been scheduled for Tuesday, December 3, 2024, at 7:00 p.m. or as soon thereafter as it may be heard in the Town Council Chambers located at 110 East Main Street, Los Gatos.

Pursuant to Town Code Section 1.30.040. - Hearing procedure.

(c) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

The Administrative Appeal Hearing will be heard by the Town Council acting in the combined capacity of hearing officer and in the capacity of a board of appeal.

Please feel free to contact me if you should have any questions at ameyer@losgatosca.gov or at 408-399-5746.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Meyer".

Allen Meyer
Code Compliance Officer
Town of Los Gatos

DRAFT RESOLUTION**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
UPHOLDING AN ADMINISTRATIVE CITATION ISSUED TO
THEODORE DEFFENBAUGH AND LAURI DEFFENBAUGH
AND IMPOSING ADMINISTRATIVE COSTS**

WHEREAS, Town staff conducted a site inspection of the property located at 16660 Cypress Way, Los Gatos, on May 30, 2024.

WHEREAS, During that inspection, Town staff observed four violations of Los Gatos Town Code section 6.150.010 (incorporating California Residential Code section R105.1), regarding unpermitted remodeling of a permitted accessory unit and regarding three unpermitted structures.

WHEREAS, During that inspection, Town staff observed a violation of Los Gatos Town Code section 12.20.010 regarding unpermitted grading associated with retaining walls and roadways.

WHEREAS, Town staff issued an administrative warning notice dated July 8, 2024, which notified Theodore and Lauri Deffenbaugh, the property owners, of the violations and provided them with an administrative warning and an opportunity to abate the violations.

WHEREAS, Town staff conducted a site inspection of the property located at 16660 Cypress Way, Los Gatos, on September 13, 2024 and determined that the violations of the Town Code had not been abated.

WHEREAS, Previous unsuccessful efforts by Town staff to abate violations of Town Code sections 6.150.010 (incorporating California Residential Code section R105.1) and 12.20.010 at 16660 Cypress Way, Los Gatos, included issuing two written administrative warnings to Theodore and Lauri Deffenbaugh dated July 17, 2019 and August 22, 2019.

WHEREAS, After Theodore and Lauri Deffenbaugh failed to abate the violations set forth in the abatement warning dated July 8, 2024, Town staff issued an administrative citation on September 16, 2024, imposing daily penalties, as authorized by the Town Code, in the amount of \$11,100.00.

WHEREAS, Town staff seek to recover costs of enforcement in the amount of \$5,824.26 according to proof as provided by the Town Code.

ATTACHMENT 24

WHEREAS, Theodore and Lauri Deffenbaugh requested and received a public hearing before the Town Council, on December 17, 2024, to appeal the administrative citation.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Los Gatos does hereby declare, determine, and order as follows:

- 1. The administrative citation issued to Theodore and Lauri Deffenbaugh on September 16, 2024 is UPHELD in the amount of \$11,100.00.
- 2. Administrative costs are imposed in the amount of \$5,824.26.

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO. 14.

ITEM NO: 14

DATE: January 16, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider a Recommendation by the Planning Commission to Approve a Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD; Adopt a Resolution Approving the Subdivision, and Architecture and Site Applications; and Introduce an Ordinance to Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone . **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owners: Marty and Penny McFarland. Applicant: Terence J. Szewczyk (M-20-011 and PD-20-002). Applicant: Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1412 Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone.

RECOMMENDATION:

Staff recommends that the Town Council accept the Planning Commission’s recommendation and adopt a resolution approving the subdivision, and architecture and site applications to allow a subdivision from one lot to two lots and construction of a single-family residence; and introduce an ordinance repealing and replacing Planned Development Ordinance 1412 establishing Development Standards and Allowable Uses For Lots within the Planned Development Overlay Zone.

PREPARED BY: Sean Mullin, AICP
Planning Manager

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

PAGE 2 OF 5

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: January 16, 2025

BACKGROUND:

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Attachment 1). The property is developed with an existing 3,621-square foot, two-story residence with a 520-square foot attached garage (Attachment 8, Exhibit 21).

PD Ordinance 1412 was adopted on December 4, 1978, and took effect on January 3, 1979 (Attachment 5, Exhibit 5). The PD Ordinance allowed for the following:

- a. Demolition of an existing one-story residential structure;
- b. Conversion of an existing two-story medical office structure into a residential townhouse unit;
- c. Construction of 10 two-story residential townhouse units; and
- d. Landscaping, parking, and limited tree removal as granted under precise plan approval.

Construction of the Townhomes and other site improvements were completed in 1981.

The existing PD Ordinance specifies that the permitted uses, conditional uses, and setback requirements for the areas within the boundary of the townhouse complex are those of the R-M zone. Since the subject property is not located within the townhouse complex and there are no performance standards contained in the PD Ordinance specific to the subject property, the permitted uses, conditional uses, setback requirements, and other development standards applicable to the subject property default to the underlying O zone.

DISCUSSION:

A. Project Summary:

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The applicant also requests approval of additional modifications to the performance standards in the PD Ordinance affecting Parcels A and B to allow for the following deviations from the O zone requirements and applicable sections of the Hillside Development Standards and Guidelines (HDS&G):

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: January 16, 2025

- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

Full discussion and analysis of the project is provided in the July 24, 2024, Planning Commission Staff Report (Attachment 5).

Planned development Ordinance 1412 would be modified to allow the subdivision of the parcel and construction of the proposed single-family residence. A draft modified PD Ordinance is included as Attachment 3.

B. Planning Commission:

On July 24, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Attachment 7). Included in the public comments was testimony from a neighbor and board member of the Regency Court Homeowners Association (HOA) who indicated that the HOA maintained architectural control over the subject property even though it had been removed from the HOA in 1985. Further, the HOA board member indicated that architectural review by the HOA had not been completed. After discussing the matter, the Planning Commission voted to continue consideration of this item to a date uncertain to allow the applicant sufficient time to coordinate with the HOA.

In October 2024, the HOA provided a letter summarizing the coordination between the HOA, property owner, and architect, and provided the HOA's conditional approval of the proposed project (Attachment 8, Exhibit 19). In turn, the applicant submitted a response letter (Attachment 8, Exhibit 20) summarizing their agreement to the HOA conditions and the changes made to the revised development plans in response (Attachment 8, Exhibit 21). A full discussion of the changes is provided in Attachment 8.

On December 11, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Attachment 9). The Planning Commission voted unanimously to recommend approval of the project to the Town Council.

C. CEQA Determination

The Project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

PAGE 4 OF 5

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: January 16, 2025

PUBLIC COMMENTS:

Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, a project sign was installed on the site on May 28, 2024. Installation of story poles is not required under the policy. Additionally, notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. Public comments received for the Planning Commission reviews are included as Attachment 5, Exhibit 16, and Attachment 6, Exhibit 17. No additional public comments were received following review by the Planning Commission in December.

CONCLUSION:A. Summary

The applicant is requesting approval for modification of PD Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

B. Recommendation

Staff recommends the Town Council take the following actions to approve the PD, Subdivision, and Architecture and Site applications:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Attachment 2);

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: January 16, 2025

2. Make the finding that the amendment to the Planned Development Overlay is consistent with Town Code Section 29.80.095 (Attachment 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site (Attachment 2);
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Attachment 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Attachment 2);
6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Attachment 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Attachment 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Attachment 2);
9. Introduce the Ordinance effecting the zone change; and
10. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Attachment 3); approve Subdivision application M-20-011; and Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Attachment 4 and the revised development plans included as Attachment 8, Exhibit 21.

C. Alternatives

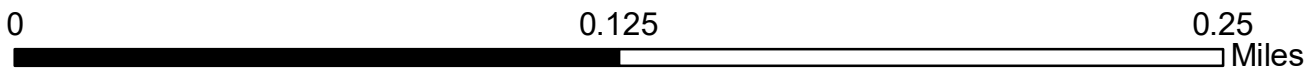
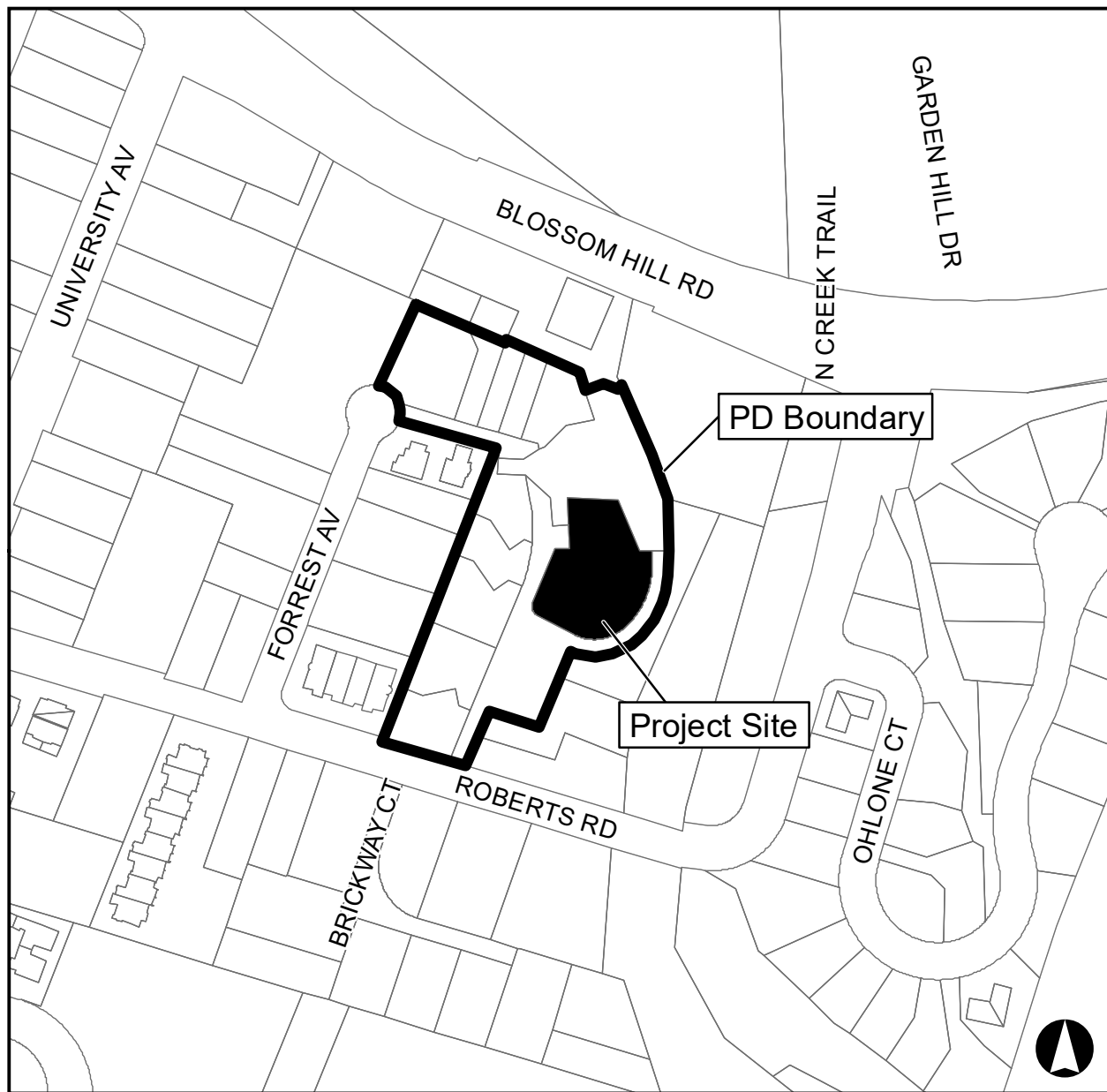
Alternatively, the Council can:

1. Approve the applications with additional and/or modified conditions; or
2. Continue the matter to a date certain with specific direction; or
3. Deny the applications and make the required findings for denial.

ATTACHMENTS:

1. Location Map
2. Draft Resolution with Recommended Conditions of Approval Included as Exhibit A
3. Draft Planned Development Ordinance with Exhibits A through G
4. July 24, 2024, Planning Commission Staff Report, with Exhibits 1 through 16
5. July 24, 2024, Planning Commission Desk Item, with Exhibit 17
6. July 24, 2024, Planning Commission Verbatim Minutes
7. December 11, 2024, Planning Commission Staff Report, with Exhibits 18 through 21
8. December 11, 2024, Planning Commission Verbatim Minutes

120 Oak Meadow Drive



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RESOLUTION 2025 -xx

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING THE
SUBDIVISION APPLICATION AND ARCHITECTURE AND SITE APPLICATION TO ALLOW A
SUBDIVISION FROM ONE LOT TO TWO LOTS AND CONSTRUCTION OF A SINGLE-FAMILY
RESIDENCE, AND SITE WORK REQUIRING A GRADING PERMIT ON PROPERTY ZONED O:PD.
LOCATED AT 120 OAK MEADOW DRIVE**

WHEREAS, the subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property; and

WHEREAS, the subject property is developed with an existing 3,621-square foot, two-story residence with a 520-square foot attached garage; and

WHEREAS, the applicant is requesting approval to modify Planned Development (PD) Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence; and

WHEREAS, Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence; and

WHEREAS, the applicant also requests approval of additional modifications to the performance standards in the PD Ordinance affecting Parcels A and B to allow for the following deviations from the O zone requirements and applicable sections of the Hillside Development Standards and Guidelines (HDS&G): Parcel A: Lot coverage exceeding 40 percent; and existing residence exceeding FAR standards. Parcel B: Lot size below what is required by the zone; proposed residence exceeding FAR standards; lot coverage exceeding 40 percent; reduced setbacks; portion of the residence located outside of the Least Restrictive Development Area (LRDA); and driveway slope exceeding 15 percent.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings are made by the Town Council of the Town of Los Gatos:

Finding for the California Environmental Quality Act (CEQA):

1. The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Finding for Compliance with the Town Code for granting a Planned Development Overlay Zone:

As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:

1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay;
2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Element, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, and LU-7.4;
3. Is in conformance with the Residential Design Guidelines and applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater; and
4. Allows for a new housing unit designed to protect and preserve the existing trees and slopes of the site.

Finding for compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), except for the requested modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning allowing the following:

1. Lot Size: The O zone requires a minimum lot size of 8,000 square feet and the proposed subdivision would result in lots with areas of 11,906 square feet (Parcel A) and 5,793 square feet (Parcel B).
2. Lot Coverage: The existing residence would be located on new Parcel A, following subdivision. The lot coverage for Parcel A would be 40.3 percent, where 40 percent is the maximum allowed in the O zone. Similarly, the proposed residence on Parcel B would have a lot coverage of 42.6 percent, exceeding the limitations of the zone.
3. FAR Standards: The existing residence would be located on new Parcel A, following subdivision. The FAR of the existing residence would be 0.30 (3,621 square feet), where 0.27 (3,248 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone. Similarly, the proposed residence on Parcel B would have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone.
4. Setbacks: The proposed residence on Parcel B would include reduced setbacks.

Finding for consistency with the Town's General Plan:

1. That the amendment to the Planned Development Overlay is consistent with the 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Elements, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, LU-7.4, CD-1.2, CD-3.1, and CD-4.3; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

Findings to deny a Subdivision Application:

As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

1. That the proposed map is consistent with all elements of the General Plan.
2. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
3. That the site is physically suitable for the type of development.
4. That the site is physically suitable for the proposed density of development.
5. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
7. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Findings for compliance with the applicable sections of the Hillside Development Standards and Guidelines:

The project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average of 10 percent or greater, except for the requested modification to the performance standards in the PD Ordinance to allow deviations from applicable sections of the HDS&G allowing the following:

1. LRDA: The proposed residence on Parcel B would include portions of the structure located outside of the LRDA.
2. Driveway Slope: The proposed driveway serving Parcel B includes a portion with a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G.

Findings for compliance with the Residential Design Guidelines:

1. The project is in compliance with the Residential Design Guidelines for single family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect for compliance with the Town's Residential Design Guidelines. The Consultant noted that the proposed house is well sited to respond to the constraints of the site. The applicant provided a response to the Consultant's recommendations justifying the proposed design and materials.

Required considerations in review of Architecture and Site applications:

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

NOW, THEREFORE, BE IT FURTHER RESOLVED that, upon the effective date of the ordinance amending the PD Overlay Zone, the Town Council of the Town of Los Gatos approves the subdivision application and architecture and site application to allow a subdivision from one lot to two lots and construction of a single-family residence, and site work requiring a grading permit on property zoned O:PD located at 120 Oak Meadow Drive, subject to the attached Conditions of Approval (Exhibit A).

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of January, 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

TOWN COUNCIL – January 21, 2025
CONDITIONS OF APPROVAL

120 Oak Meadow Drive
Subdivision Application M-20-011
Architecture and Site Application S-22-021

Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. APN 529-10-131. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owners: Marty and Penny McFarland Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021)

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. TREE REPLACEMENT: Prior to issuance of a Building Permit, the location, size, and species of all required replacement trees shall be provided on the project plans.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.

10. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations identified in the Arborist Report dated December 16, 2022, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
11. **WATER EFFICIENCY LANDSCAPE ORDINANCE:** The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. **STORY POLES/PROJECT IDENTIFICATION SIGNAGE:** Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement (“the Project”) from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

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

14. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
16. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
17. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
18. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
19. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.

- d. A door buzzer, bell or chime shall be hard wired at primary entrance.
25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
27. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
28. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- Community Development – Planning Division: (408) 354-6874
 - Engineering/Parks & Public Works Department: (408) 399-5771
 - Santa Clara County Fire Department: (408) 378-4010
 - West Valley Sanitation District: (408) 378-2407
 - Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the public street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
33. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
34. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading, or paving. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
36. GRADING PERMIT A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. Unless specifically allowed by

the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

37. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney.
 - a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
 - b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
38. GRADING PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
39. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
40. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
41. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
42. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
43. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town Inspector. At a minimum, watering shall occur three (3) times daily unless the contractor applies a non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or

by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public and private streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH).

44. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
45. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
46. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
47. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense
48. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
49. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m. during the week and 9:00 a.m. to 4:00 p.m. on Saturdays, construction, alteration, or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
50. WATER METER: Water meters shall be relocated within the property in question, directly inside the property line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork that is damaged during this activity prior to issuance of a certificate of occupancy.
51. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner, Applicant

and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

52. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
 - a. Along with the Owner, Applicant and/or Developer, setup a pre-construction meeting with Eric Christianson, Senior Public Works Inspector echristianson@losgatosca.gov (408) 354-6824 to discuss the project conditions of approval, working hours, site maintenance, and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
53. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
54. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
55. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
56. DRIVEWAY: The driveway conform with the existing pavement on Oak Meadow Drive shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
57. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
58. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
59. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary. Please contact

Tammy Robnett-Illges, Engineering Technician at trobnett-illges@losgatosca.gov or (408) 399-5771 for more information.

60. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall: top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
61. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
62. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
63. PARCEL MAP: A parcel map shall be recorded. A PDF of the parcel map and all associated materials shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits.
64. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
65. DEDICATIONS: The following shall be dedicated on the parcel map by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
 66. Private storm drainage easement for Parcel B over Parcel A.
 67. Landscape Easement for Parcel A over Parcel B.
68. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations, grading, foundations, and retaining walls shall be inspected by the Owner's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
69. GEOTECHNICAL/GEOLOGICAL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject

to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.

70. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies may be required in support of the design of the infrastructure and the building type, and the reports and plans shall be submitted to the Town for review.
71. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
72. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
73. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
74. TRAFFIC IMPACT MITIGATION FEE: Prior to the parcel map recordation, the Owner shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The amount based on the current resolution is \$10,410.72. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time, using a comparison between the existing and proposed uses. For more information please contact Mike Vroman, Senior Traffic Engineer MVroman@losgatosca.gov (408) 399-5777.
75. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Oak Meadow Drive. The results shall be documented in a report and submitted to the Town for review.
76. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements shall be required to restore the pavement to pre-construction conditions. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can

be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.

77. **TRAFFIC CONTROL PLAN:** A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.

For more information please contact Mike Vroman, Senior Traffic Engineer
MVroman@losgatosca.gov (408) 399-5777.

78. **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to, provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required.
79. **SHARED PRIVATE STREET:** The private street accessing Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
80. **PRIVATE STREET PAVEMENT RESTORATION:** Prior to issuance of a Certificate of Occupancy for any new building, the Owner shall complete any necessary road repairs.
81. **COMMON PRIVATE DRIVEWAY:** The common private driveway accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction and in perpetuity after construction has been completed. If temporary closure is needed, then formal written notice shall be provided at least one (1) week in advance of closure.
82. **EMERGENCY VEHICLE ACCESS:** The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
83. **WVSD (West Valley Sanitation District):** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, within one (1)

foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.

84. **SANITARY SEWER BACKWATER VALVE:** Sewer piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such sewer piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
85. **BEST MANAGEMENT PRACTICES (BMPs):** The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
86. **NPDES STORMWATER COMPLIANCE:** In the event that, during the production of construction drawings for the plans approved with this application by the Town of Los Gatos, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
87. **INFILTRATION BASIN:** The following requirements apply to the proposed infiltration basins:
 - a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration basin and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
 - b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the road and development, and if the infiltration rate is lower than expected, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
 - c. The road and infiltration trenches shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
 - d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.

88. **UNLAWFUL DISCHARGES:** It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
89. **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
90. **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's construction management plan, grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
 - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective

action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
91. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
92. **WATER FEATURES:** New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from this/these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
93. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas, and use of permeable surfaces. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
94. **PAYMENT OPTIONS:**
- a. All payments regarding fees and deposits can be hand delivered or mailed to:
 Town of Los Gatos PPW – Attn: Engineering Dept
 41 Miles Avenue
 Los Gatos, CA 95030
- Checks must be made out to **“Town of Los Gatos”** and should include the project **address and application number** on memo/note line.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

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

96. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. 1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows: a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area. b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area. c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following: i. Noncombustible construction. ii. Maximum 5,000 square feet in building area. iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter. iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706. d. Canopies, constructed in accordance weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area. 2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area. Exception: Accessory Dwelling Unit, provided that all of the following are met: a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2. b. The existing primary residence does not have automatic fire sprinklers. c. The accessory dwelling unit does not exceed 1,200 square feet in size. d. The unit is on the same lot as the primary residence. e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations. 4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet. Exception: Additions where all of the following are met: a. Building addition does not exceed 500 square feet. b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18. 6. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety 1 or increased fire risk 2, shall require the installation of an approved fire automatic fire sprinkler system.

97. **REQUIRED FIRE FLOW:** (Letter received) The minimum require fireflow for this project is 500 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
98. **FIRE APPARATUS (ENGINE)ACCESS ROADWAY REQUIRED:** (As Noted on road study with a compliance roadway from Blossom Hill Rd to Forrest ave) Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
99. **WATER SUPPLY REQUIREMENTS:** (As Noted on Sheet A-1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
100. **ADDRESS IDENTIFICATION:** (As Noted on Sheet A-1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
101. **CONSTRUCTION SITE FIRE SAFETY:** (As Noted on Sheet A-1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
102. **GENERAL:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

ORDINANCE 2025-**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
REPEALING AND REPLACING PLANNED DEVELOPMENT ORDINANCE 1412
ESTABLISHING DEVELOPMENT STANDARDS AND ALLOWABLE USES FOR
LOTS WITHIN THE PLANNED DEVELOPMENT OVERLAY ZONE**

**THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS
FOLLOWS:**

SECTION I. Planned Development Overlay Zone

Ordinance No. 1412 is repealed and replaced with this Ordinance to retain the existing properties that are in the Planned Development Overlay Zone (shown in Exhibit A) and change the zoning of the property shown on the map (shown in Exhibit B), from O:PD (Office, Planned Development) to O:PD (Office, Planned Development).

SECTION II. Uses and Improvements Authorized.

- A. The following construction and use of improvements are authorized within the Planned Development Overlay Zone:
1. Demolition of an existing one-story residential structure.
 2. Conversion of an existing two-story medical office structure into a residential townhouse unit.
 3. Construction of 10 two-story residential townhouse units.
 4. Landscaping, parking, and limited tree removal as may be granted under precise plan approval.
 5. For that area within the boundary of the townhouse complex as shown on the Official Development Plan, the uses are those specified in the R-M (Multiple Family Residential) zone by Sections 29.040.610 (Permitted Uses) and 29.40.615 (Conditional Uses) of the Zoning Ordinance (as those sections exist at the time of the adoption of this ordinance or as they may be amended in the future). However, no use listed in Section 29.40.615 is allowed unless specifically authorized by this ordinance or by conditional use permit.
- B. In addition to the foregoing construction and use of improvements, this ordinance authorizes a Planning application for the following construction and use of improvements for property located at 120 Oak Meadow Drive (APN 529-10-131) as shown on the Official Development Plan:
1. Subdivision of one 17,699-square foot lot addressed as 120 Oak Meadow Drive (APN 529-10-131) into two lots consisting of Parcel A (11,906 square feet) and Parcel B (5,793 square feet);

2. Lot coverage of 40.3 percent on Parcel A;
3. Construction of a single-family residence and site improvements requiring a Grading Permit on Parcel B.
4. Lot coverage of 42.6 percent on Parcel B;
5. Reduced setbacks for the single-family residence on Parcel B of no less than:
 - Front: 6 feet
 - Rear: 7 feet
 - Side (north): 3 feet
6. Portions of the single-family residence on Parcel B as shown on the Official Development Plan located in the Least Restrictive Development Area as defined by the Hillside Development Standards and Guidelines;
7. A driveway serving Parcel B with a maximum slope of 17.5 percent.

SECTION III. Compliance with Other Development Standards.

For all areas within the Planned Development Overlay Zone, the development standards of the Town Code Sections 29.40.640 and 29.40.645 shall apply. All general provisions in Article 3 of the Zoning Ordinance apply, and the provision of Chapters Article IV, Residential Zones and Article V, Nonresidential Zones of the Zoning Ordinance apply to the residential and nonresidential portion of the Planned Development respectively except when the Official Development Plan specifically shows otherwise.

SECTION IV. Permits.

With regard to the property at 120 Oak Meadow Drive, Architecture and Site approval, Subdivision approval, recordation of the Parcel Map, and issuance of all required permits is required before construction work for the single-family residence on Parcel B as shown in the Official Development Plan.

SECTION V. Official Development Plan.

With regard to the property at 120 Oak Meadow Drive, the attached Exhibit A (Map), Exhibit B (Site Plan), Exhibit C (Unit A Plan), Exhibit D (Unit B Plan), Exhibit E (Tentative Map), Exhibit F (Civil Plans for Parcel B), and Exhibit G (Architectural Plans for Parcel B), are part of the Official Development Plan.

SECTION VI. Performance Standards.

The Planned Development Overlay zone requires the following performance standards:

1. The applicant shall dedicate sanitary and storm sewer easements, to the satisfaction of the Town Engineer.
2. The applicant shall guarantee, by contract and bond, the following improvements, to the satisfaction of the Town Engineer:
3. A 20 foot curb-to-curb roadway (with narrower sections where necessary to avoid

significant tree growth) including curb and gutters and paving, from Roberts Road to Forrest Avenue.

4. Sanitary and storm sewers as required.
5. The applicant shall provide a final grading, drainage and traffic circulation plan, to the satisfaction of the Town Engineer.
6. If any indication of archeological remains are encountered during construction activities, all such activities should cease immediately until a qualified archeologist can ascertain the nature of the discovery and recommend mitigation if necessary.

SECTION VII. Severability.

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

SECTION VIII. California Environmental Quality Act (CEQA).

With regard to the previous Planned Development Overlay Zone, an Environmental Impact Report was prepared for the Planned Development and was certified by the Town Council on November 20, 1978.

With regard to 120 Oak Meadow Drive, the Town Council finds that the Project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

SECTION IX. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION X. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 21st day of January 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of ____ 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

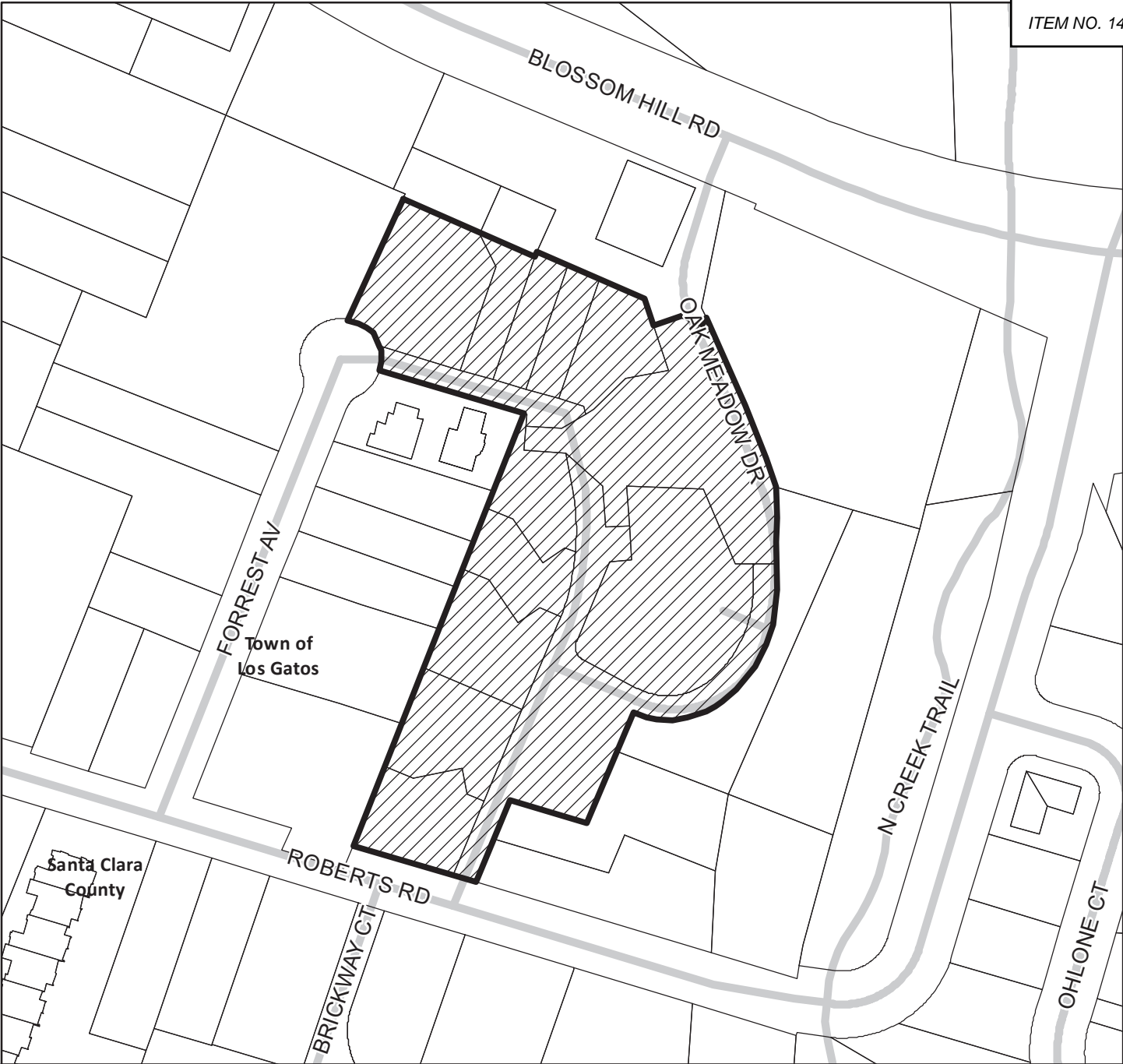
SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

DRAFT



TOWN OF LOS GATOS

Application No. PD-20-002 A.P.N. # 529-10-126, -127, -128, -129, -130, -131, -132, -133, -134, -135, -136, -137, and -999

Change of zoning map amending the Town Zoning Ordinance.

Zone Change

From: O:PD To: O:PD

Prezoning



Forwarded by Planning Commission

Date: December 11, 2024

Approved by Town Council

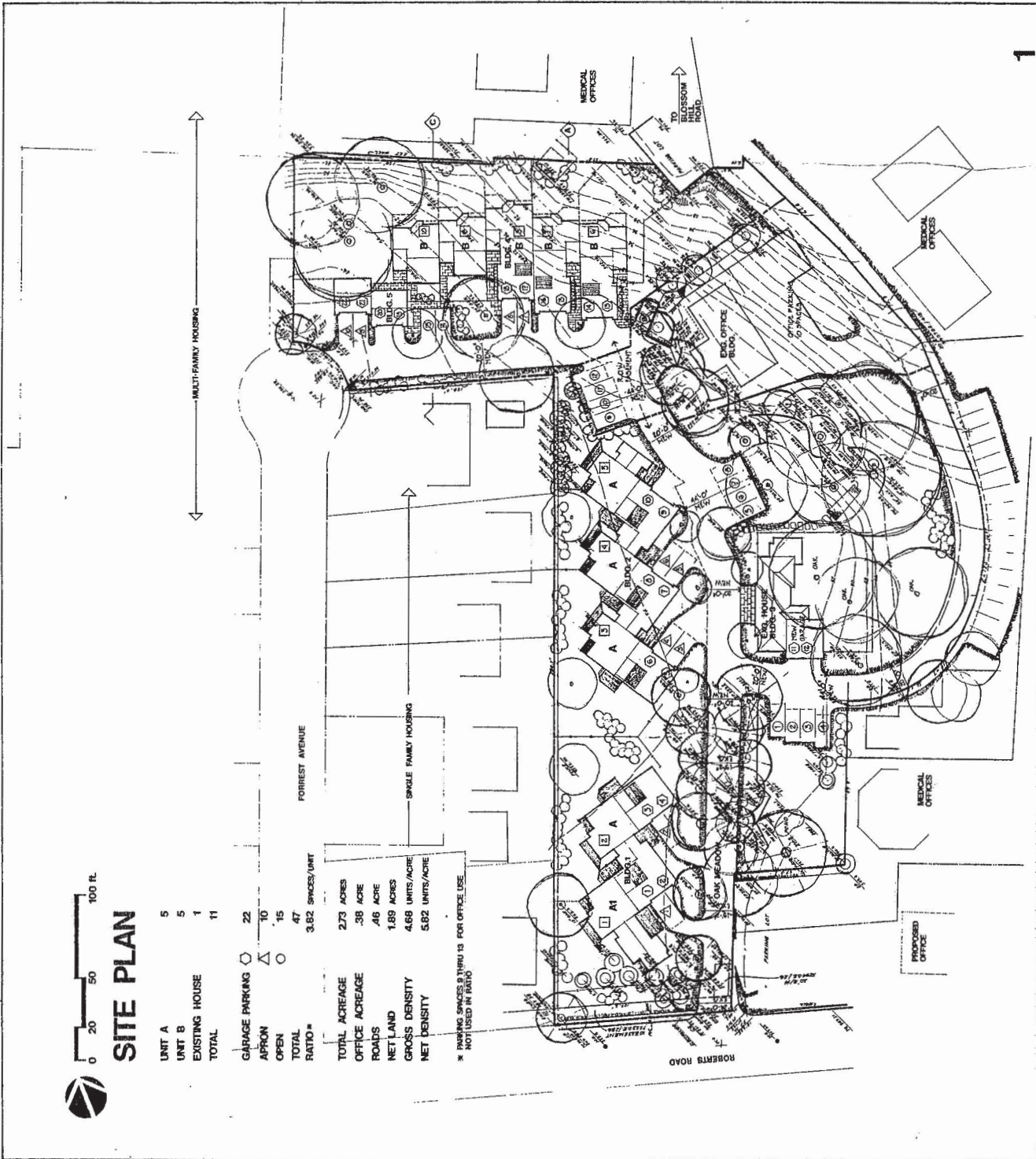
Date:

Ord:

Clerk Administrator:

Mayor:

EXHIBIT B



SITE PLAN

UNIT A	5
UNIT B	5
EXISTING HOUSE	1
TOTAL	11

GARAGE PARKING	22
APRON	10
OPEN	15
TOTAL	47
RATIO*	3.82 SPACES/UNIT

TOTAL ACREAGE	273 ACRES
OFFICE ACREAGE	.38 ACRE
ROADS	.46 ACRE
NET LAND	1.89 ACRES
GROSS DENSITY	4.68 UNITS/ACRE
NET DENSITY	5.82 UNITS/ACRE

* PARKING SPACES & TURNS FOR OFFICE USE NOT USED IN RATIO

1

Scale: 1/4" = 20' ft.
Date: 8.25.93
Job No. 0703

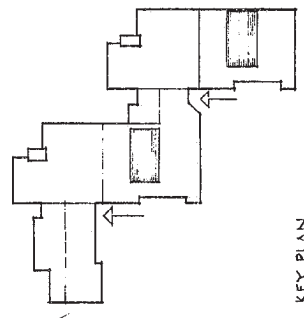
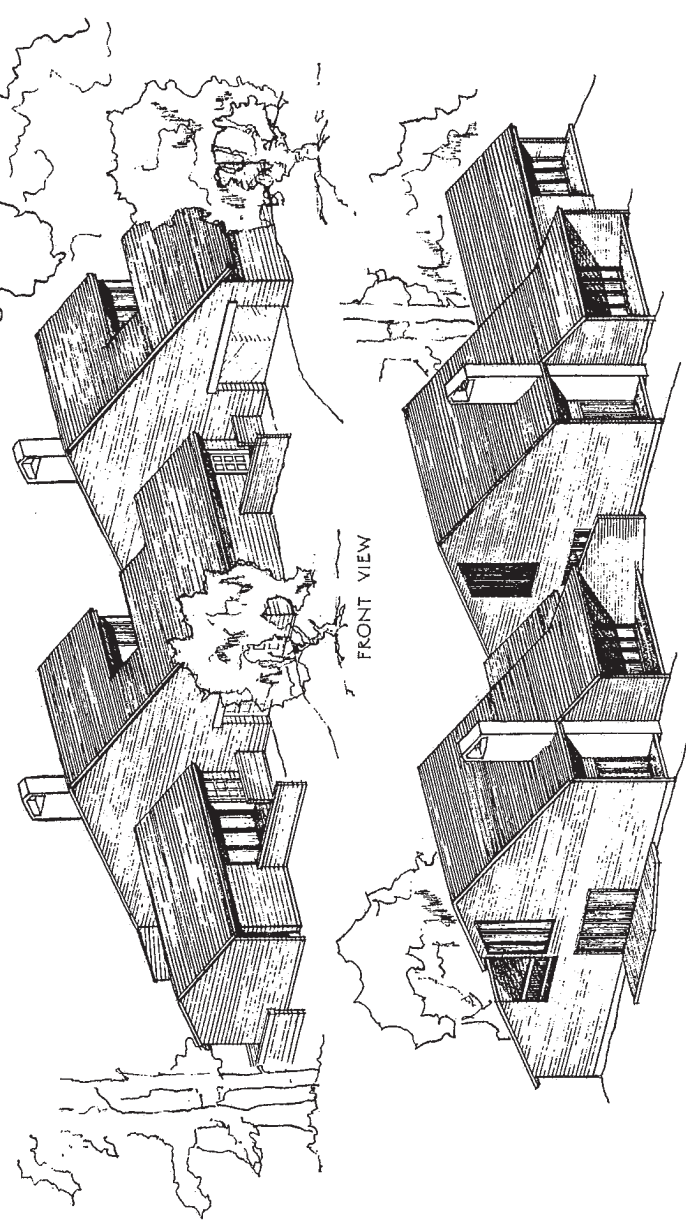
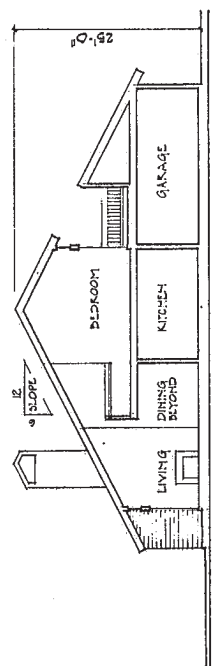
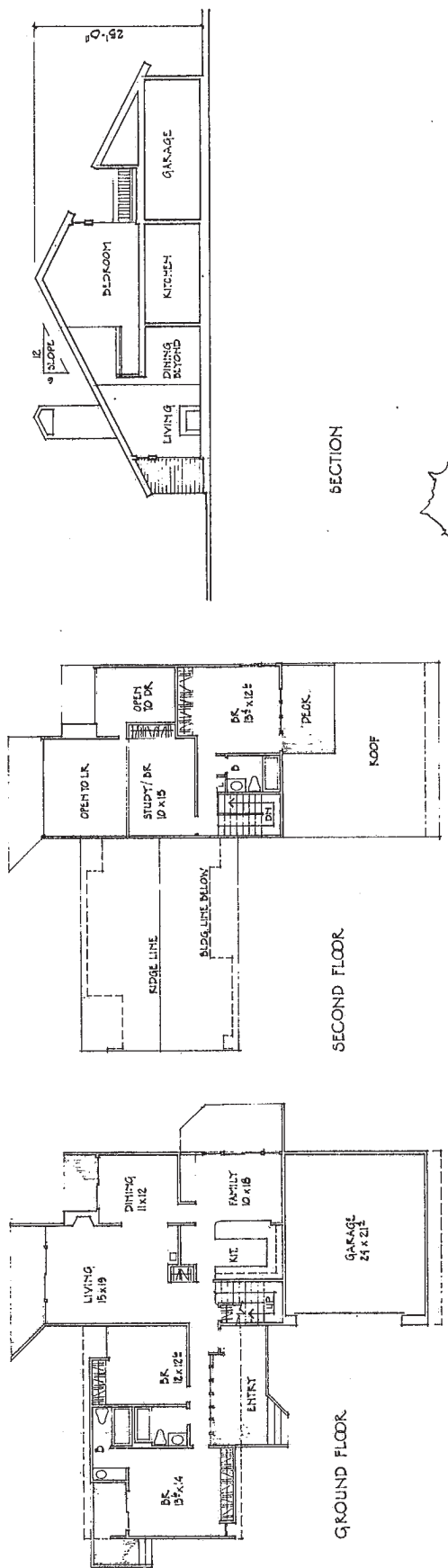
COLE REED ASSOCIATES
409 ALBERTO WAY
LOS GATOS, CA

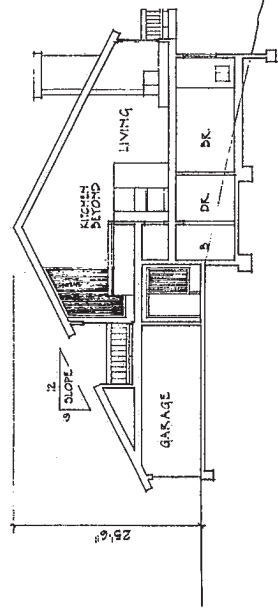
TOWN OF LOS GATOS
SANTA CLARA COUNTY
CALIFORNIA

WILLIS AND ASSOCIATES INC AIA ARCHITECTS AND LAND PLANNERS SAN FRANCISCO CALIFORNIA

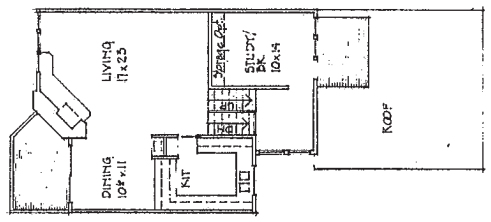
OAK MEADOW

EXHIBIT B

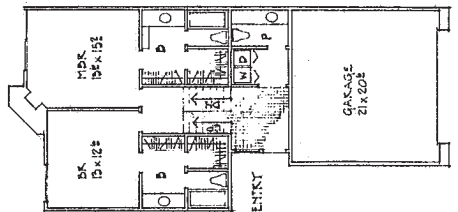




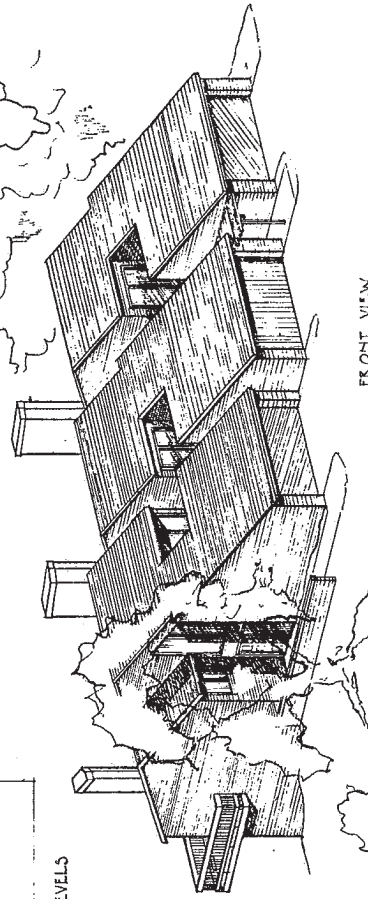
SECTION



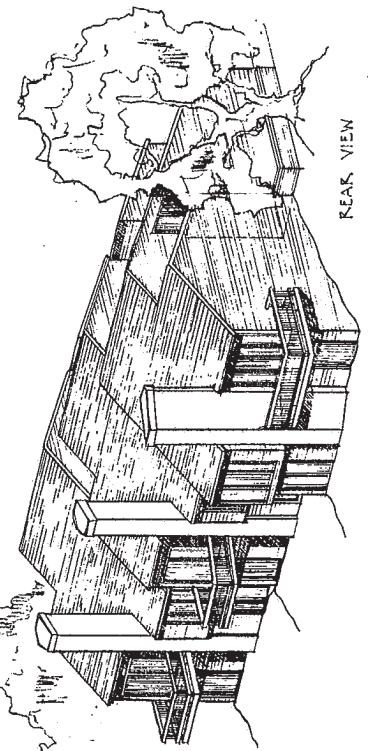
UPPER LEVELS



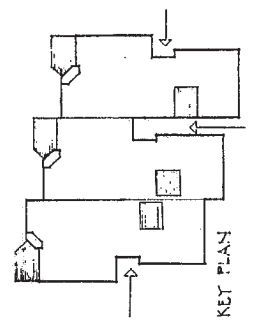
LOWER LEVELS



FRONT VIEW



REAR VIEW



KEY PLAN

EXHIBIT D

EXHIBIT D

DATE:	8-17-23
SCALE:	1"=10'
DRAWN BY:	DKH
SURVEYED BY:	LSR
PROF. ENGINEER:	LSR
CHECK BY:	LSR
SHEET NO.:	

SITE PLAN
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

LANDS OF MCFARLAND
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

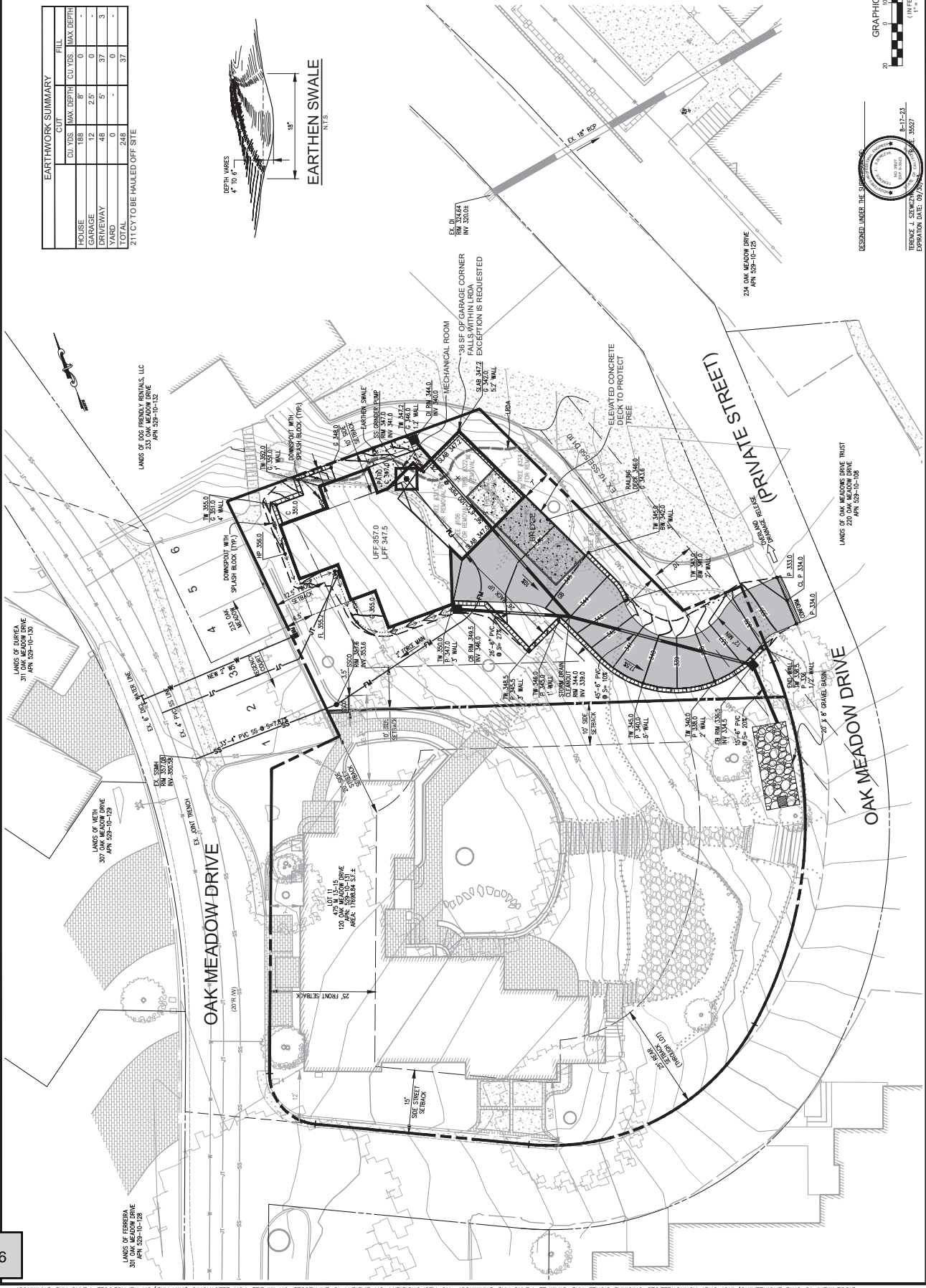
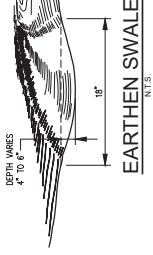
TS/CIVIL ENGINEERING, INC.
 1738 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 FAX: 408.837.7550



EARTHWORK SUMMARY

	CUT	FILL
HOUSE	188	0
GARAGE	12	2.5
DRIVEWAY	48	5
YARD	0	0
TOTAL	248	37

211 CY TO BE HAULED OFF SITE



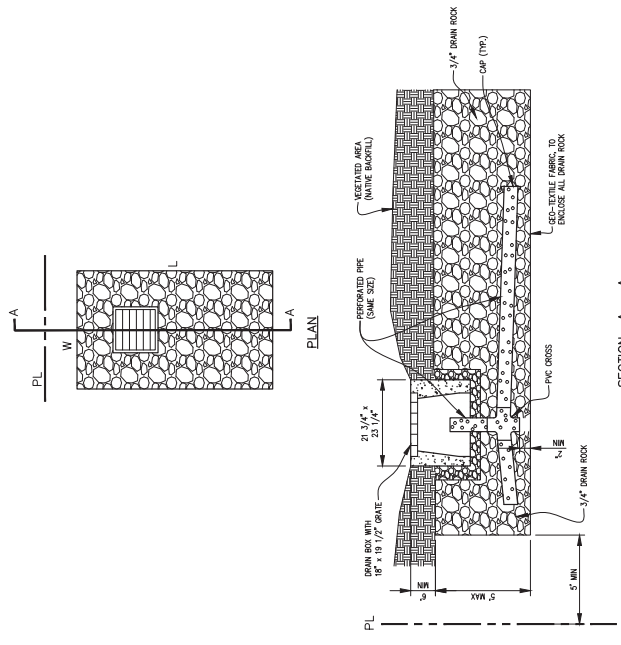
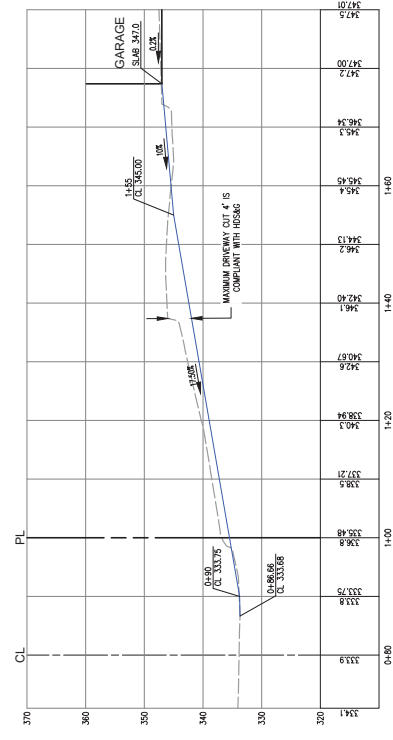
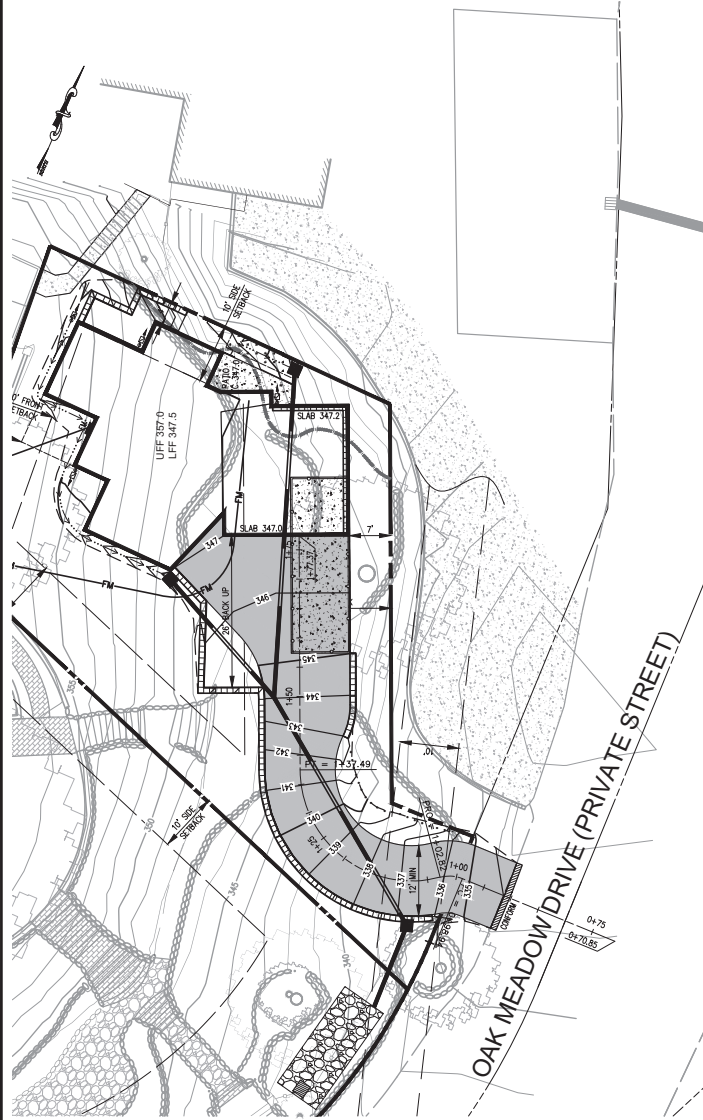
DISCLAIMER: TS/CIVIL ENGINEERING, INC. ONLY ACKNOWLEDGES ORIGINAL SIGNED AND STAMPED PLANS AND DRAWINGS. NO RESPONSIBILITY OR LIABILITY IS EXPRESSED OR IMPLIED FOR ELECTRONIC DATA AND/OR REPRODUCED PLANS AND DRAWINGS.

DATE:	8-17-23
SCALE:	1"=10'
DRAWN BY:	DKH
SURVEYED BY:	JES
PROJECT NO.:	23-000
CHECK BY:	JES
SHEET NO.:	14



LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT
 APN 529-10-131
 LOS GATOS, CA 95032

TS/CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 FAX: 408.837.7550
 PH: 408.452.9300



DATE:	8-17-23
BY:	DKH
SCALE:	1"=10'
DRAWN BY:	DKH
SURVEYED BY:	JLS
PROJ ENGR:	JLS
CHECK BY:	JLS
SHEET NO.:	

SITE CROSS SECTIONS
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

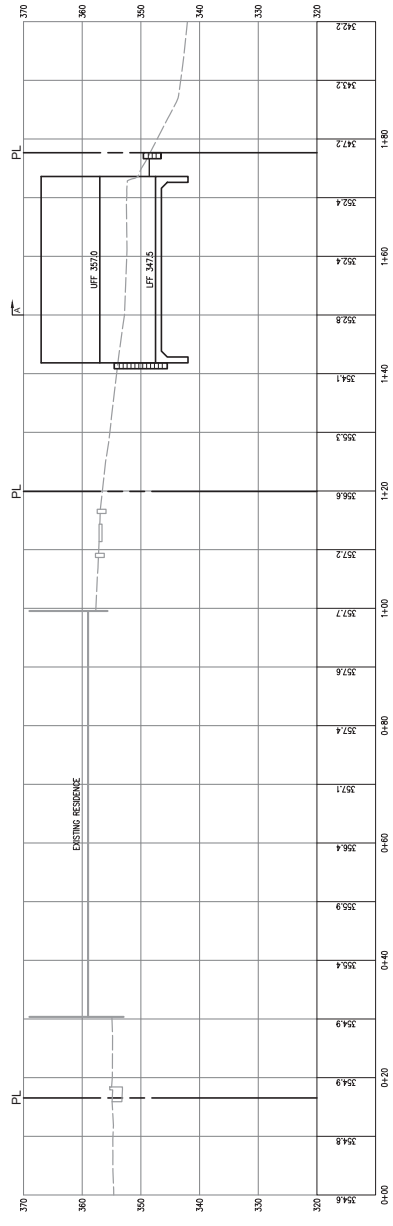
LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT



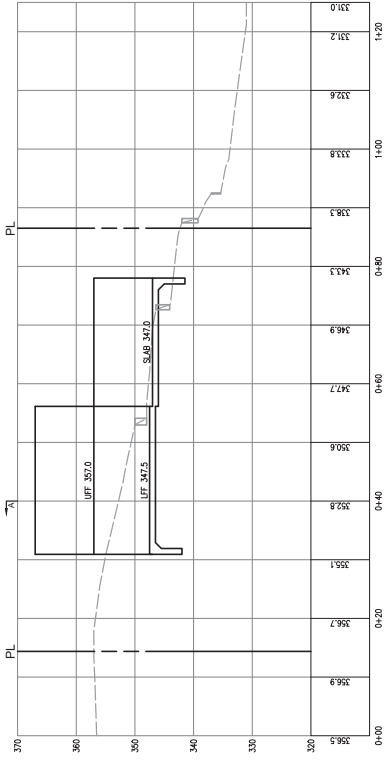
TS CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 FAX: 408.837.7550



DESIGNED UNDER THE SUPERVISION OF



SECTION B-B
 $1"=10'$



SECTION A-A
 $1"=10'$



(A) 301/307/311 OAK MEADOW DR



(B) 220 OAK MEADOW DR



(C) 220 OAK MEADOW DR



(C) 120 OAK MEADOW DR



(D) 233 OAK MEADOW DR



(D) 233 OAK MEADOW DR



(E) 234 OAK MEADOW DR

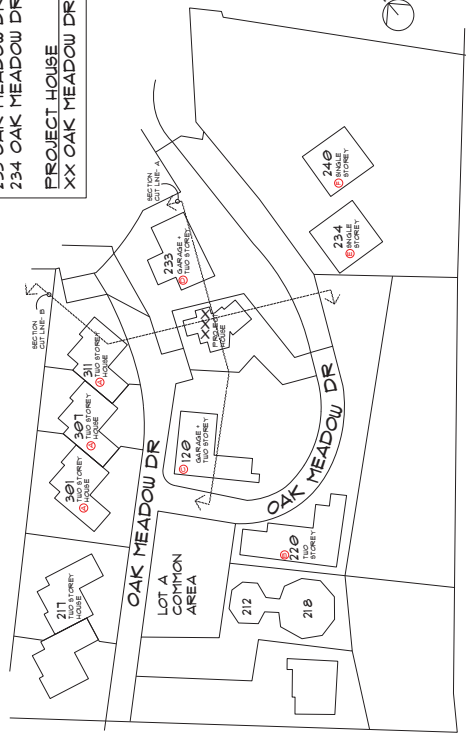


(F) 240/242 OAK MEADOW DR

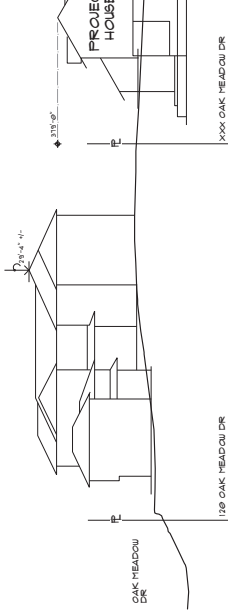
FLOOR AREA/FAR COMPARISONS

ADDRESS	LOT SIZE	FLR AREA	FAR HOUSE	GARAGE (SF)
301 OAK MEADOW DR	1352	*2620	0.356	484
307 OAK MEADOW DR	4194	*2620	**0.546	484
311 OAK MEADOW DR	4952	*2620	**0.579	484
220 OAK MEADOW DR	11703	*4507	**0.385	0
120 OAK MEADOW DR	11779	*3621	0.203	530
233 OAK MEADOW DR	19105	*3283	0.166	0
234 OAK MEADOW DR	41200	1156	0.042	0
PROJECT HOUSE				
XX OAK MEADOW DR	5249	1946	0.336	466.5

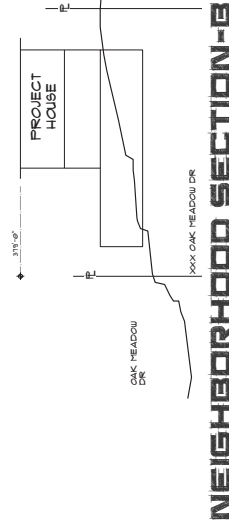
ANALYSIS
 *6 NEIGHBOR HOMES HAVE GREATER FLOOR AREA
 **3 NEIGHBOR HOMES HAVE GREATER FAR
 AS THE STREETSCAPE ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD



NEIGHBORHOOD PLAN
 1" = 50'



NEIGHBORHOOD SECTION-A
 1/8" = 1'-0"



NEIGHBORHOOD SECTION-B
 1/8" = 1'-0"

MCFARLAND

Print date :
 10.03.24
 09.01.24
 02.29.24
 12.14.21

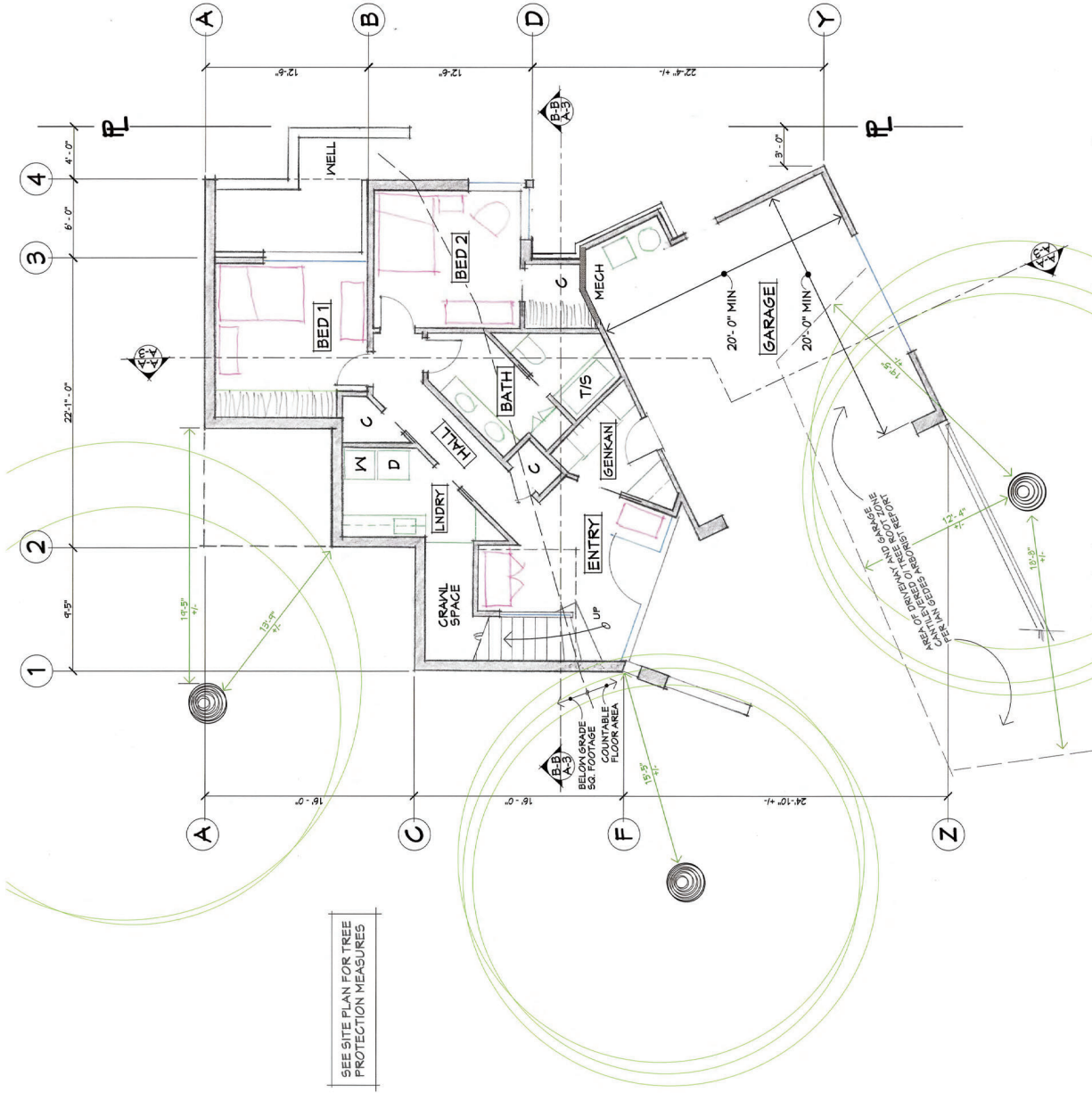
JAY PLETT ARCHITECT

408.354.4551
 jay@plett-arc.com
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 213 Plein Ave.
 Los Gatos, CA 95030

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Revisions :
 PRELIM PLAN OK
 PRICING SET
 CONST. SET
 Scale :
 Sheet

ITEM NO. 14.



**LOWER LEVEL /
 BASEMENT / GARAGE**
 1/4" = 1'-0"

Print date :
 08.23.24
 10.01.24
 02.29.24
 9/14/23
 12.21.22

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 ARCHITECT

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McFARLAND
OAK MEADOW DR.
LOS GATOS

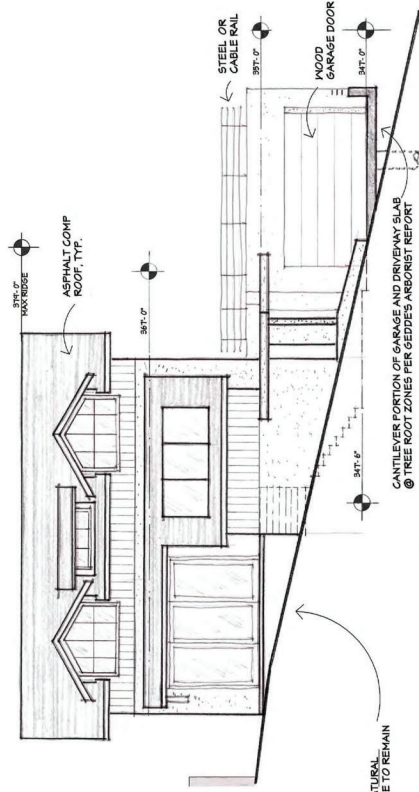
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Revisions :

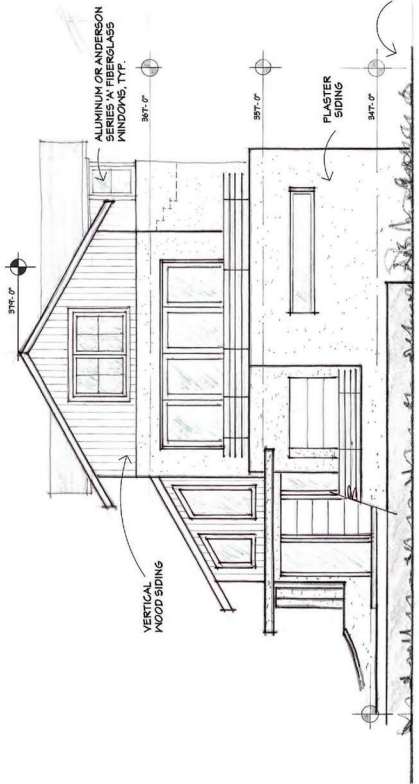
PRELIM
 PLAN CK
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 Date :

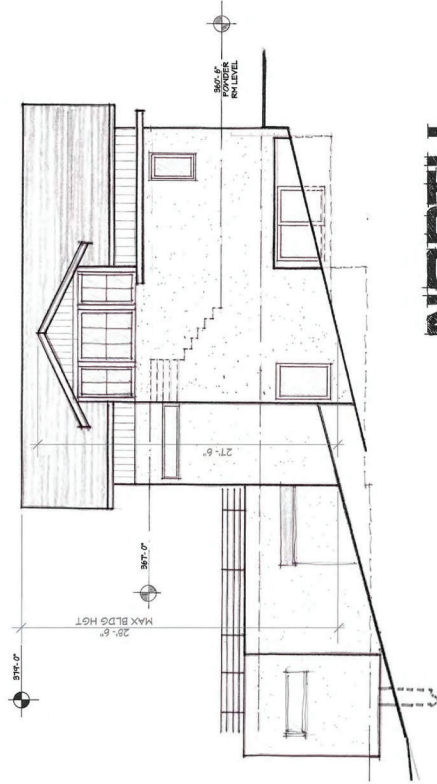
ITEM NO. 14.



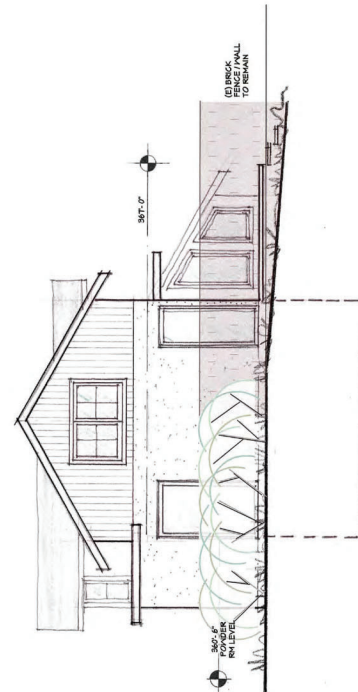
SOUTH



EAST



NORTH



WEST

ELEVATIONS

3/16" = 1'-0"



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/24/2024

ITEM NO. 14.

ITEM NO: 3

DATE: July 19, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owner: Marty and Penny McFarland. Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit on property zoned O:PD, located at 120 Oak Meadow Drive.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: O:PD, Office - Planned Development Overlay
Applicable Plans & Standards: General Plan, Residential Design Guidelines, applicable sections of the Hillside Development Standards and Guidelines
Parcel Size: 17,699 square feet (0.41 acres)

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Office	Office Professional	O:PD
South	Office	Office Professional and Medium Density Residential	O and O:PD
East	Office	Office Professional and Medium Density Residential	O
West	Residential	Office Professional	O:PD

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.
- As required by Section 29.80.095 of the Town Code for granting approval of a Planned Development Overlay Zone.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; floor area ratio (FAR) standards for Parcels A and B; and the minimum lot size and setbacks for Parcel B.
- That the amendment to the Planned Development Overlay is consistent with the General Plan.
- As required by Section 66474 of the State Subdivision Map Act.
- The project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater except for the requested modifications to the maximum driveway slope and for a portion of a building located outside the LRDA.
- The project complies with the Residential Design Guidelines.

CONSIDERATIONS:

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

PAGE 3 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

ACTION:

Forward a recommendation regarding Planned Development application PD-22-001, Subdivision application M-20-011, and Architecture and Site application S-22-021 to the Town Council.

BACKGROUND:

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Exhibit 1). The property is developed with an existing 3,621-square foot, two-story residence with a 520-square foot attached garage (Exhibit 15). Oak Meadow Drive, a private road, surrounds the property on three sides. Vehicular access from the private road is provided via a driveway serving the attached garage located along the south property line. Pedestrian access is provided on the west and east property lines. Much of the property is sloped, having an average slope of 15.1 percent. Areas where slopes exceed 30 percent are limited and located along the north property line. Pursuant to Section 1.1 (c) of the Residential Design Guidelines, properties with an average slope of 10 percent or greater located outside of the Hillside Area are subject to the following sections of the Hillside Development Standards and Guidelines (HDS&G):

- Constraints Analysis and Site Selection (excluding visibility).
- Site Planning for:
 - Grading;
 - Drainage;
 - Driveways and Parking; and
 - Geologic Safety.
- Site Elements for Retaining Walls.

Planned Development (PD) Ordinance 1412 was adopted on December 4, 1978, and took effect on January 3, 1979 (Exhibit 5). The PD Ordinance allowed for the following:

1. Demolition of an existing one-story residential structure;
2. Conversion of an existing two-story medical office structure into a residential townhouse unit;
3. Construction of 10 two-story residential townhouse units; and
4. Landscaping, parking, and limited tree removal as granted under precise plan approval.

Construction of the Townhomes and other site improvements were completed in 1981.

The existing PD Ordinance specifies that the permitted uses, conditional uses, and setback requirements for the areas within the boundary of the townhouse complex are those of the

PAGE 4 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

BACKGROUND (continued):

R-M zone. Since the subject property is not located within the townhouse complex and there are no performance standards contained in the PD Ordinance specific to the subject property, the permitted uses, conditional uses, setback requirements, and other development standards applicable to the subject property default to the underlying O zone.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Exhibit 1).

B. Project Summary

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The applicant also requests approval of additional modifications to the performance standards in the PD Ordinance affecting Parcels A and B to allow for the following deviations from the O zone requirements and applicable sections of the HDS&G:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

C. Zoning Compliance

The subject property is located in a PD that provides for a mix of residential and office uses (Exhibit 5). The PD provides that the subject property is governed by the regulations of the

PAGE 5 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

PROJECT DESCRIPTION (continued):

O zone. The proposed project includes subdivision of the property into two lots and construction of a new single-family residence. The proposed subdivision would result in two lots with areas of 11,906 square feet and 5,793 square feet, where 8,000 square feet is the minimum required by the O zone. Following subdivision, the existing residence would be located on Parcel A with a lot coverage of 40.3 percent, where 40 percent is the maximum allowed in the O zone. Additionally, the existing residence would exceed the allowable FAR by 373 square feet. The proposed residence on Parcel B would have a lot coverage of 42.6 percent, where 40 percent is the maximum allowed in the O zone, and would exceed the allowable FAR by 403 square feet. The proposed residence on Parcel B would include reduced setbacks and portions of the structure would be located outside of the LRDA. The proposed driveway serving Parcel B would include a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G. These deviations from the requirements of the O zone and applicable sections of the HDS&G can be allowed if approved as performance standards specific to the project area under a modified PD Ordinance.

Other than the deviations described above, the proposed project complies with the zoning regulations.

DISCUSSION:B. Planned Development

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. The modified PD would establish the regulations under which these actions would be allowed, including all deviations from the O zone development standards and applicable sections of the HDS&G.

The modified PD would allow for subdivision of the subject property into two parcels. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The proposed PD modification requires continued compliance with all provisions of the O zone, as specified in PD Ordinance 1412, and applicable sections of the HDS&G, except for the items listed below, which are proposed to be allowed through the amended PD ordinance:

- Lot Size: The O zone requires a minimum lot size of 8,000 square feet and the proposed subdivision would result in lots with areas of 11,906 square feet (Parcel A) and 5,793 square feet (Parcel B).
- Lot Coverage: The existing residence would be located on new Parcel A, following subdivision. The lot coverage for Parcel A would be 40.3 percent, where 40 percent is

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):

the maximum allowed in the O zone. Similarly, the proposed residence on Parcel B would have a lot coverage of 42.6 percent, exceeding the limitations of the zone.

- **FAR Standards:** The existing residence would be located on new Parcel A, following subdivision. The FAR of the existing residence would be 0.30 (3,621 square feet), where 0.27 (3,248 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone. Similarly, the proposed residence on Parcel B would have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone.
- **Setbacks:** The proposed residence on Parcel B would include reduced front, rear, and side setbacks.
- **LRDA:** The proposed residence on Parcel B would include portions of the structure located outside of the LRDA.
- **Driveway Slope:** The proposed driveway serving Parcel B includes a portion with a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G.

A summary of the required and proposed development standards that deviate from Town regulations is provided in the table below.

Office Zone Development Standards			
	Standards	Parcel A	Parcel B
Min. Lot Size	8,000 sf	11,906 sf	5,793 sf
Max. Lot Coverage	40 percent	40.3 percent (4,762 sf)	42.6 percent (2,470 sf)
FAR			
Parcel A	0.27 (3,248 sf)	0.30 (3,621 sf)	
Parcel B	0.27 (1,543 sf)		0.34 (1,946 sf)
Setbacks			
Front	25 ft	7 ft*	6 ft
Side	10 ft	59.3 ft	3 ft
Rear (through lots)	25 ft	17.5 ft*	7 ft
Street Side	15 ft	12 ft* and 15.5 ft*	N/A
LRDA		N/A	Portions of residence outside of LRDA
Driveway Slope	Max. 15 percent	N/A	17.5 percent
* Existing condition to remain			

The applicants discuss the requested exceptions in their letter of justification and project description (Exhibit 6 and 7).

DISCUSSION (continued):

The applicant proposes to modify the existing PD Ordinance for the property, which would provide specific guidance for the future subdivision and single-family residential development. The PD Ordinance would define the maximum allowable development, including the maximum floor area and building height. The project includes the required Subdivision and Architecture and Site applications to implement the proposed project if the PD Ordinance is approved.

C. Architecture and Site Analysis

The subject property is located in a PD with an underlying O zone, a nonresidential zone. Town Code Section 29.50.060 provides the FAR standards for single-family and two-family dwellings located in nonresidential zones. Other development standards applicable to the subject property default to those included in the underlying O zone

In the O zone, the size of a single-family dwelling is regulated through lot coverage, FAR standards, height, and setback limitations. The applicant proposes construction of a 1,946 square-foot two-story, single-family residence with 502 square feet of below-grade square footage and a 467 square-foot attached garage (Exhibit 15). The project proposes a hybrid traditional style residence with details and materials that are consistent with the neighborhood. Proposed exterior materials include: a composition shingle roof; vertical wood siding; stucco siding; and aluminum or fiberglass windows (Exhibit 8). A summary of the proposed floor area for the residence is provided in the table below.

Parcel B Floor Area Summary	
	Proposed Square Feet
Lower Floor	305
Main Floor	862
Upper Floor	779
Total	1,946
Maximum Allowed	1,543
Exceeds by	403
Below-Grade Area	502
Garage	467

As discussed above, the proposed lot coverage for Parcel B would be 42.6 percent, where 40 percent is the maximum of the zone. The proposed residence would also have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed. The maximum height of the proposed residence would be 29 feet, six inches, where the zone allows for a maximum height of 35 feet. Lastly, the proposed residence would have reduced setbacks on the front, rear, and north side setbacks.

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):D. Site Design

Parcel B slopes up approximately 19 feet from east to west and includes several oak and redwood trees. Three of the four oak trees on Parcel B are Large Protected Trees (#101, 102, and 103) and the siting of the residence in the northern portion of the property with reduced setbacks is intended to minimize impacts to these trees. In addition to the reduced setbacks providing additional buffer from the trees, the applicant proposes to cantilever portions of the driveway and garage that are in close proximity to Tree #103. Discussion of the disposition of the existing trees and the potential impacts is included in Section H below.

The proposed residence would be served by a new driveway taking access from Oak Meadow Drive on the east property line with a maximum slope of 17.5 percent. Development of the driveway requires approval of an exception to the HDS&G driveway slope limitation of 15 percent. The applicant indicates that complying with the 15 percent slope limitation would require lowering the garage slab by two feet, increasing grading and necessitating an exception to the HDS&G grading limitations (Exhibit 6). The additional grading required for a compliant driveway would also increase impacts to the trees to remain. The proposed driveway has been reviewed and approved under this application by the Engineering Division and the Santa Clara County Fire Department.

The project includes several retaining walls: one forming the lightwell on the north elevation of the residence with a maximum height of three feet; and two walls adjacent to the driveway with maximum heights of three feet. All retaining walls comply with the Town Code and the applicable sections of the HDS&G.

E. Building Design

The project consists of an eclectic/hybrid traditional style residence with traditional forms and natural appearing materials (Exhibit 7). Exterior materials include: a composition shingle roof; vertical wood siding; stucco siding; and aluminum or fiberglass windows (Exhibit 8). The residence includes gable end forms with gable and shed dormers (Exhibit 15). The proposed attached garage is a single-story form with a flat roof. Portions of the garage would be cantilevered over the descending grade to provide buffer to Tree #103 to the east. A roof terrace is proposed above the garage, accessible from the interior of the residence. In consideration of potential privacy impacts created by the roof terrace, the applicant notes that the terrace is setback 65 feet from the roadway, other adjacent properties are office uses with 30 to 85-foot setbacks, and that existing vegetation to remain provides privacy screening (Exhibit 9).

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):

The Town's Consulting Architect reviewed the proposed residence on May 10, 2022 (Exhibit 10). In the report, the Consulting Architect noted that the applicant has done a good job fitting the house into the difficult site by working around the existing large trees. The Consulting Architect identified two issues and concerns and provided recommendations for changes to the original design to increase compatibility with the Residential Design Guidelines. In response to these recommendations, the applicant provided a written response justifying the design in context of the Consulting Architect's recommendation (Exhibit 11). The Consulting Architect's issues and recommendations are provided below, followed by the applicant's response in *italics*.

1. The large amount of stucco compared to the proposed vertical siding would be out of character to this neighborhood and not consistent with Residential Design Guideline 3.8.2. Reduce the large amount of stucco on the house by extending the vertical siding consistently down to the first-floor line.

There are many types of materials in the neighborhood structures; plaster among them like the building across the street. Stone is not an appropriate application for this. A good portion of the driveway and garage float like a bridge to protect the tree root zones. Stone does not 'float'.

2. The small areas of wood siding on the front and rear elevations are awkward, and the materials change in the same plane which would not be consistent with Residential Design Guideline 3.8.4. Use brick or stone for the building base below the first-floor line or continue the use of vertical siding in this area. The adjacent existing home on this larger parcel has a prominent brick base. If brick or stone is used, provide a projecting brick or stone ledge at the transition with any vertical siding. If vertical siding is used, add a horizontal belly band to break up taller wall planes.

The location of the material is consistent with the style of this house, which is mountain rustic/farmhouse. Horizontal belly band is not appropriate for this home. If we were transitioning from one wood above and another type of wood below, then a belly band might be appropriate, but ours is not the case. In this case, a belly band is not warranted or desirable.

F. Neighborhood Compatibility

The immediate neighborhood contains a single-family residence, two-story townhouses, and one- and two-story office buildings. As stated above, the existing PD ordinance establishes the development standards for the townhouse complex. The subject property and other O zoned properties in the immediate neighborhood are subject to the requirements of the underlying O zone and the FAR standards for single-family and

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):

two-family dwellings in a nonresidential zone. The following is provided for analysis of the neighborhood compatibility of the proposed residence on Parcel B. Office structures are noted.

FAR Comparison - Neighborhood Analysis								
Address	Use	Zoning	Bldg SF	Garage SF	Total SF	Site SF	Bldg FAR	No. of Stories
220 Oak Meadow	Office	O	4,507	0	4,507	11,703	0.39	2
233 Oak Meadow	Office	O:PD	3,283	0	3,283	19,705	0.17	2
234 Oak Meadow	Office	O	1,756	0	1,756	41,200	0.04	1
301 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	7,352	0.36	2
307 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	4,794	0.55	2
311 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	4,952	0.53	2
120 Oak Meadow (Existing lot)	Single-family residence	O:PD	3,621	530	4,151	17,779	0.20	2
120 Oak Meadow (Parcel A)	Single-family residence	O:PD	3,621	530	4,151	12,530	0.30	2
Parcel B	Single-family residence	O:PD	1,946	467	2,413	5,793	0.34	2

The project proposes a new two-story residence, which would be the second single-family residence in the immediate neighborhood. The proposed residence would not be the first two-story structure in the immediate neighborhood. The proposed residence would be 29 feet, 11 inches tall, where 35 feet is allowed by the zone. When considering the residential structures in the immediate neighborhood, the proposed residence would not be the largest in terms of floor area or FAR, but it would be the largest of the two single-family residences in terms of FAR.

G. Grading

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The Town’s Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 4).

H. Tree Impacts

In the December 16, 2022 Arborist Report, the Town’s Consulting Arborist provided an evaluation of 14 trees on the project site within the area of the proposed construction activities (Exhibit 12). Staff notes that Tree #106, a Large Protected coast live oak, suffered structural failure in May 2023. This tree was subsequently removed with a permit in August

PAGE 11 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):

2023. Eight trees (#321 through 328) are proposed for removal, all of which are coast redwoods with diameters ranging from four to seven inches. While not proposed for removal by the applicant, the Consulting Arborist indicates that Tree #103 will be compromised from a health and structural perspective given its limited root zone opposite the construction activities. The Consulting Arborist's recommended conditions of approval include requirements that the applicant implement all tree protection recommendations identified in the Arborist Report prepared for the project and that the applicant obtain a Tree Removal Permit for all requested tree removals. The proposed tree removals will require 14 replacement trees, a requirement that is reflected in Exhibit 4.

I. Parking

Section 29.10.150(c)(1) of the Town Code requires that a single-family residence provide two off-street parking spaces. The proposed project includes an attached two-car garage to meet this requirement.

J. General Plan

The proposed amendment to PD Ordinance 1412 to allow subdivision of one lot into two lots, construction of a new single-family residence, and site work requiring a Grading Permit is consistent with the goals and policies of the 2020 General Plan Land Use Element, including, but not limited to:

- Policy LU-1.3 encourages preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments;
- Policy LU-1.4 states, infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area;
- Policy LU-6.7 states, continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the surrounding neighborhood;
- Policy LU-6.8 states, new construction, remodels, and additions shall be compatible and blend with the existing neighborhood;
- Policy LU-7.3 states, infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life; and
- Policy LU-7.4 states, infill projects should be designed in context with the neighborhood

PAGE 12 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

DISCUSSION (continued):

and surrounding zoning with respect to the existing scales and character of surrounding structures, and should blend rather than compete with the established character of the area.

K. CEQA Determination

The Project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

PUBLIC COMMENTS:

The property owner indicates that the project has been discussed with several direct neighbors and a member of the Home Owners Association (HOA) for the townhomes (Exhibit 13). Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, a project sign was installed on the site on May 28, 2024. Installation of story poles is not required under the policy. Additionally, notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. Public comments received prior to 11:00 am, Friday, July 19, 2024, are included as Exhibit 16.

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of Planned Development Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and

PAGE 13 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

CONCLUSION (continued):

- Driveway slope exceeding 15 percent.

No other exceptions are requested. Regarding consistency with the immediate neighborhood, the proposed single-family residence on Parcel B would not result in the largest residential structure in terms of floor area or FAR, would be the largest of the two single-family residences in terms of FAR, and would not be the first two-story residence. The applicant seeks a recommendation from the Planning Commission to the Town Council, who will render the final decision on the project.

B. Recommendation

If the Planning Commission finds merit with the proposed project, staff recommends the Commission take the following actions to forward the PD, Subdivision, and Architecture and Site applications to the Town Council with a recommendation for approval of the proposed project, by recommending that the Town Council:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Exhibit 2);
2. Make the finding that the amendment to the Planned Development Overlay is consistent Town Code Section 29.80.095 (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site.
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Exhibit 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and
6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Exhibit 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Exhibit 3) and approve Subdivision application M-20-011 and

PAGE 14 OF 14

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 19, 2024

CONCLUSION (continued):

Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Exhibit 4 and the development plans included as Exhibit 15.

C. Alternatives

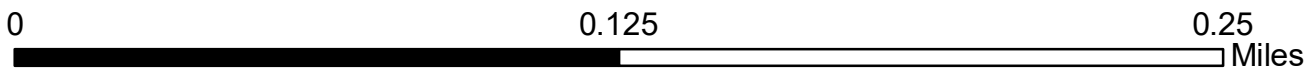
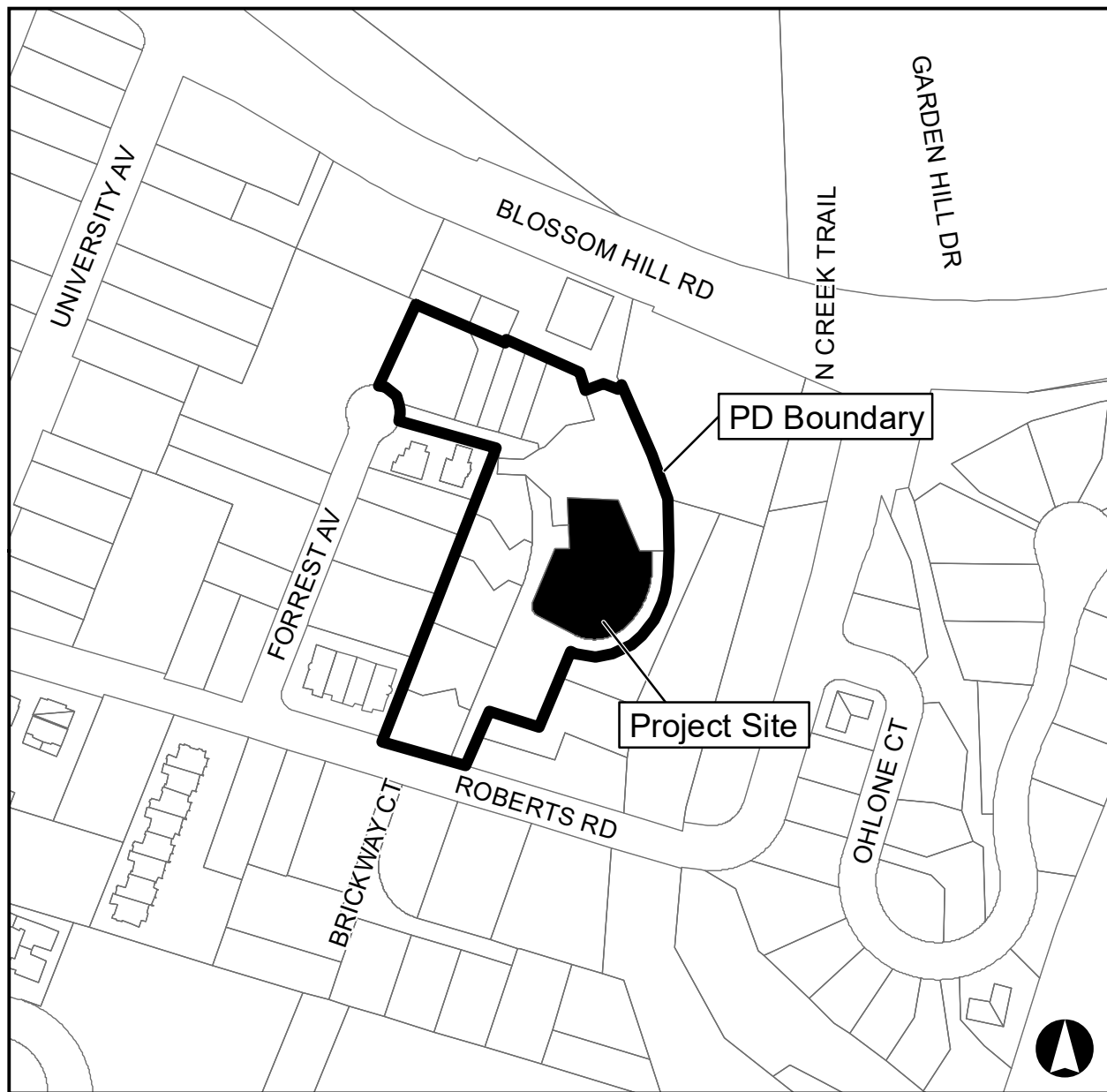
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval the applications with additional and/or modified conditions; or
3. Recommend denial of the applications and make the required findings for denial

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Draft Planned Development Ordinance
4. Recommended Conditions of Approval
5. Planned Development Ordinance 1412
6. Letter of Justification
7. Project Description
8. Color and Materials Board
9. Letter of Justification for Garage Terrace
10. Town's Consulting Architect Report
11. Response to Consulting Architect's Recommendations
12. Arborist Report
13. Summary of Neighbor Outreach
14. Building Envelope Study by Applicant
15. Development Plans
16. Public Comments received by 11:00 a.m., Friday, July 19, 2024

120 Oak Meadow Drive



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DEVELOPMENT REVIEW COMMITTEE – July 24, 2024
REQUIRED FINDINGS & CONSIDERATIONS FOR:

120 Oak Meadow Drive

Subdivision Application M-20-011

Planned Development Application PD-20-002

Architecture and Site Application S-22-021

Requesting Approval for Subdivision of One Lot into Two Lots, Modification of Planned Development Ordinance 1412, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. APN 529-10-131.

Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Property Owners: Marty and Penny McFarland

Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021)

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Required compliance with the Town Code for granting a Planned Development Overlay Zone:

- As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:
 1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay;
 2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Element, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, and LU-7.4;
 3. Is in conformance with the Residential Design Guidelines and applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater; and
 4. Allows for a new housing unit designed to protect and preserve the existing trees and slopes of the site.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), except for the requested modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning allowing the following:
 - Lot Size: The O zone requires a minimum lot size of 8,000 square feet and the proposed subdivision would result in lots with areas of 11,906 square feet (Parcel A) and 5,793 square feet (Parcel B).
 - Lot Coverage: The existing residence would be located on new Parcel A, following subdivision. The lot coverage for Parcel A would be 40.3 percent, where 40 percent is the maximum allowed in the O zone. Similarly, the proposed residence on Parcel B would have a lot coverage of 42.6 percent, exceeding the limitations of the zone.
 - FAR Standards: The existing residence would be located on new Parcel A, following subdivision. The FAR of the existing residence would be 0.30 (3,621 square feet), where 0.27 (3,248 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone. Similarly, the proposed residence on Parcel B would have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone.
 - Setbacks: The proposed residence on Parcel B would include reduced setbacks.

Required consistency with the Town's General Plan:

- That the amendment to the Planned Development Overlay is consistent with the 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Elements, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, LU-7.4, CD-1.2, CD-3.1, and CD-4.3; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision and type of improvements is not likely to cause serious

public health problems.

- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Required compliance with the applicable sections of the Hillside Development Standards and Guidelines:

- The project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average of 10 percent or greater, except for the requested modification to the performance standards in the PD Ordinance to allow deviations from applicable sections of the HDS&G allowing the following:
 - LRDA: The proposed residence on Parcel B would include portions of the structure located outside of the LRDA.
 - Driveway Slope: The proposed driveway serving Parcel B includes a portion with a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G.

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect for compliance with the Town's Residential Design Guidelines. The Consultant noted that the proposed house is well sited to respond to the constraints of the site. The applicant provided a response to the Consultant's recommendations justifying the proposed design and materials.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

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Draft Ordinance: subject to modification
by Town Council based on deliberations
and direction

ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING PLANNED DEVELOPMENT ORDINANCE 1412 PROVIDING
ADDITIONAL PERFORMANCE STANDARDS SPECIFIC TO ONE LOT
ADDRESSED AS 120 OAK MEADOW DRIVE (APN 529-10-131)
RELATING TO SUBDIVISION OF SAID LOT INTO TWO LOTS,
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE,
SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, LOT SIZE,
LOT COVERAGE, SETBACKS, DRIVEWAY SLOPE, AND
BUILDINGS LOCATED OUTSIDE OF THE LEAST RESTRICTIVE
DEVELOPMENT AREA AND
REPEALING PLANNED DEVELOPMENT ORDINANCE 1412**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN
AS FOLLOWS:

SECTION I

The Zoning Ordinance of the Town of Los Gatos is hereby amended to change the zoning of the property shown on the map which is attached hereto marked Exhibit A and is a part of this ordinance, to include new Planned Development (PD) regulations under the zone O-PD (Office-Planned Development).

SECTION II

Uses and Improvements Authorized

The Planned Development Overlay zone established by Ordinance 1412 authorized the following construction and use of improvements and remain in effect with this ordinance:

1. Demolition of an existing one-story residential structure.
2. Conversion of an existing two-story medical office structure into a residential townhouse unit.
3. Construction of 10 two-story residential townhouse units.
4. Landscaping, parking, and limited tree removal as may be granted under precise plan approval.
5. For that area within the boundary of the townhouse complex as shown on the

Official Development Plan, the uses are those specified in the R-M (Multiple Family Residential) zone by Sections 29.040.610 (Permitted Uses) and 29.40.615 (Conditional Uses) of the Zoning Ordinance (as those sections exist at the time of the adoption of this ordinance or as they may be amended in the future). However, no use listed in Section 29.40.615 is allowed unless specifically authorized by this ordinance or by conditional use permit.

In addition to the foregoing construction and use of improvements authorized by Ordinance 1412, the amended Planned Development Overlay zone established by this ordinance authorizes the following construction and use of improvements as shown on the Official Development Plan:

6. Subdivision of one 17,699 square-foot lot addressed as 120 Oak Meadow Drive (APN 529-10-131) into two lots consisting of Parcel A (11,906 square feet) and Parcel B (5,793 square feet);
7. Lot coverage of 40.3 percent on Parcel A;
8. Floor Area Ratio of 0.30 (3,621 square feet) on Parcel A;
9. Construction of a single-family residence and site improvements requiring a grading permit on Parcel B.
10. Lot coverage of 42.6 percent on Parcel B;
11. Floor Area Ratio of 0.34 (1,946 square feet) on Parcel B;
12. Reduced setbacks for the single-family residence on Parcel B of no less than:
 - Front: 6 feet
 - Rear: 7 feet
 - Side (north): 3 feet
13. Portions of the single-family residence on Parcel B as shown on the Official Development Plan located in the Least Restrictive Development Area as defined by the Hillside Development Standards and Guidelines;
14. A driveway serving Parcel B with a maximum slope of 17.5 percent.

SECTION III

Compliance with Other Development Standards

For that area within the boundary of the townhouse complex as shown on the Official Development Plan the development standards of the Town Code Sections 29.40.640 and 29.40.645 shall apply. All general provisions in Article 3 of the Zoning Ordinance apply, and the provision of Chapters Article IV, Residential Zones and Article V, Nonresidential Zones of the Zoning Ordinance apply to the residential and nonresidential portion of the Planned Development respectively except when the Official Development Plan specifically shows otherwise.

SECTION IV

Permits

Architecture and Site Approval, Subdivision Approval, recordation of the Parcel Map, and issuance of all required permits is required before construction work for the single-family residence on Parcel B as shown in the Official Development Plan.

SECTION V

Official Development Plan

The attached Exhibit A (Map), Exhibit B (Site Plan), Exhibit C (Unit A Plan), Exhibit D (Unit B Plan), Exhibit E (Tentative Map), Exhibit F (Civil Plans for Parcel B), and Exhibit G (Architectural Plans for Parcel B), are part of the Official Development Plan.

SECTION VI

Performance Standards

The Planned Development Overlay zone established by Ordinance 1412 provided for the following performance standards and remain in effect with this ordinance:

1. The applicant shall dedicate sanitary and storm sewer easements, to the satisfaction of the Town Engineer.
2. The applicant shall guarantee, by contract and bond, the following improvements, to the satisfaction of the Town Engineer:

- 3. A 20-foot curb-to-curb roadway (with narrower sections where necessary to avoid significant tree growth) including curb and gutters and paving, from Roberts Road to Forrest Avenue.
- 4. Sanitary and storm sewers as required.
- 5. The applicant shall provide a final grading, drainage and traffic circulation plan, to the satisfaction of the Town Engineer.
- 6. If any indication of archeological remains are encountered during construction activities, all such activities should cease immediately until a qualified archeologist can ascertain the nature of the discovery and recommend mitigation if necessary.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 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 _____, and becomes effective 30 days after it is adopted.

COUNCIL

MEMBERS: AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

PLANNING COMMISSION – July 24, 2024
CONDITIONS OF APPROVAL

120 Oak Meadow Drive
Subdivision Application M-20-011
Architecture and Site Application S-22-021

Requesting Approval for Subdivision of One Lot into Two Lots, Modification of Planned Development Ordinance 1412, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. APN 529-10-131. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.
Property Owners: Marty and Penny McFarland
Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021)

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. TREE REPLACEMENT: Prior to issuance of a Building Permit, the location, size, and species of all required replacement trees shall be provided on the project plans.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.

10. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations identified in the Arborist Report dated December 16, 2022, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
11. **WATER EFFICIENCY LANDSCAPE ORDINANCE:** The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. **STORY POLES/PROJECT IDENTIFICATION SIGNAGE:** Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement (“the Project”) from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

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

14. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
16. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
17. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
18. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
19. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.

- d. A door buzzer, bell or chime shall be hard wired at primary entrance.
25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
27. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
28. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- Community Development – Planning Division: (408) 354-6874
 - Engineering/Parks & Public Works Department: (408) 399-5771
 - Santa Clara County Fire Department: (408) 378-4010
 - West Valley Sanitation District: (408) 378-2407
 - Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the public street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
33. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
34. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading, or paving. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
36. GRADING PERMIT A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. Unless specifically allowed by

the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

37. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney.
 - a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
 - b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
38. GRADING PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
39. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
40. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
41. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
42. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
43. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town Inspector. At a minimum, watering shall occur three (3) times daily unless the contractor applies a non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or

- by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public and private streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH).
44. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
 45. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
 46. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
 47. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense
 48. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
 49. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m. during the week and 9:00 a.m. to 4:00 p.m. on Saturdays, construction, alteration, or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
 50. WATER METER: Water meters shall be relocated within the property in question, directly inside the property line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork that is damaged during this activity prior to issuance of a certificate of occupancy.
 51. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner, Applicant

and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

52. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
 - a. Along with the Owner, Applicant and/or Developer, setup a pre-construction meeting with Eric Christianson, Senior Public Works Inspector echristianson@losgatosca.gov (408) 354-6824 to discuss the project conditions of approval, working hours, site maintenance, and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
53. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
54. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
55. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
56. DRIVEWAY: The driveway conform with the existing pavement on Oak Meadow Drive shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
57. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
58. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
59. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary. Please contact

Tammy Robnett-Illges, Engineering Technician at trobnett-illges@losgatosca.gov or (408) 399-5771 for more information.

60. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall: top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
61. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
62. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
63. PARCEL MAP: A parcel map shall be recorded. A PDF of the parcel map and all associated materials shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits.
64. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
65. DEDICATIONS: The following shall be dedicated on the parcel map by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
 66. Private storm drainage easement for Parcel B over Parcel A.
 67. Landscape Easement for Parcel A over Parcel B.
68. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations, grading, foundations, and retaining walls shall be inspected by the Owner's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
69. GEOTECHNICAL/GEOLOGICAL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are

subject to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.

70. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies may be required in support of the design of the infrastructure and the building type, and the reports and plans shall be submitted to the Town for review.
71. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
72. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
73. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
74. TRAFFIC IMPACT MITIGATION FEE: Prior to the parcel map recordation, the Owner shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The amount based on the current resolution is \$10,410.72. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time, using a comparison between the existing and proposed uses. For more information please contact Mike Vroman, Senior Traffic Engineer MVroman@losgatosca.gov (408) 399-5777.
75. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Oak Meadow Drive. The results shall be documented in a report and submitted to the Town for review.
76. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements shall be required to restore the pavement to pre-construction conditions. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building

can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.

77. **TRAFFIC CONTROL PLAN:** A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
- For more information please contact Mike Vroman, Senior Traffic Engineer
MVroman@losgatosca.gov (408) 399-5777.
78. **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to, provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required.
79. **SHARED PRIVATE STREET:** The private street accessing Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
80. **PRIVATE STREET PAVEMENT RESTORATION:** Prior to issuance of a Certificate of Occupancy for any new building, the Owner shall complete any necessary road repairs.
81. **COMMON PRIVATE DRIVEWAY:** The common private driveway accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction and in perpetuity after construction has been completed. If temporary closure is needed, then formal written notice shall be provided at least one (1) week in advance of closure.
82. **EMERGENCY VEHICLE ACCESS:** The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
83. **WVSD (West Valley Sanitation District):** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, within one (1)

foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.

84. **SANITARY SEWER BACKWATER VALVE:** Sewer piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such sewer piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
85. **BEST MANAGEMENT PRACTICES (BMPs):** The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
86. **NPDES STORMWATER COMPLIANCE:** In the event that, during the production of construction drawings for the plans approved with this application by the Town of Los Gatos, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
87. **INFILTRATION BASIN:** The following requirements apply to the proposed infiltration basins:
 - a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration basin and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
 - b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the road and development, and if the infiltration rate is lower than expected, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
 - c. The road and infiltration trenches shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
 - d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.

88. **UNLAWFUL DISCHARGES:** It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
89. **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
90. **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's construction management plan, grading plan, building plans, and contract specifications:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day, or otherwise kept dust-free.
 - All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
 - All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective

action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
91. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
92. **WATER FEATURES:** New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from this/these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
93. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas, and use of permeable surfaces. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
94. **PAYMENT OPTIONS:**
- a. All payments regarding fees and deposits can be hand delivered or mailed to:
 Town of Los Gatos PPW – Attn: Engineering Dept
 41 Miles Avenue
 Los Gatos, CA 95030
- Checks must be made out to **“Town of Los Gatos”** and should include the project **address and application number** on memo/note line.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

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

96. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. 1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows: a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area. b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area. c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following: i. Noncombustible construction. ii. Maximum 5,000 square feet in building area. iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter. iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706. d. Canopies, constructed in accordance weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area. 2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area. Exception: Accessory Dwelling Unit, provided that all of the following are met: a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2. b. The existing primary residence does not have automatic fire sprinklers. c. The accessory dwelling unit does not exceed 1,200 square feet in size. d. The unit is on the same lot as the primary residence. e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations. 4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet. Exception: Additions where all of the following are met: a. Building addition does not exceed 500 square feet. b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18. 6. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety 1 or increased fire risk 2, shall require the installation of an approved fire automatic fire sprinkler system.

97. **REQUIRED FIRE FLOW:** (Letter received) The minimum required fireflow for this project is 500 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
98. **FIRE APPARATUS (ENGINE) ACCESS ROADWAY REQUIRED:** (As Noted on road study with a compliance roadway from Blossom Hill Rd to Forrest ave) Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
99. **WATER SUPPLY REQUIREMENTS:** (As Noted on Sheet A-1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
100. **ADDRESS IDENTIFICATION:** (As Noted on Sheet A-1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
101. **CONSTRUCTION SITE FIRE SAFETY:** (As Noted on Sheet A-1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
102. **GENERAL:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

ORDINANCE NO. 1412

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE
ZONING ORDINANCE EFFECTING ZONE CHANGE NO. 25
FROM O TO O-PD

The Town Council of the Town of Los Gatos does ordain:

SECTION 1.

The Zoning Ordinance of the Town of Los Gatos is hereby amended to change the zoning of the property shown on the map which is attached hereto marked Exhibit A and is a part of this ordinance, from O (Office) to O-PD (Office-Planned Development).

SECTION 2.

Uses and Improvements Authorized

The PD (Planned Development Overlay) zone established by this ordinance authorizes the following construction and use of improvements:

1. Demolition of an existing one story residential structure.
2. Conversion of an existing two-story medical office structure into a residential townhouse unit.
3. Construction of 10 two-story residential townhouse units.
4. Landscaping, parking, and limited tree removal as may be granted under precise plan approval.
5. For that area within the boundary of the townhouse complex as shown on the Official Development Plan, the uses are those specified in the R-M (Multiple Family Residential) zone by Sections 4.32.020 (Permitted Uses) and 4.32.030 (Conditional Uses) of the Zoning Ordinance (as those sections exist at the time of the adoption of this ordinance or as they may be amended in the future). However, no use listed in Section 4.32.030 is allowed unless specifically authorized by this ordinance or by conditional use permit.

SECTION 3.

Compliance With Other Development Standards

For that area within the boundary of the townhouse complex as shown on the Official Development Plan the development standards of the Zoning Ordinance Section 4.32.080 and 4.32.090 shall apply. All general provisions in Article 3 of the Zoning Ordinance apply, and the provision of Chapters 4.10 and 4.40 of the Zoning Ordinance apply to the residential and nonresidential portion of the

Planned Development respectively except when the Official Development Plan specifically shows otherwise.

SECTION 4.
Permits

No construction permits shall issue in a manner complying with the requirements of Section 4.82.120 of the Zoning Ordinance.

SECTION 5.
Official Development Plan

The Official Development Plan for this Planned Development Overlay Zone consists of this ordinance and Exhibits B through D which are a part of this ordinance.

SECTION 6.
Performance Standards

In addition to the foregoing exhibits, the following performance standards are part of the Official Development Plan and must be complied with before issuance of any grading or construction permits.

1. The applicant shall dedicate sanitary and storm sewer easements, to the satisfaction of the Town Engineer.
2. The applicant shall guarantee, by contract and bond, the following improvements, to the satisfaction of the Town Engineer:
 - a. A 20 foot curb-to-curb roadway (with narrower sections where necessary to avoid significant tree growth) including curb and gutters and paving, from Roberts Road to Forrest Avenue.
 - b. Sanitary and storm sewers as required.
3. The applicant shall provide a final grading, drainage and traffic circulation plan, to the satisfaction of the Town Engineer.
4. If any indication of archeological remains are encountered during construction activities, all such activities should cease immediately until a qualified archeologist can ascertain the nature of the discovery and recommend mitigation if necessary.

SECTION 7.

This ordinance takes effect 30 days after the date it is adopted. 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.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on ^{Nov 20, 1978} November 20th, 1978, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council on ^{Dec 4} December 4th, 1978.

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, John B. Lochner, Peter W. Siemens and Mardi Gualtieri

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS None

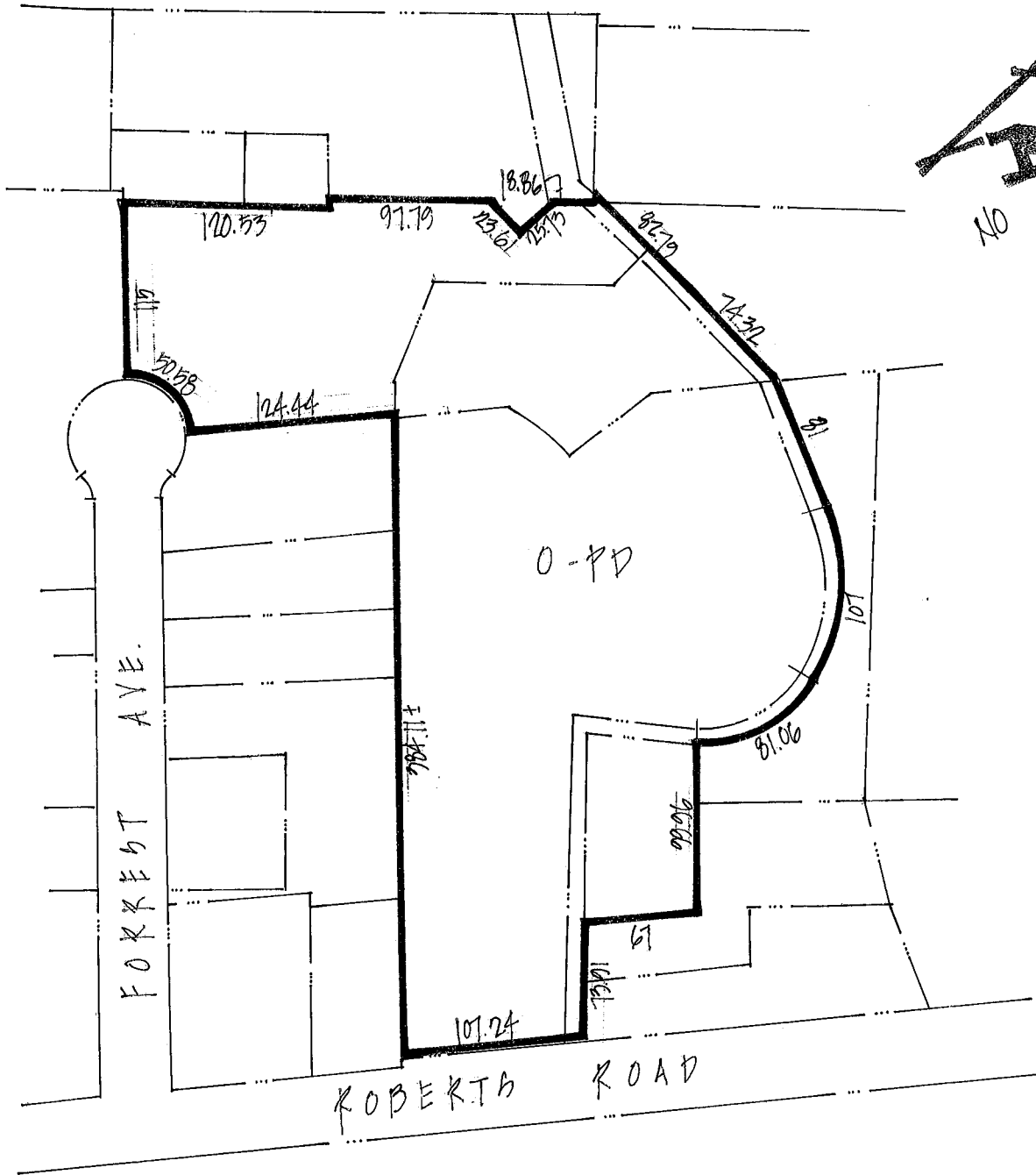
SIGNED:

Mardi Gualtieri
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

Rose E. Aldag
ASS'T CLERK OF THE TOWN OF LOS GATOS

BLOOMING HILL RD.



TOWN OF LOS GATOS

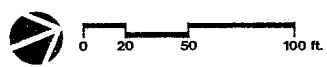
Application No. E-78-5 Change of zoning map
 Amending Town Zoning Ordinance

Zone Change from 0 to O-PD
 Prezoning to _____

Approved by Planning Commission date OCTOBER 11, 1978

Approved by Town Council date 12-4-78 Ord. 1412

Page 419 Clerk (ASS'T) Rose E. Aldeag Mayor Mardi Guabieri



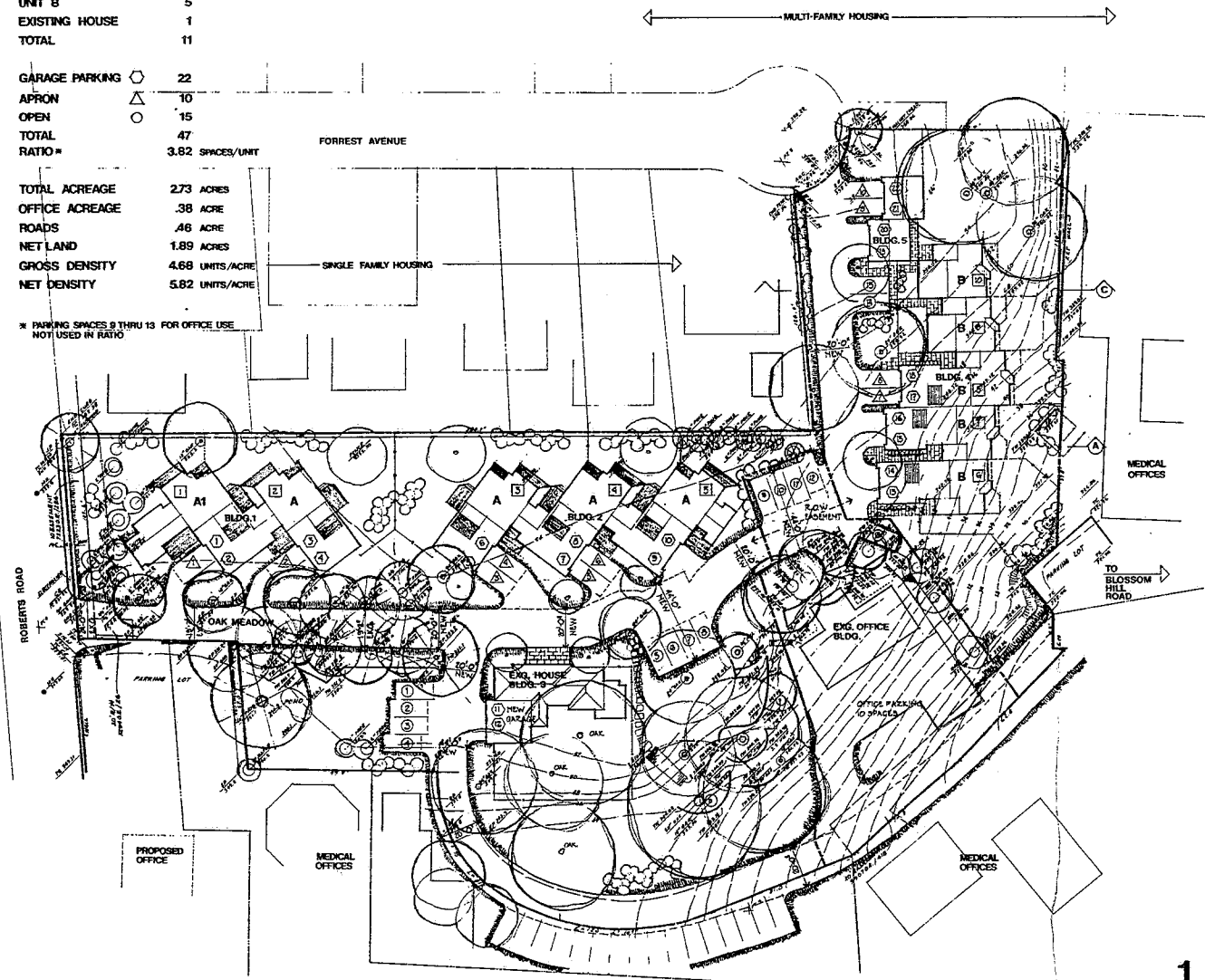
SITE PLAN

UNIT A	5
UNIT B	5
EXISTING HOUSE	1
TOTAL	11

GARAGE PARKING	22
APRON	10
OPEN	15
TOTAL	47
RATIO #	3.82 SPACES/UNIT

TOTAL ACREAGE	2.73 ACRES
OFFICE ACREAGE	.38 ACRE
ROADS	.46 ACRE
NET LAND	1.89 ACRES
GROSS DENSITY	4.68 UNITS/ACRE
NET DENSITY	5.82 UNITS/ACRE

* PARKING SPACES 9 THRU 13 FOR OFFICE USE NOT USED IN RATIO



1

OAK MEADOW

TOWN OF LOS GATOS
SANTA CLARA COUNTY
CALIFORNIA

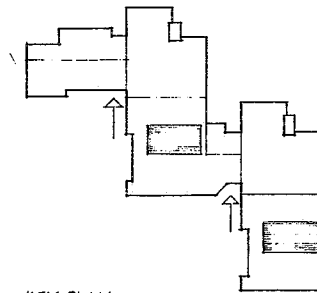
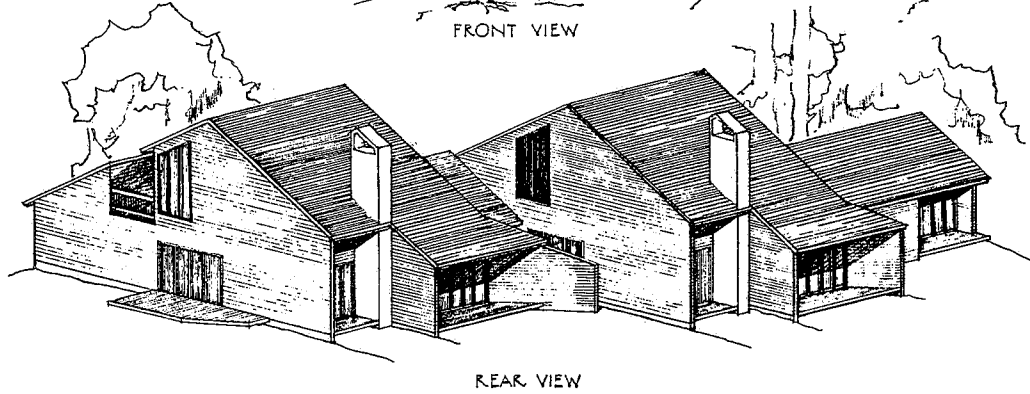
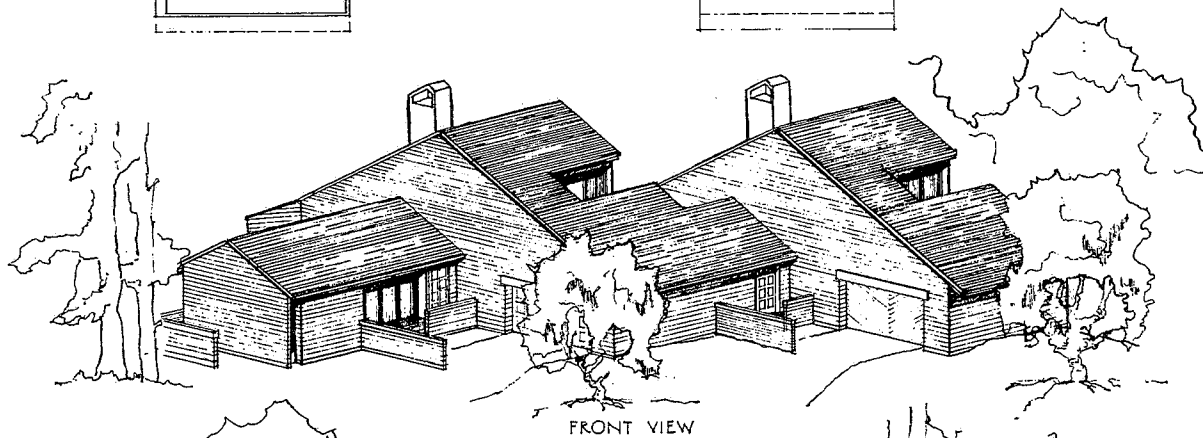
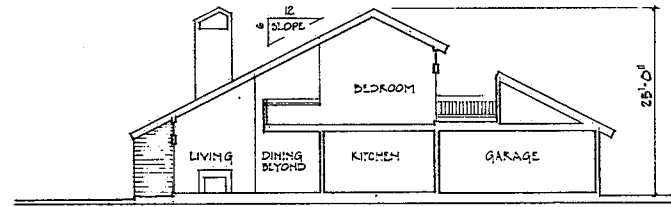
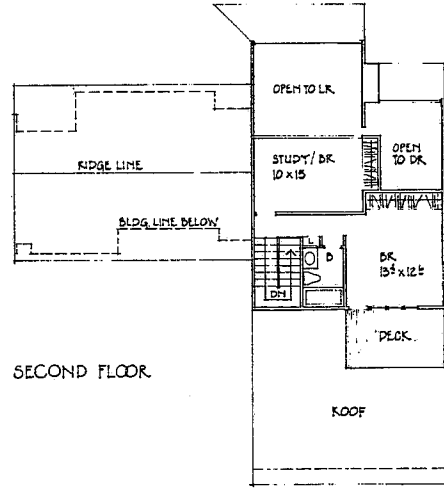
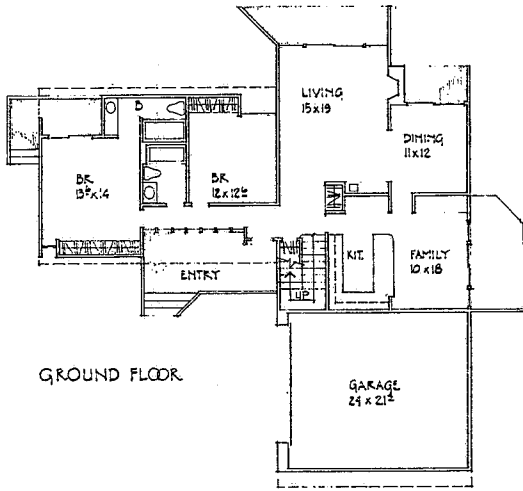
COLE REED ASSOCIATES
409 ALBERTO WAY
LOS GATOS, CA.

Scale: 1in. = 20ft.
Date: 8 SEP 1976
Job No. 0703

WILLIS AND ASSOCIATES INC AIA ARCHITECTS AND LAND PLANNERS SAN FRANCISCO CALIFORNIA

EXHIBIT B

EXHIBIT B



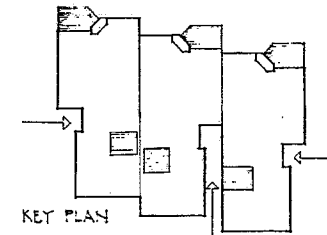
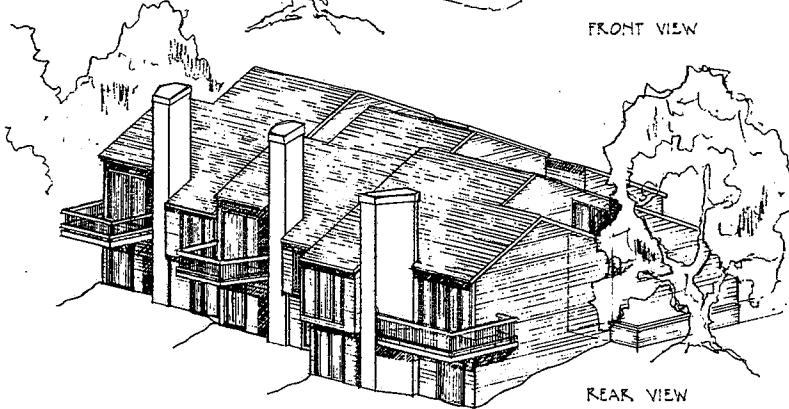
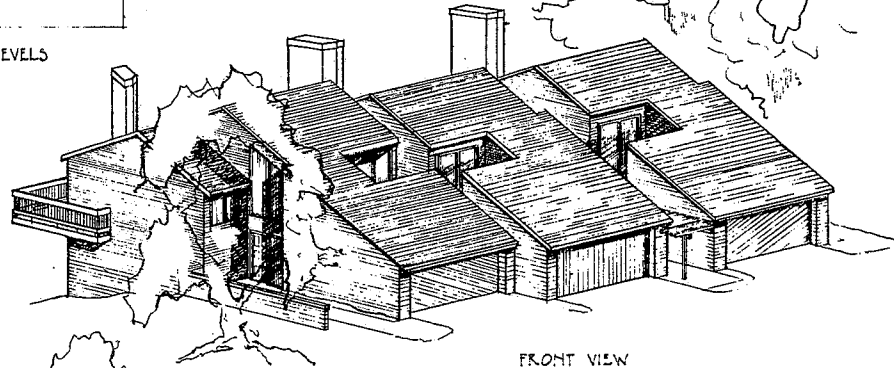
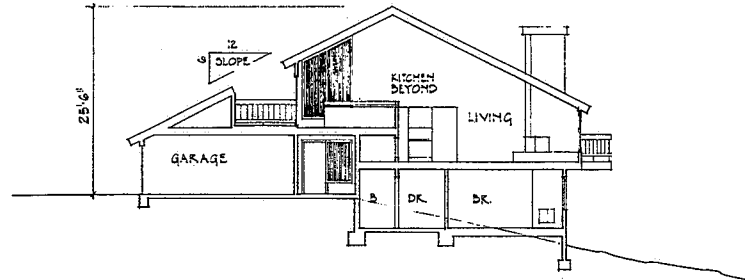
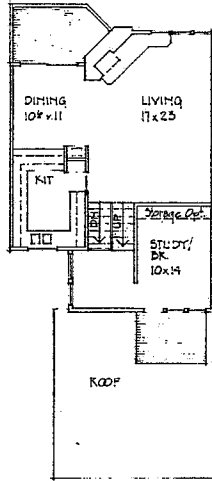
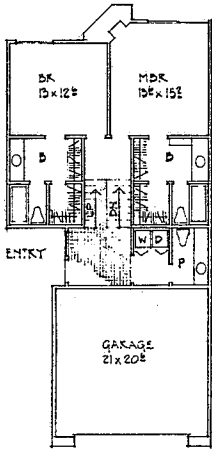
WILLS AND ASSOCIATES
 ARCHITECTS
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Telephone: (213) 475-1100

OAK MEADOW, LOS GATOS
 COLE REEF

Version
 Job No. 070-
 UNIT A
 Scale: 1/8" = 1'-0"
 Date: 22-V-83, 19'

5

EXHIBIT C



WILKS AND ASSOCIATES
ARCHITECTS
INC.
Environmental/Planners
Newark, NJ 07102
Tel: 973-261-0000
The National Green Building Institute

OAK MEADOW / LOS GATOS
COLE FIELD

UNIT 12
Scale 1/8" = 1'-0"
Date 22-X-82 9:55
Version
Job No. 0702
6

EXHIBIT D

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Job No: 20-207
September 17, 2020

Sally Zarnowitz – Planning Manager
Town of Los Gatos Planning Department
110 E. Main Street
Los Gatos, CA 95030

SUBJECT: Minor Subdivision of Oversized Lot 11 at 120 Oak Meadow Drive, Los Gatos

Dear Sally,

Thank you for the opportunity to utilize the online pre-application process for this project. Enclosed as background information are the PD Zoning Documents for the property from 1978. As you can see from the brevity of the exhibits, it was a much simpler time. Today this would be a hundred conditions and sixty pages of plans.

The current owners, Martin and Penny McFarland purchased the house from the widow of a dentist in 1992 and converted it from a planned dental office while authentically restoring the historic charm of the building. The residence has served them and their two daughters well for the past 30 years. The older daughter Heather is developmentally disabled and still lives with the McFarlands. She works as a courtesy clerk at the local Safeway and is able to walk to work from their home.

With the anticipation of their retirement years, the McFarlands are considering the subdivision of their nearly 18,000 SF oversized property and construction of a new 2,100 SF residence on a 4,800 SF lot to be shared by the younger daughter (a Special Education teacher), her husband, and Heather. The current primary residence is 3611 SF with 5 bedrooms and 3 bathrooms and is simply too large and expensive to own and maintain in the future for the daughters.

Another background note about the property is that the McFarlands Lot 11 was released from the Homeowners' Association - CC&R's in 1985 based upon the enclosed document. However, per the agreement, the McFarlands do still share in road maintenance expenses.

Listed on the Preliminary Plan are some of the development statistics for the property and the new lot with the residence. Note that the existing townhouses are 1,900 SF on narrow 3,100 SF lots.

1776 TECHNOLOGY DRIVE, SAN JOSE, CA 95110
408-452-9300 MAIN 408-837-7550 FACSIMILE
WWW.TSCIVIL.COM

Job No. 02-207
September 17, 2020
Sally Zarnowitz

This project is one of those unique sites where the option to downsize is available on one's own lot within an already developed community. There will be a nominal impact on the density of development.

It is, in fact, the perfect infill opportunity with already available infrastructure that serves a greatly oversized lot.

We are hopeful that the Town shares our view that by virtue of the flexibility of the PD Zoning, there is an opportunity to further the goals of California's Affordable Housing Mandate-even if it is merely one new small residence at a time in this case.

Sincerely,
TS/CIVIL ENGINEERING, INC.



Terence J. Szewczyk
Principal Engineer



July 19, 2024
Job No. 20-207(rev 2)

Sean Mullin - Senior Planner
Town of Los Gatos - Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Subject: 120 Oak Meadow Drive -- Letter of Justification

Dear Mr. Mullin,

The proposed deviations from the Office Zoning Code for FAR, Lot Size, & setbacks of the new lot and residence are minor compared to the already built townhouse units of the PD Zoned project.

In response to your July 16, 2024 request, we address the deviations as follows (our reply is in bold-italicized text):

- A) Parcel A - FAR The existing historic residence is 400 SF over in size is insignificant as compared to Lot 7 where a 1906 SF townhome sits on a 3,059 SF lot for an FAR of 0.62*
- B) Parcel B: Lot area is 5249 SF where 8,000 SF is required by zoning. Again, the existing townhouse lot sizes are 3,350 SF, 3163 SF, & 3,059 SF.*
- C) Parcel B: FAR exceeds zoning standards - this is irrelevant compared to B above.*
- D) Parcel B: Reduced setbacks are larger than the various zero setbacks of the townhouses.*

Parcel A:

- a) Parcel A proposed lot coverage of 4,800 sf (40.3%) (as indicated on Sheet C-1) exceeds the allowable lot coverage of 4,762 sf (40.0%) by merely 38 sf.*

Parcel B:

- a) Parcel B has a lot area of 5,793 sf, where 8,000 sf is required by the zoning. However,*

by comparison, at least three of the townhouse lots are just under 3100 sf.

b) Parcel B reduced setbacks for residence with attached garage:

	<i>Required</i>	<i>Proposed</i>
<i>Front</i>	<i>25</i>	<i>6</i>
<i>Rear (through lot)</i>	<i>25</i>	<i>7</i>
<i>Side</i>	<i>10</i>	<i>3</i>

It should be noted that many of the townhouse units have zero setbacks.

- c) Parcel B proposed lot coverage of 2,470 sf (42.6%) exceeds the allowable lot coverage of 2,317 sf (40%) by 153 sf.**
- d) Parcel B a portion of the proposed residence (approximately 36 sf) is located outside the least restrictive development area.**
- e) Parcel B driveway slope of 17.5% exceeds maximum allowed by the Hillside Development Standards and Guidelines of 15%. Were we to comply with 15% the garage slab would be 2' lower and the cut and fill guidelines would be violated with an excessive cut at the 32" oak tree near the driveway bridge. The fire dept will not use this driveway but they do allow up to q 20% slope.**

In summary, the 1979 PD Zoning was well intended to provide a creative buffer and transition from medical office to residential uses on this tree studded site. The residential unit types were stylish at that time, with high vaulted ceilings and triangular architectural components built with woodsy and natural exterior materials. Setbacks, FAR, & lot sizes were all ignored in the unit designs. These appear to have been approved within the era when the Town used Planned Development Zoning to avoid compliance with the base zoning district standards. Back then, it was considered progressive and artsy to design clustered townhomes. and “Z” lots.

Sean Mullin - Senior Planner
Job No. 20-207
Page 3 of 3
July 19, 2024(rev2)

Best regards,

A handwritten signature in black ink, appearing to read "Terence J. Szewczyk". The signature is fluid and cursive, with the first name "Terence" being the most prominent.

TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer

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PROJECT DESCRIPTION

TO: TOWN OF LOS GATOS
FROM: JAY PLETT ARCHITECT

THE PROJECT IS A PROPOSAL FOR A NEW HOME IN AN EXISTING PD WITHIN A NEIGHBORHOOD OF MIXED USES - CONDO/TOWNHOMES, SINGLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES. THE OWNER HAS LIVED IN THE ADJACENT HOME FOR 31 YEARS AND INTENDS THIS HOME FOR HIS DAUGHTERS USE.

EARLY IN THE PROCESS, THE TOWNHOME NEIGHBORS WERE CONSULTED REGARDING THE PLANNED HOME. THEY EXPRESSED THAT THEY WOULD PREFER THE HOME BE ACCESSED FROM BELOW, RATHER THAN THRU THE HOA PARKING AREA AND THAT THE BRICK FENCE BE RETAINED. THIS PREFERENCE IS INTEGRATED INTO OUR PROPOSAL.

THE McFARLANDS LOVE THE ENVIRONMENT AND ITS BEAUTIFUL OAK TREES. THEY GO TO GREAT LENGTH TO CARE AND NURTURE THE TREES - AND THIS IS WHERE THE DESIGN BEGINS. MARTY WANTED AS MANY TREES AS POSSIBLE TO BE SAVED AND PROTECTED. OUR FIRST STEP WAS TO CONSULT WITH A LICENSED ARBORIST TO ESTABLISH THE PERMISSIBLE PROXIMITY OF THE NEW STRUCTURE TO EACH OF THE TREES SURROUNDING THE HOUSE ON THE SIDE. THESE LIMITS BECAME OUR BUILDING ENVELOPE FOR THE HOME AND GARAGE. WE WILL CANTILEVER OR BRIDGE PARTS OF THE DRIVEWAY AND GARAGE TO FLOAT OVER THE ROOT ZONE OF TREE #103. THE BELOW GRADE AREA HAS BEEN LIMITED IN SCOPE TO NOT ENCROACH MORE THAN RECOMMENDED TO TREE #101. THE UPPER PORTION OF THE HOME WILL BE ON A PIER AND GRADE BEAM TYPE FOUNDATION, AVOIDING THE ROOTS OF TREES #103 AND #102.

PROJECT DESCRIPTION-CONT

THE STYLE OF THE HOME IS ECLECTIC - IT RELATES TO THE FORMS OF ITS COMPANION HOUSE, FORM AND MATERIALS OF THE ADJACENT TOWNHOMES, AND THE MATERIALS OF THE 60'S MODERN ADJACENT OFFICE BUILDINGS. WE HAVE CHOSEN A MIX OF MATERIALS APPLIED IN TRADITIONAL STYLES, COLORCOAT CEMENT PLASTER OF AN EARTHY COLOR AND WOOD SIDING COMPLIMENTING THE NEIGHBORING ARCHITECTURE. UNDER THE OAK TREES, THE CEMENT PLASTER WILL BE OF LOW MAINTENANCE AND MAINTAIN ITS ATTRACTIVENESS. THE WOOD SIDING REFLECTS THAT OF ITS NEIGHBORS.

MUCH THOUGHT, CARE AND CONCERN WAS EMPLOYED IN THIS DESIGN TO ENSURE IT TAKES NEIGHBOR FEEDBACK INTO ACCOUNT AND BLENDS AMICABLY WITH THE NEIGHBORHOOD, AND PRESERVES THE SITE'S TREES.

BEST REGARDS,
JAY PLETT ARCHITECT

MCFARLAND MATERIAL BOARD

ITEM NO. 14.

OAK MEADOW DR.



CLASS A 30 YR COMPOSITION ROOF



VERTICAL WOOD SIDING



OLD WORLD BEIGE COLOR PLASTER



RECESSED ALUMINIUM FRAMED
WINDOWS IN PLASTER,
DARK COLOR

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JUSTIFICATION FOR TERRACE

TO: TOWN OF LOS GATOS
FROM: JAY PLETT ARCHITECT

ABOVE GARAGE TERRACE

THERE IS NO PRIVACY IMACTS TO NEIGHBORS. THE TERRACE IS SETBACK 65 FEET TO 120 OAK MEADOW AND THE OTHER ADJACENT PROPERTIES ARE OF OFFICE USE WITH 30 AND 85 FOOT SETBACKS. NATURAL VEGETATION AND TREES, NOT TO BE DISTURBED, PROVIDE PRIVACY SCREENING.

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ARCHITECTURE PLANNING URBAN DESIGN

May 10, 2022

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 120 Oak Meadow Drive

Dear Sean:

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

NEIGHBORHOOD CONTEXT

The site is located on a newly created flag lot in a heavily wooded, sloping site surrounded by mostly two story homes with traditional architectural styles. Photos of the site and surrounding neighborhood context are shown on the following page.





THE SITE



C 120 OAK MEADOW DR



D 233 OAK MEADOW DR



A 301/307/311 OAK MEADOW DR

PROJECT OVERVIEW

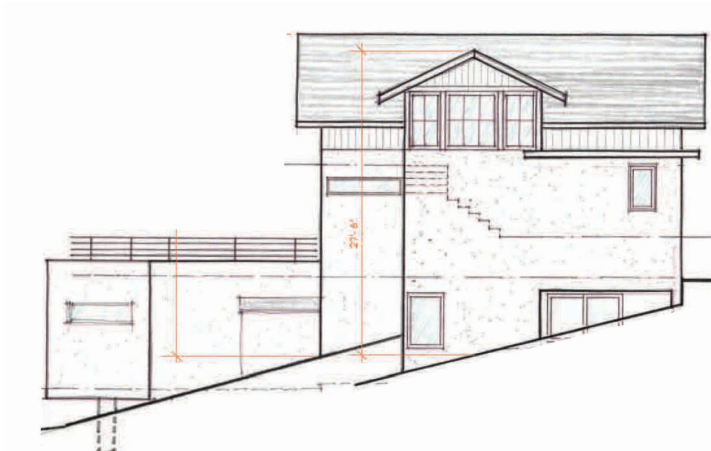
The proposed three story house is designed in a hybrid Traditional style. See proposed elevations and sections below.



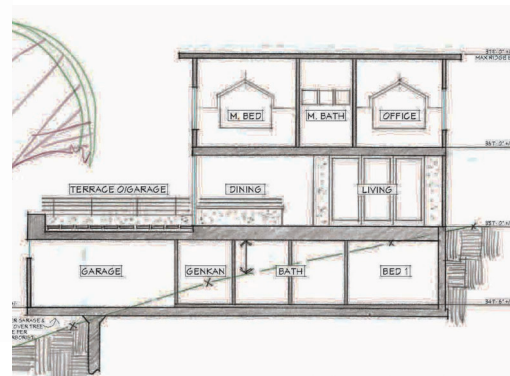
PROPOSED FRONT ELEVATION (Entry)



PROPOSED CROSS SECTION



PROPOSED REAR ELEVATION (Adjacent Neighbor to right)



PROPOSED LONGITUDINAL SECTION



PROPOSED LEFT SIDE ELEVATION (Parking Area Above)



PROPOSED RIGHT SIDE ELEVATION (Entry Access Road Below)

ISSUES AND CONCERNS

This is a difficult site requiring working around the existing large trees, and the applicant has done a good job in fitting the house to the site. I have only a couple of issues for staff's consideration.

1. The large amount of stucco compared to the proposed vertical siding would be out of character to this neighborhood and not consistent with Residential Design Guideline 3.8.2. **There are many types of materials in the neighborhood structures; plaster among them like the building across the street.**

3.8.2 Select materials that are sensitive to the surrounding neighborhood

- *One way of fitting a new house into an existing neighborhood - especially if the new house is bigger than many of the others around it - is to use materials drawn from the surrounding neighborhood. An all stucco house might seem out of character in an all wood neighborhood, but the predominant use of wood siding with some elements of stucco can often work. Where stone accents (e.g., chimneys) are common in a neighborhood, the use of stone at the wall base and elsewhere can assist in making the new home seem better connected to its surroundings. **Stone is not an appropriate application for this. A good portion of the driveway and garage float like a bridge to protect the tree root zones. Stone does not 'Float'.***

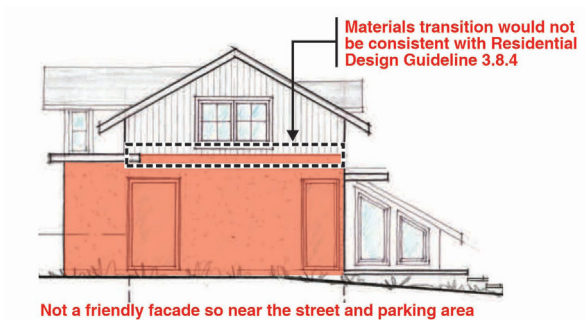
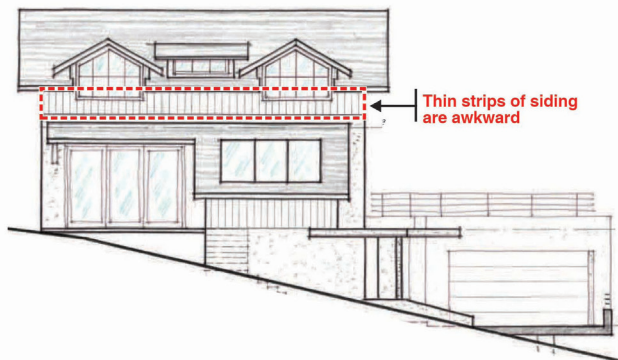


Large amount of stucco would be out of character with this neighborhood and not consistent with Residential Design Guideline 3.8.2

2. The small areas of wood siding on the front and rear elevations is awkward, and the materials change in the same plane which would not be consistent with Residential Design Guideline 3.8.4.

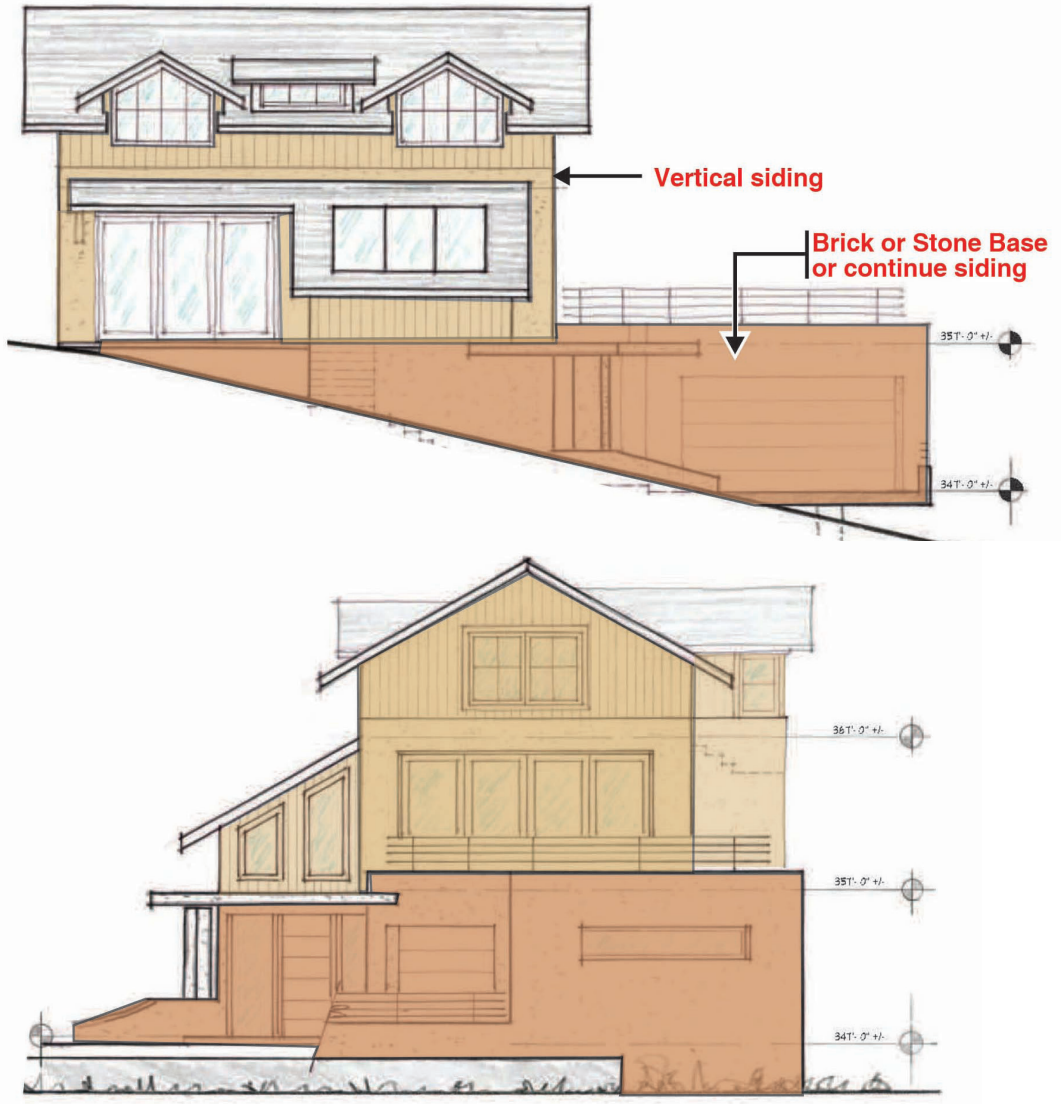
3.8.4 Materials changes The location of the material is consistent with the style of this house, which is mountain rustic/farmhouse.

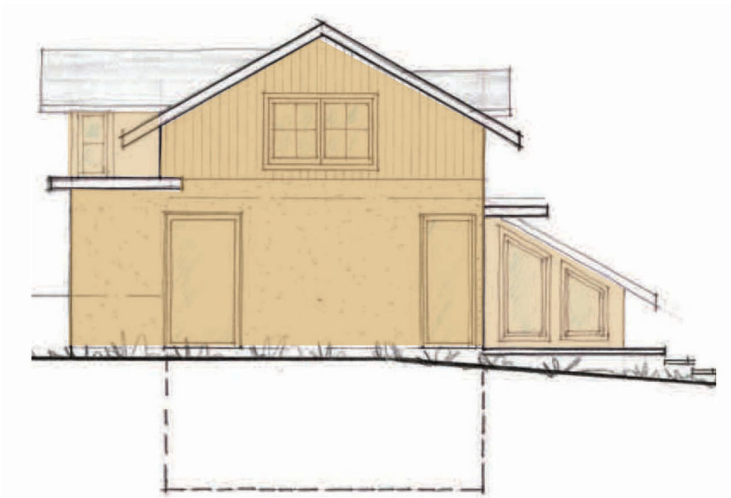
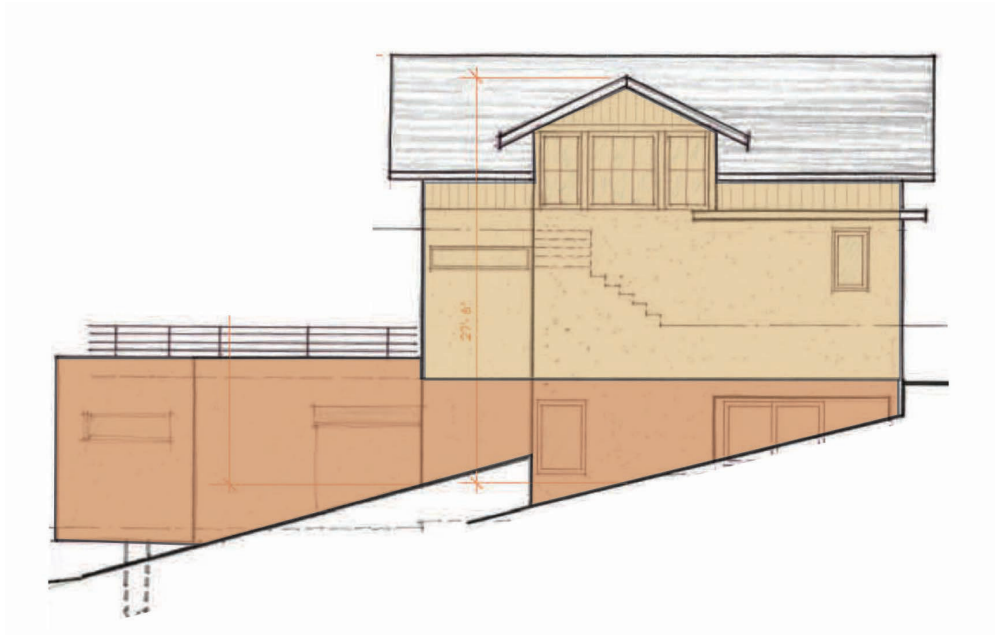
- *Make materials and color changes at inside corners rather than outside corners to avoid a pasted on look.*



RECOMMENDATIONS

1. Reduce the large amount of stucco on the house by extending the vertical siding consistently down to the first floor line. **See prior response.**
2. Use brick or stone for the building base below the first floor line or continue the use of vertical siding in this area. The adjacent existing home on this larger parcel has a prominent brick base - see photo below. If brick or stone is used, provide a projecting brick or stone ledge at the transition with any vertical siding. If vertical siding is used, add a horizontal belly band to break up taller wall planes. **Horizontal belly band is not appropriate for this home. If we were transitioning from one wood above and another type of wood below, then a belly band might be appropriate, but ours is not the case. In this case, a belly band is not warranted or desirable.**





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

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon



ARCHITECTURE PLANNING URBAN DESIGN

May 10, 2022

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 120 Oak Meadow Drive

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D 233 OAK MEADOW DR



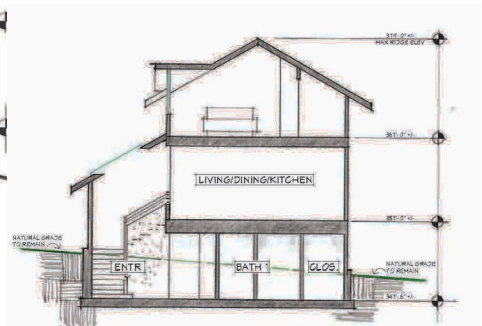
A 301/307/311 OAK MEADOW DR

PROJECT OVERVIEW

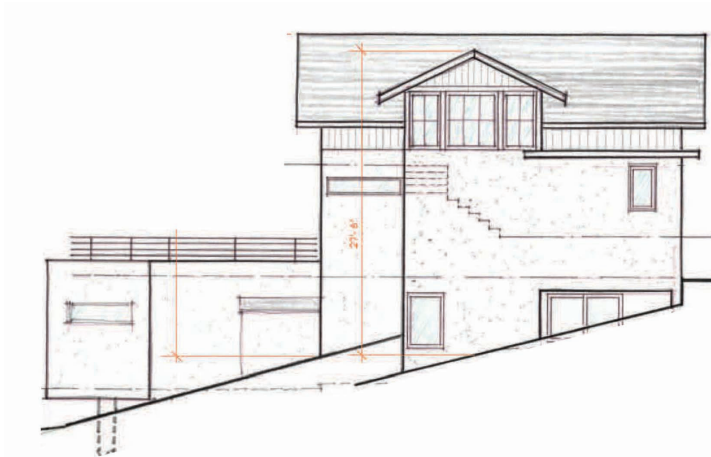
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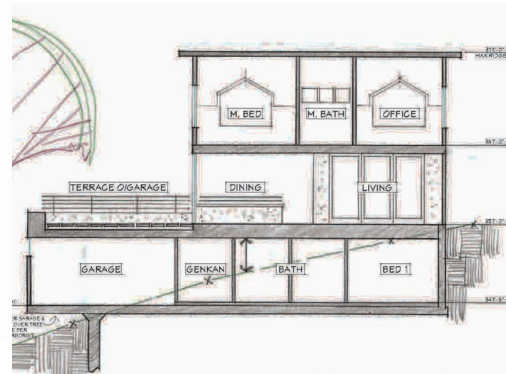
PROPOSED FRONT ELEVATION (Entry)



PROPOSED CROSS SECTION



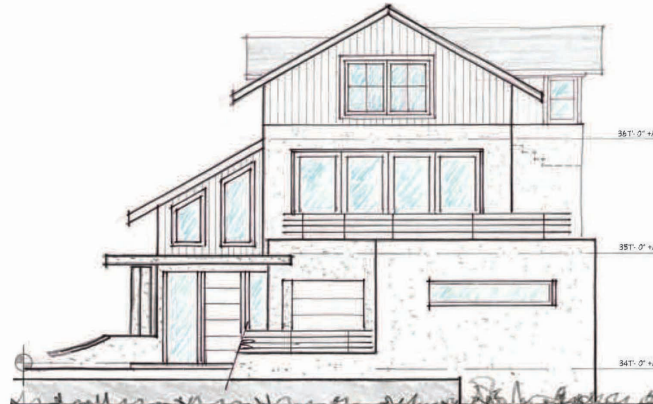
PROPOSED REAR ELEVATION (Adjacent Neighbor to right)



PROPOSED LONGITUDINAL SECTION



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- *One way of fitting a new house into an existing neighborhood - especially if the new house is bigger than many of the others around it - is to use materials drawn from the surrounding neighborhood. An all stucco house might seem out of character in an all wood neighborhood, but the predominant use of wood siding with some elements of stucco can often work. Where stone accents (e.g., chimneys) are common in a neighborhood, the use of stone at the wall base and elsewhere can assist in making the new home seem better connected to its surroundings. **Stone is not an appropriate application for this. A good portion of the driveway and garage float like a bridge to protect the tree root zones. Stone does not 'Float'.***

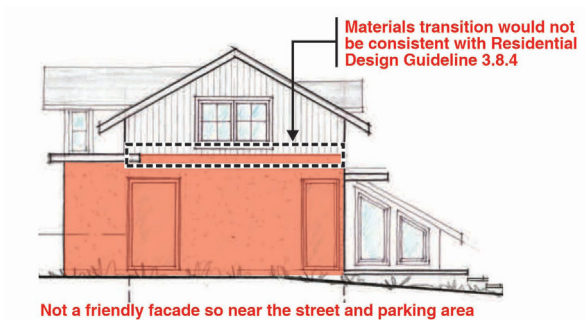
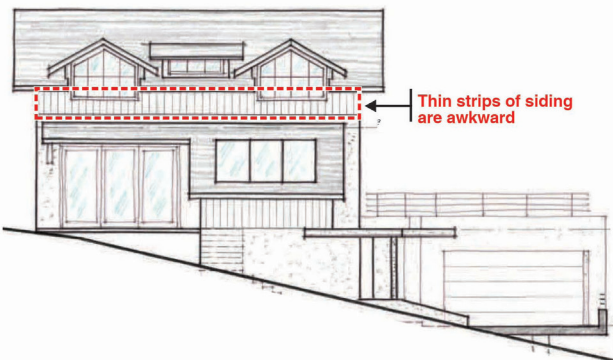


Large amount of stucco would be out of character with this neighborhood and not consistent with Residential Design Guideline 3.8.2

2. The small areas of wood siding on the front and rear elevations is awkward, and the materials change in the same plane which would not be consistent with Residential Design Guideline 3.8.4.

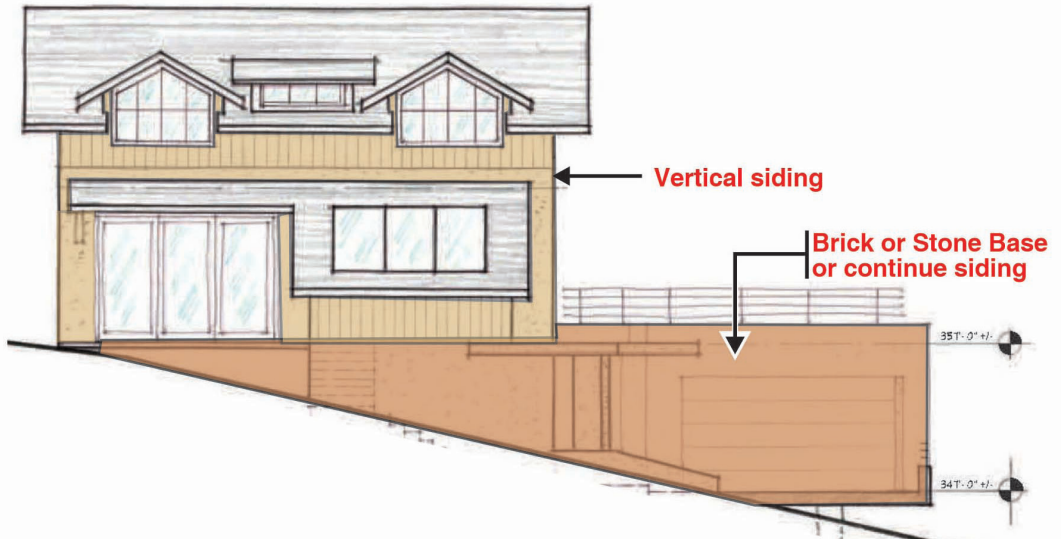
3.8.4 Materials changes The location of the material is consistent with the style of this house, which is mountain rustic/farmhouse.

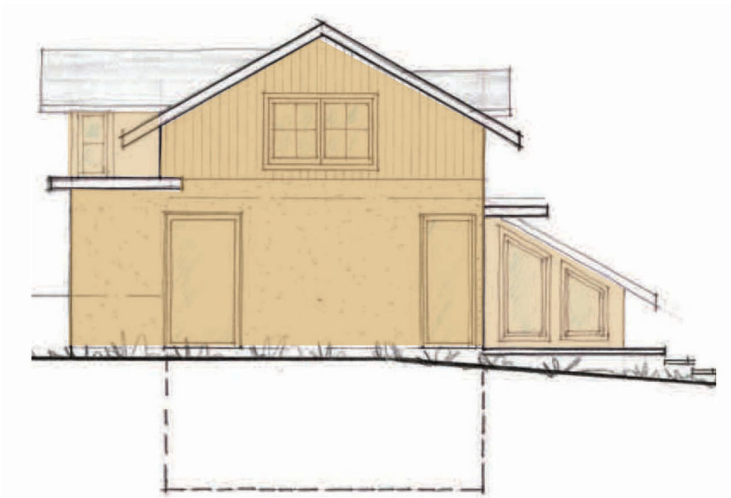
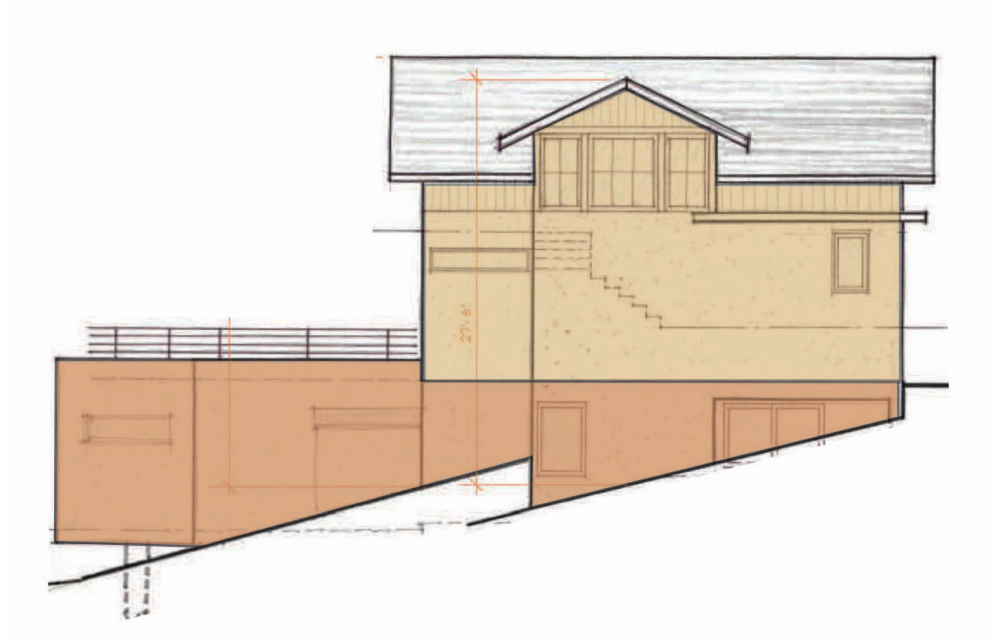
- *Make materials and color changes at inside corners rather than outside corners to avoid a pasted on look.*



RECOMMENDATIONS

1. Reduce the large amount of stucco on the house by extending the vertical siding consistently down to the first floor line. **See prior response.**
2. Use brick or stone for the building base below the first floor line or continue the use of vertical siding in this area. The adjacent existing home on this larger parcel has a prominent brick base - see photo below. If brick or stone is used, provide a projecting brick or stone ledge at the transition with any vertical siding. If vertical siding is used, add a horizontal belly band to break up taller wall planes. **Horizontal belly band is not appropriate for this home. If we were transitioning from one wood above and another type of wood below, then a belly band might be appropriate, but ours is not the case. In this case, a belly band is not warranted or desirable.**





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

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon

**Tree Inventory, Assessment,
and
Protection Report**

**120 Oak Meadow Drive
Los Gatos, CA 95032**

Prepared for:

Town of Los Gatos

December 16, 2022

Prepared By:



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Summary

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131. The inventory contains fourteen (14) trees comprised of three (3) different species. Five oaks are considered Large Protected and no trees are Exempt. Eleven trees are in good condition and eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Ten trees will be required to be removed including eight small coast redwoods and two large protected oaks, although the plans indicate an attempt to retain valley oak #103. Four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. Tree protection will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs. The applicant will be required to replace ten protected trees according to the ordinance. There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.

Introduction

Background

The Town of Los Gatos asked me to assess the site, trees, and proposed footprint plan, and to provide a report with my findings and recommendations to help satisfy planning requirements.

Assignment

- Provide an arborist's report including an assessment of the trees within the project area and on the adjacent sites. The assessment is to include the species, size (trunk diameter), condition (health, structure, and form), and suitability for preservation ratings. Affix number tags on the trees for reference on site and on plans.
- Provide tree protection specifications, guidelines, and impact ratings for those affected by the project.
- Provide appraised values using the Trunk Formula Technique.

Limits of the assignment

- The information in this report is limited to the condition of the trees during my inspection on December 14, 2022. No tree risk assessments were performed.
- Tree heights and canopy diameters are estimates.



- The plans reviewed for this assignment were as follows (Table 1)

Table 1: Plans Reviewed Checklist

Plan	Date	Sheet	Reviewed	Source
Existing Site Topographic				
Proposed Site Plan	10/03/2022	A-1, C2	Yes	Jay Plett Architect/TS Civil Engineering
Erosion Control				
Grading and Drainage				
Utility Plan and Hook-up locations				
Exterior Elevations	10/03/2022	A-3, A-4	Yes	Jay Plett Architect
Landscape Plan				
Irrigation Plan				
T-1 Tree Protection Plan				

Purpose and use of the report

The report is intended to identify all the trees within the plan area that could be affected by a project. The report is to be used by the Town of Los Gatos and the property owners as a reference for existing tree conditions to help satisfy planning requirements.

Observations

Tree Inventory

The inventory consists of trees protected by the Town of Los Gatos located on site and those in close proximity on neighboring properties. Sec. 29.10.0960. - Scope of protected trees. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required. (Appendix A and B). Los Gatos Town Ordinance 29.10.0970 Exceptions (1) states the following: “A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

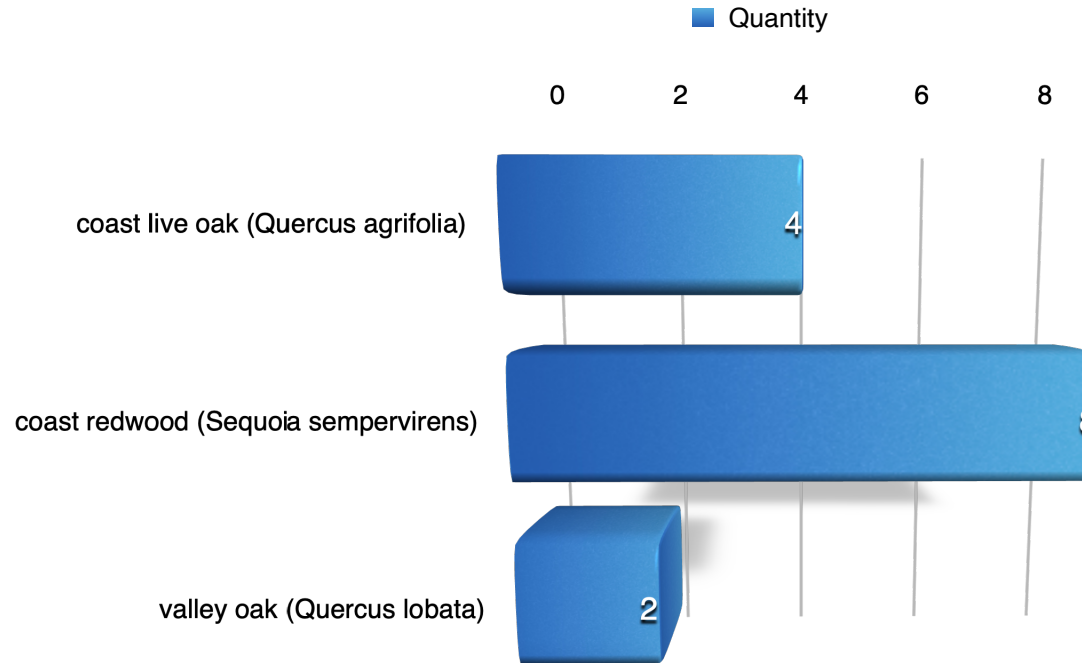
Plans

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131.



The inventory contains fourteen (14) trees comprised of three (3) different species (Chart 1). Five oaks are considered Large Protected¹ and no trees are Exempt². Coast redwoods #321 to #328 are not indicated on the plans. Tree #105 (Large Protected) is located on the adjacent parcel.

Chart 1: Species Distribution



¹ Large protected tree means any oak (*Quercus spp.*), California buckeye (*Aesculus californica*), or Pacific madrone (*Arbutus menziesii*) which has a 24-inch or greater diameter (75-inch circumference); or any other species of tree with a 48-inch or greater diameter (150-inch circumference).

² A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).



Analysis

Tree appraisal was performed according to the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal 10th Edition, 2019* (CLTA) along with Western Chapter International Society of Arboriculture *Species Classification and Group Assignment, 2004*. The trees were appraised using the “Cost Approach” and more specifically the “Trunk Formula Technique” (Appendix B).

“Trunk Formula Technique” is calculated as follows: Basic Tree Cost = (Unit tree cost x Appraised trunk area), Appraised Value = (Basic tree cost X functional Limitations (percentage) X Condition (percentage) X External Limitations (percentage)).

The trunk formula valuations are based on four tree factors; size (trunk cross sectional area), condition, functional limitations, and external limitations. There are two steps to determine the overall value. The first step is to determine the “Basic Tree Cost” based on size and unit tree cost. Unit tree cost is calculated by dividing the nursery wholesale cost of a 24 inch box specimen and its replacement size (cost per square inch trunk caliper) which is determined by the *Species Classification and Group Assignment, 2004 Western Chapter Regional Supplement*. The cost of the 24 inch box wholesale specimen was determined through personal communications with BrightView and Normans nurseries in Farmington and Central Wholesale in San Jose for an average of \$214.00.

The second part is to depreciate the tree’s Basic Cost through an assessment of condition, functional limitations, and external limitations. The condition assessment guidelines and percentages are defined in the “Condition Rating” section of this report. Functional limitations are based on factors associated with the tree’s interaction to its planting site that would affect condition, limit development, or reduce the utility in the future and include genetics, placement, and site conditions for the individual tree. External limitations are outside the property, out of control of the owner and also affect condition, limit development, or reduce the utility in the future (i.e power lines, municipal restrictions, drought adaptations, or species susceptibility to pests).

There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.

Appraisal worksheets are available upon request.



Discussion

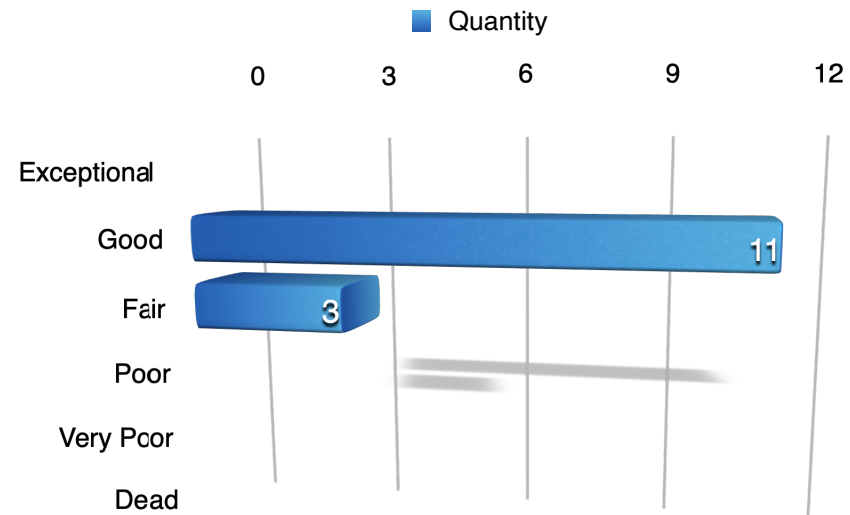
Condition Rating

A tree’s condition is a determination of its overall health, structure, and form. The assessment considered all three criteria for a combined condition rating.

- 91- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Eleven trees are in good condition, however eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Saratoga Tree Service provided a report in September condemning coast live oak #106 recommending removal, however the report did not follow the ISA Best Management Practices for Tree Risk Assessment. The tree could still meet the findings for removal but even with the decay I assessed the tree to be in fair shape. This tree may need advanced assessment for decay detection if removal is controversial.

Chart 2: Condition Ratings



Expected Impact Level

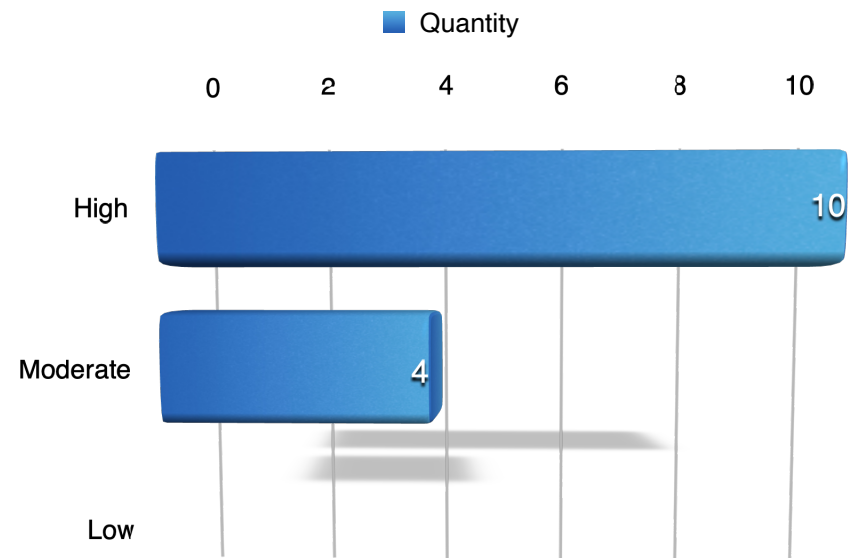
Impact level defines how a tree may be affected by construction activity and proximity to the tree, and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

Ten trees will be required to be removed including eight small coast redwoods (Chart 4). Two large protected oaks would require removal although the plans indicate an attempt to retain valley oak #103. Because there is limited root zone opposite the construction around tree #103 I believe this tree will be compromised both from a health and structural perspective. Tree #106 is located in the footprint of the proposed structure and cannot be retained if a project on this parcel is to be constructed.

The four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. There are both grading and utility impact near these trees and monitoring the construction of the force main, storm drain and dissipator, and the driveway grading and construction. The ideal tree protection zones around these trees will likely need to be reduced to retain them.

Chart 4: Expected Impact



Mitigation for Removals

The table below indicates the recommended replacement values (Table 2). The applicant will be required to replace ten protected trees according to the ordinance. Alternatively it may be possible to create an approved landscape plan or provide an in-lieu payment.

Table 2: Town of Los Gatos Tree Canopy - Replacement Standard

Canopy Size of Removed Tree (1)	Replacement Requirement (2)(4)	Single Family Residential Replacement Option (3)(4)
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees or two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or three 36 inch box trees	Not available
Greater than 55 feet	Ten 24 inch box trees; or five 36 inch box trees	Not available

¹To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

²Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

³Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town’s Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24” box tree rates as adopted by Town Council.

⁴Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillside shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions—Hillsides.



Tree Protection

Typically there are three different tree protection schemes which are called Type I (Appendix D1), Type II and Type III (Appendix D2) trunk protection only. Tree protection focuses on avoiding damage to the roots, trunk, or scaffold branches (Appendix D). The most current accepted method for determining the TPZ is to use a formula based on species tolerance, tree age/vigor, and trunk diameter (Matheny, N. and Clark, J. 1998) (Fite, K, and Smiley, E. T., 2016). Preventing mechanical damage to the trunk from equipment or hand tools can be accomplished by wrapping the main stem with straw wattle or using vertical timbers (Appendix D).

There are four oaks that could be retained if protected which are #101, #102, #104, and #105. Tree protection will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs. Table 3 indicates the protection scheme and causes of potential damage.

Table 3: Tree Protection Zone Radii

Tree Species	I.D. #	Protection Status	Condition	Tolerance	Ideal Tree Protection Radii	Cause	Scheme
valley oak (<i>Quercus lobata</i>)	101	Large Protected	Good	Moderate	27	Force Main, Grading	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	102	Large Protected	Fair	Good	24	Grading, Storm Drain	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	104	Protected	Good	Good	18	Driveway, storm drain	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	105	Large Protected	Fair	Good	18	Storm Drain	Type I Fence Exclusion. Monitoring



Conclusion

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131. The inventory contains fourteen (14) trees comprised of three (3) different species. Five oaks are considered Large Protected and no trees are Exempt. Coast redwoods #321 to #328 are not indicated on the plans. Tree #105 (Large Protected) is located on the adjacent parcel.

Eleven trees are in good condition and eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Saratoga Tree Service provided a report in September condemning coast live oak #106 recommending removal, however the report did not follow the ISA Best Management Practices for Tree Risk Assessment (Appendix F). The tree could still meet the findings for removal but even with the decay I assessed the tree to be in fair shape. This tree may need advanced assessment for decay detection if removal is controversial.

Ten trees will be required to be removed including eight small coast redwoods (Chart 4). Two large protected oaks would require removal although the plans indicate an attempt to retain valley oak #103. Because there is limited root zone opposite the construction around tree #103 I believe this tree will be compromised both from a health and structural perspective. Tree #106 is located in the footprint of the proposed structure and cannot be retained if a project on this parcel is to be constructed.

The four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. There are both grading and utility impact near these trees and monitoring the construction of the force main, storm drain and dissipator, and the driveway grading and construction. The ideal tree protection zones around these trees will likely need to be reduced to retain them.

Tree protection around #101, #102, #104, and #105 will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs.

The applicant will be required to replace ten protected trees according to the ordinance.

There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.



Recommendations

1. Place tree numbers on all the plans. Make sure the trees are clearly indicated for removal on all the plans. The trees should also be very clearly marked on site prior to removal.
2. Install tree protection fence around trees #101, #102, #104 and #105 at the recommended radii where applicable (Table 3, Page 8 or Appendix A). Monitor construction activities around these trees including all grading and utility installations and related trenching.
3. Install temporary irrigation or soaker hoses in all tree protection zones and provide supplemental watering during construction within all TPZ areas. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.
4. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.
5. Refer to Appendix D for general tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a trees drip line or designated TPZ/CRZ.
6. Place all the tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Alternatively create a separate plan sheet that includes all three protection measures labeled "T-1 Tree Protection Plan."
7. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.



8. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

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Glossary of Terms

Basic Tree Cost: The cost of replacement for a perfect specimen of a particular species and cross sectional area prior to location and condition depreciation.

Cost Approach: An indication of value by adding the land value to the depreciated value of improvements.

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants. The outer extent of the tree crown.

Form: describes a plant's habit, shape or silhouette defined by its genetics, environment, or management.

Health: Assessment is based on the overall appearance of the tree, its leaf and twig growth, and the presence and severity of insects or disease.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that form the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.



Structural evaluation: focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

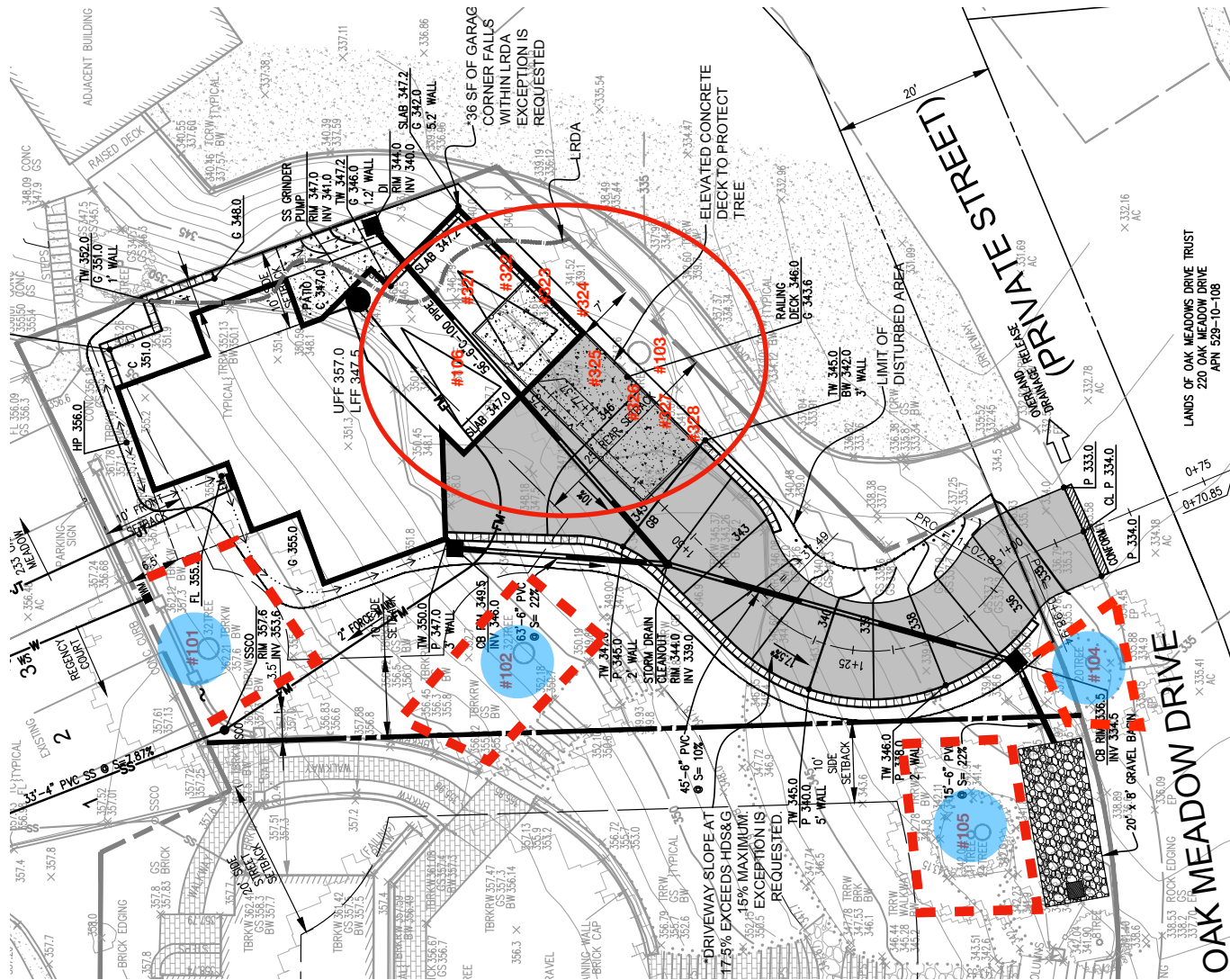
Trunk: Stem of a tree.

Trunk Formula Technique: Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.



Appendix A: Tree Inventory Map and Proposed Site Plan



Red dashed line indicates potential tree protection zones.

Red circle are all removals.

Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radii
valley oak (<i>Quercus lobata</i>)	101	32	55	Good	Moderate	Large Protected	\$28,500.00	27
coast live oak (<i>Quercus agrifolia</i>)	102	17, 14, 19	35	Fair	Moderate	Large Protected	\$16,700.00	24
valley oak (<i>Quercus lobata</i>)	103	43	45	Good	High	Large Protected	\$51,500.00	N/A
coast live oak (<i>Quercus agrifolia</i>)	104	22	25	Good	Moderate	Protected	\$13,500.00	18
coast live oak (<i>Quercus agrifolia</i>)	105	18, 12	35	Fair	Moderate	Large Protected	\$9,600.00	18
coast live oak (<i>Quercus agrifolia</i>)	106	33, 48 86 Below bifurcation	75	Fair	High	Large Protected	\$66,900.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	321	5	10	Good	High	Protected	\$430.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	322	6	10	Good	High	Protected	\$620.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	323	5	10	Good	High	Protected	\$430.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	324	7	10	Good	High	Protected	\$850.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	325	4	10	Good	High	Protected	\$280.00	N/A



Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radii
coast redwood (<i>Sequoia sempervirens</i>)	326	4	10	Good	High	Protected	\$280.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	327	4	10	Good	High	Protected	\$280.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	328	7	10	Good	High	Protected	\$850.00	N/A



Appendix C: Photographs

C1: Coast redwoods #321 through #328



C2: Valley oak #103



C3: Coast live oak #104



C4: Coast live oak #106



C5: Coast live oak #102



C6: Valley oak #101



Appendix D: Tree Protection Guidelines

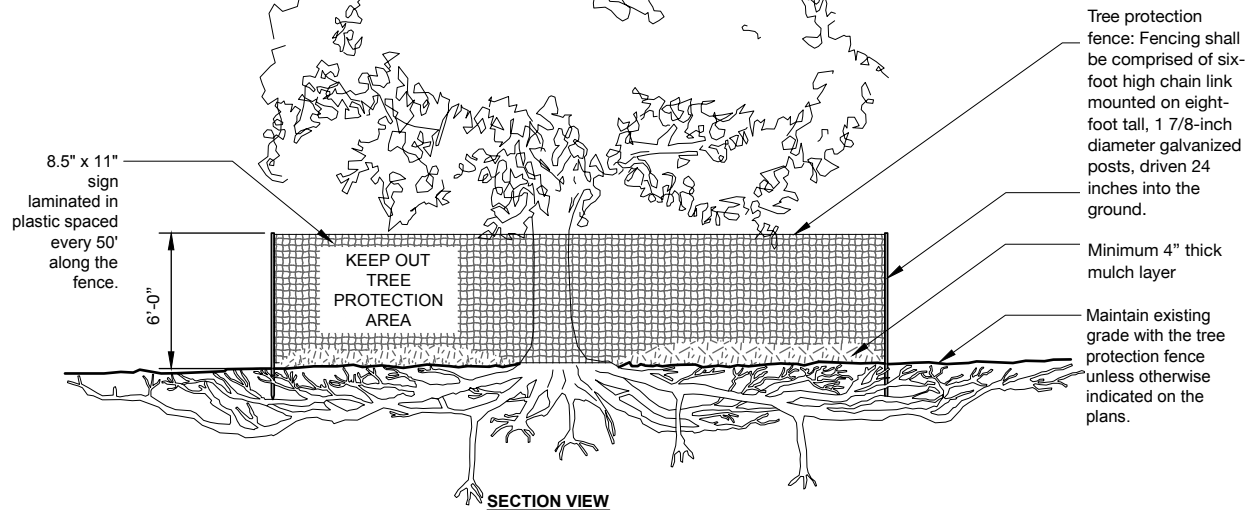
D1: Plan Sheet Detail S-X (Type I)

Notes:
The Tree Protection Zone (TPZ) may vary in radius from the trunk and may not be established at the drip line distance. See arborist's report and plan sheet for specifications of TPZ radii.

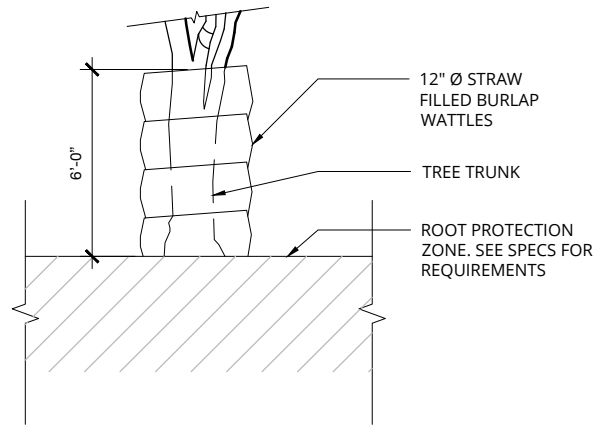
Crown diameter drip line distance equal to the outer most limit of foliage.

Notes:

- All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management: Standard Practices parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations.
- All maintenance is to be performed according to ISA Best Management Practices.



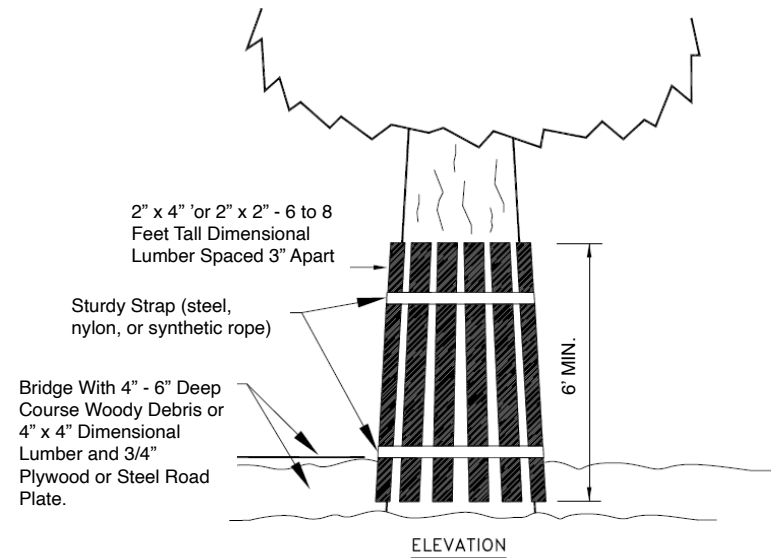
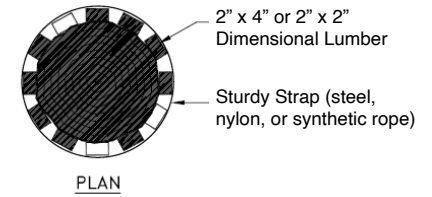
D2: Plan Sheet Detail S-Y (Type III)



SECTION VIEW

S-Y TRUNK PROTECTION WITH WATTLE

Note: See Local Ordinance Requirements and Arborist's Report for Additional Protection Specifications and Guidelines.



Trunk Protection Vertical Timber Detail



D3: Section 29.10.1005. - Protection of Trees During Construction

Tree Protection Zones and Fence Specifications

1. **Size and materials:** Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
2. **Area type to be fenced:** Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
3. **Duration of Type I, II, III fencing:** Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
4. **Warning Sign:** Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning—Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025." Text on the signs should be in both English and Spanish (Appendix E).



All persons, shall comply with the following precautions

1. Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
2. Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
3. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
4. Prohibit the attachment of wires, signs or ropes to any protected tree.
5. Design utility services and irrigation lines to be located outside of the dripline when feasible.
6. Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
7. The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

Prohibited Activities

The following are prohibited activities within the TPZ:

- Grade changes (e.g. soil cuts, fills);
- Trenches;
- Root cuts;
- Pedestrian and equipment traffic that could compact the soil or physically damage roots;
- Parking vehicles or equipment;
- Burning of brush and woody debris;
- Storing soil, construction materials, petroleum products, water, or building refuse; and,
- Disposing of wash water, fuel or other potentially damaging liquids.



Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Root Pruning

Roots greater than two inches in diameter shall not be cut. When roots over two inches in diameter are encountered and are authorized to be cut or removed, they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Treatment, including pruning, shall be specified in writing according to the most recent ANSI A-300A Standards and Limitations and performed according to ISA Best Management Practices while adhering to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.



Appendix E: Tree Protection Signs
E1: English

Warning

Tree Protection Zone

This Fence Shall Not Be Removed
And Is Subject To Penalty According To
Town Code 29.10.1025



E2: Spanish

Cuidado Zona De Arbol Pretejido

Esta valla no podrán ser sacados
Y está sujeta a sanción en función de
Código Ciudad del 29.101025



Appendix F: Saratoga Tree Service Report

Saratoga Tree Service
13745 Skyline Blvd.
Los Gatos, CA 95033

9-16-2022

Marty McFarland

120 Oak Meadow Drive

Los Gatos, CA 95030

A site visit was performed at the above address to evaluate one large *Quercus agrifolia* (Coast Live Oak).

This has a trunk diameter of about 52 inches and a height of about 50'. It is a rather wide spreading tree. The tree is located at left side of the edge of the property if viewed from the street. This tree has a number tag attached to it indicating #106.

This is a fairly heavily wooded property with many other very large oak trees. Both Live Oaks and Valley Oaks are also on this property.

A close inspection of this particular tree shows some serious areas of trunk decay. The main union of these trunks is a catch for debris that has led into further interior decay. An area at the very base of the tree also shows an area of compromise. Surrounding the base of the tree are old wounds that were cut a long time ago. These have new tissue covering the wounds but the internal decay from these old wounds is probable. There is enough visible decay as well as likely hidden decay areas to surmise that this tree is hollow. Because of the union of these large lower trunks in an area of visible decay, this tree has a greater probability of failure.

Further up in the limb structure, there are also areas of visible decay from large, old pruning wounds. These weaknesses will lead to limb failure on the very long, heavy limbs. One of these long limbs is over the neighboring commercial property parking area. A limb failure in this area could lead to possible vehicle damage or injury to pedestrians. The very large limb that leads toward the home on this property would destroy another oak tree when it fails. It would not likely cause damage to the home.

Because of all the recognized decay in this tree, it is likely that a failure will occur. There is not a good pruning option to make this tree safe as this is a very wide spreading structure. Because of these areas of decay, and the likely damage to adjacent trees and possible neighbor's property, I am recommending removal.

I am including photos to better understand my findings.

Blair Glenn

I.S.A. Certified Arborist

#WC 654a







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

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



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

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

Respectfully Submitted,
Blair Glenn
I.S.A. Certified Arborist #WC 654a



Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

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

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



Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner



ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

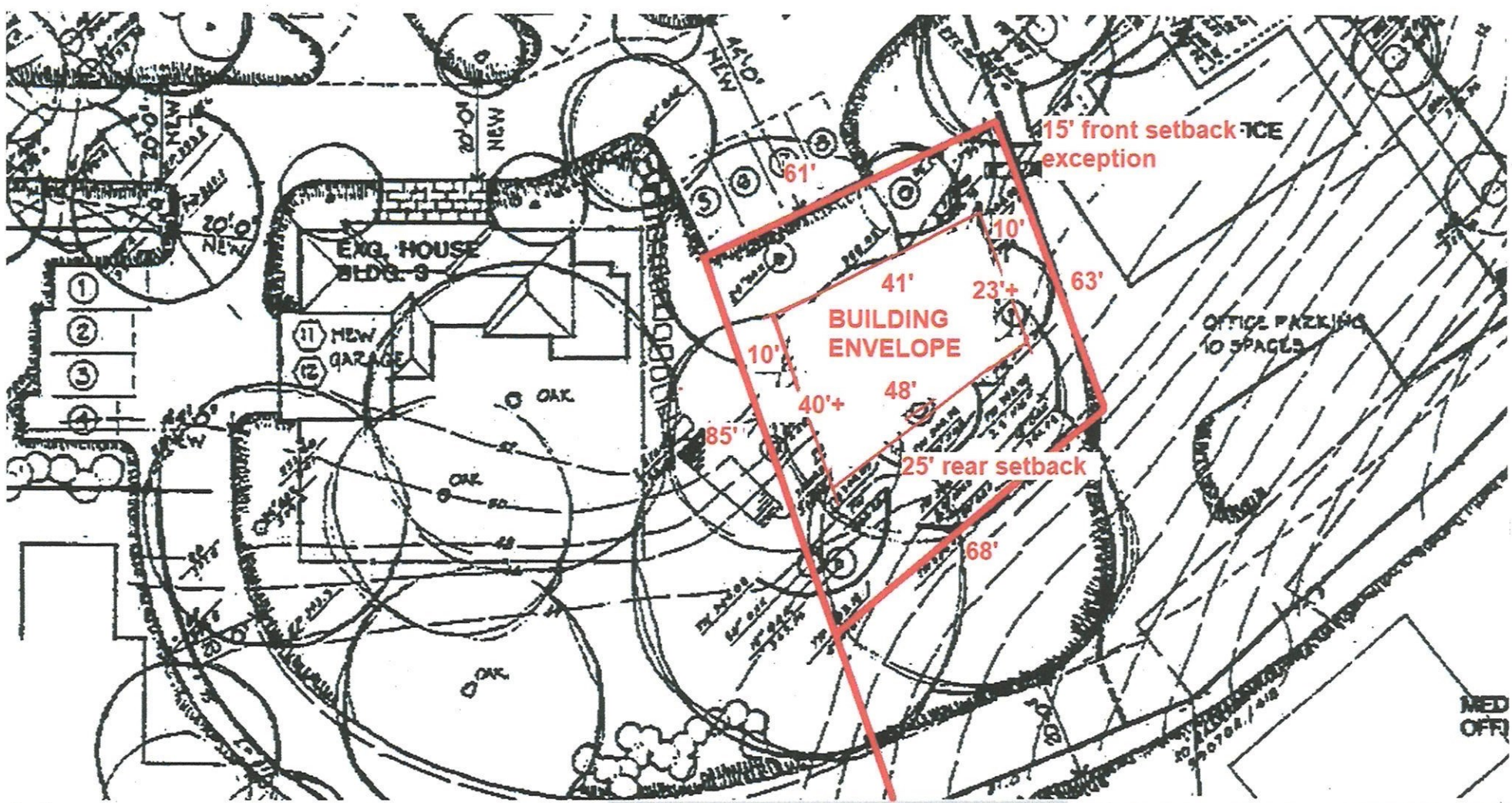


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BUILDING ENVELOPE STUDY

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120 OAK MEADOW

NEW HOME

Joly Kute
Reddy

I/WE LOCATED AT [REDACTED] Oak Meadow HAVE
REVIEWED THE HOME PLANS DATED 02/29/2024 AND HAVE NO
OBJECTIONS.

7/17/2024

DATE

7/17/2024

DATE

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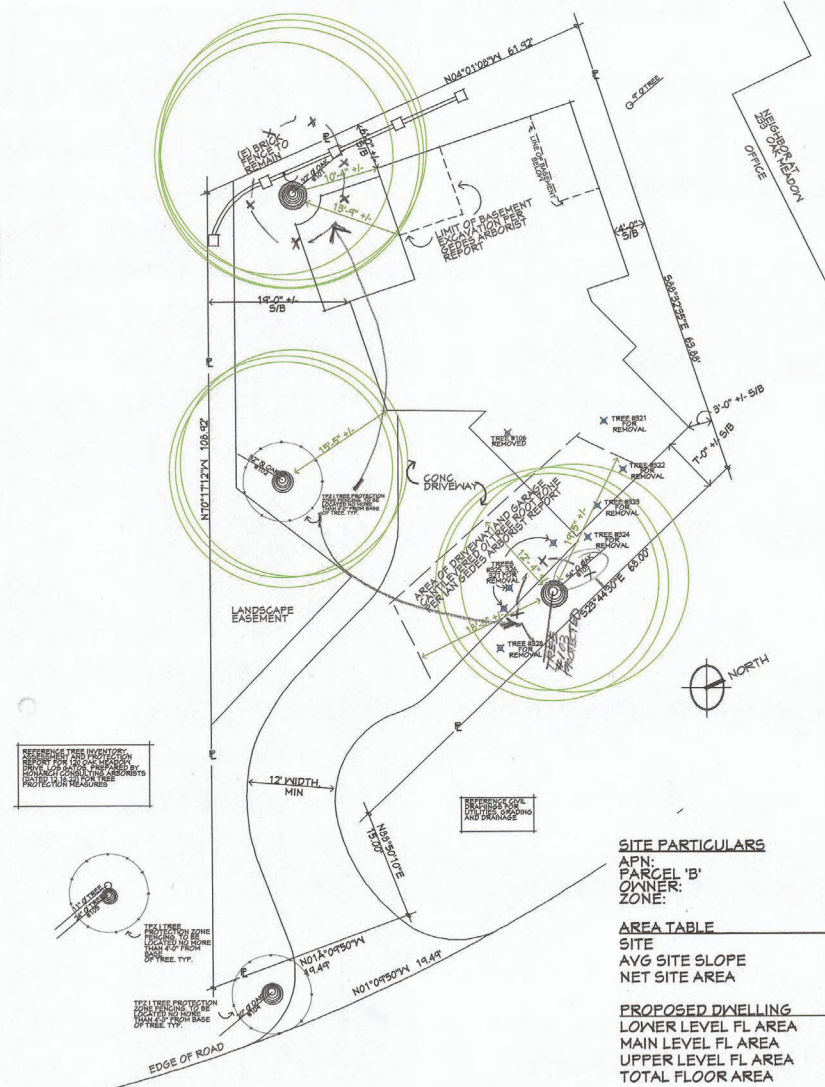
FIRE NOTES:

- 1 FIRE SFRINKLERS REQUIRED: AN AUTOMATIC RESIDENTIAL FIRE SFRINKLER SYSTEM SHALL BE INSTALLED IN ONE- AND TWO-FAMILY DWELLINGS AS FOLLOWS: 1) IN ALL NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING ONE- AND TWO-FAMILY DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN 3,600 SF WHETHER BY INCREASING THE AREA OF THE PRIMARY RESIDENCE OR BY CREATION OF AN ATTACHED ACCESSORY DWELLING UNIT. 2) IN ALL NEW BASEMENTS AND IN EXISTING BASEMENTS THAT ARE EXPANDED BY MORE THAN 50%. 3) IN ALL ATTACHED ADUS, ADDITIONS OR ALTERATIONS TO AN EXISTING ONE- AND TWO-FAMILY DWELLING THAT HAVE AN EXISTING FIRE SFRINKLER SYSTEM. EXCEPTIONS: 1) ONE OR MORE ADDITIONS MADE TO A BUILDING AFTER JANUARY 1, 2011 THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE FEET OF BUILDING AREA AND MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE
 - 2 WATER SUPPLY REQUIREMENTS: POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 509.3.5 AND HEALTH AND SAFETY CODE 13114.11
 - 3 ADDRESS IDENTIFICATION: NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS FLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, WHERE REQUIRED BY THE FIRE CODE OFFICIAL. ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 509.1.
 - 4 CONSTRUCTION SITE FIRE SAFETY: ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 81-1. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.
- BUILDING NOTES:**
- 1 FV SYSTEM - A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE FV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE FV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
 - 2 ALL ELECTRIC REQUIREMENT - THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC AFFLUENCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.10.020 AND 6.120.020.

CONTENTS

- A-1 SITE PLAN
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- A-2 LOWER/BASEMENT PLAN
- A-3 MAIN & UPPER LEVELS
- A-4 SECTIONS & ROOF PLAN
- A-5 BUILDING ELEVATIONS

NEIGHBORHOOD PLAN
SINGLE-FAMILY RESIDENCE



SITE PARTICULARS

APN: 529-10-131
 PARCEL 'B' McFARLAND
 OWNER: O.F.D.
 ZONE:

AREA TABLE

SITE 5,793 SF
 AVG SITE SLOPE 18%
 NET SITE AREA 4,287 SF

PROPOSED DWELLING

LOWER LEVEL FL AREA 305 SF
 MAIN LEVEL FL AREA 862 SF
 UPPER LEVEL FL AREA 119 SF
 TOTAL FLOOR AREA 1,946 SF
 BELOW GRADE AREA 502 SF
 GARAGE 467 SF

LOT COVERAGE = 2,410 SF / 42%

SITE PLAN

1/8" = 1'-0"

Print date:
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 12.27.22

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LOS GATOS

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 Date: Sheet

A-1



A 301/307/311 OAK MEADOW DR



B 220 OAK MEADOW DR



B 220 OAK MEADOW DR



C 120 OAK MEADOW DR



D 233 OAK MEADOW DR



D 233 OAK MEADOW DR



E 234 OAK MEADOW DR

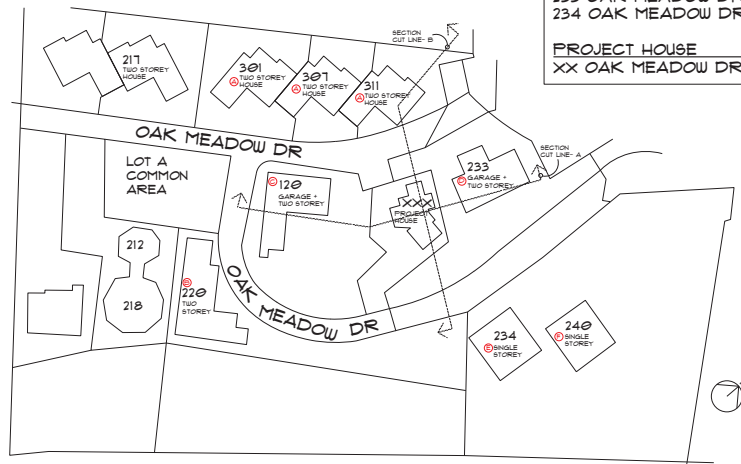


F 240/242 OAK MEADOW DR

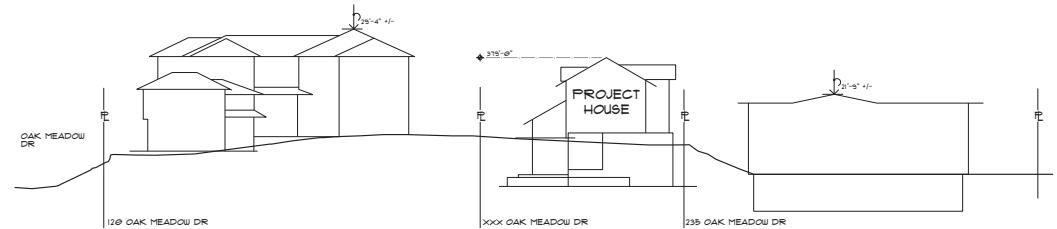
FLOOR AREA/FAR COMPARISONS

ADDRESS	LOT SIZE	FLR AREA	FAR HOUSE	GARAGE (SF)
301 OAK MEADOW DR	7352	*2620	0.356	484
307 OAK MEADOW DR	4794	*2620	**0.546	484
311 OAK MEADOW DR	4952	*2620	**0.529	484
220 OAK MEADOW DR	11703	*4507	**0.385	0
120 OAK MEADOW DR	17179	*3621	0.203	530
233 OAK MEADOW DR	19705	*3283	0.166	0
234 OAK MEADOW DR	41200	1756	0.042	0
PROJECT HOUSE				
XX OAK MEADOW DR	5249	1946	0.336	466.5

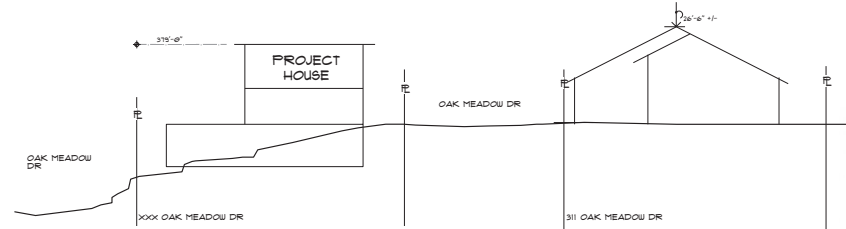
ANALYSIS
 *6 NEIGHBOR HOMES HAVE GREATER FLOOR AREA
 **3 NEIGHBOR HOMES HAVE GREATER FAR
 AS THE STREETSCAPE ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD



NEIGHBORHOOD PLAN
 1" = 50'



NEIGHBORHOOD SECTION-A
 1/16" = 1'-0"



NEIGHBORHOOD SECTION-B
 1/16" = 1'-0"

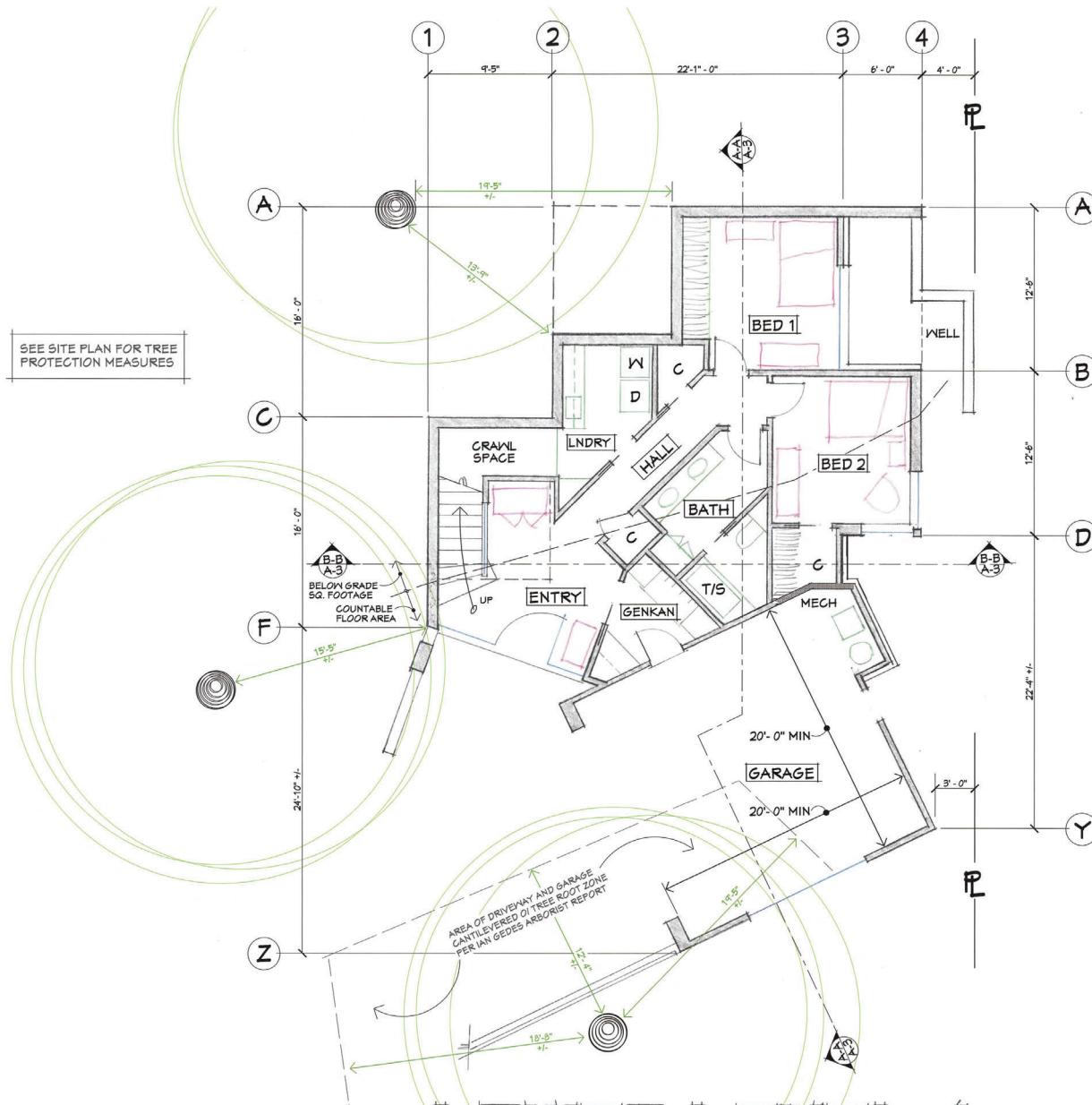
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LOWER LEVEL / BASEMENT / GARAGE

1/4" = 1'-0"

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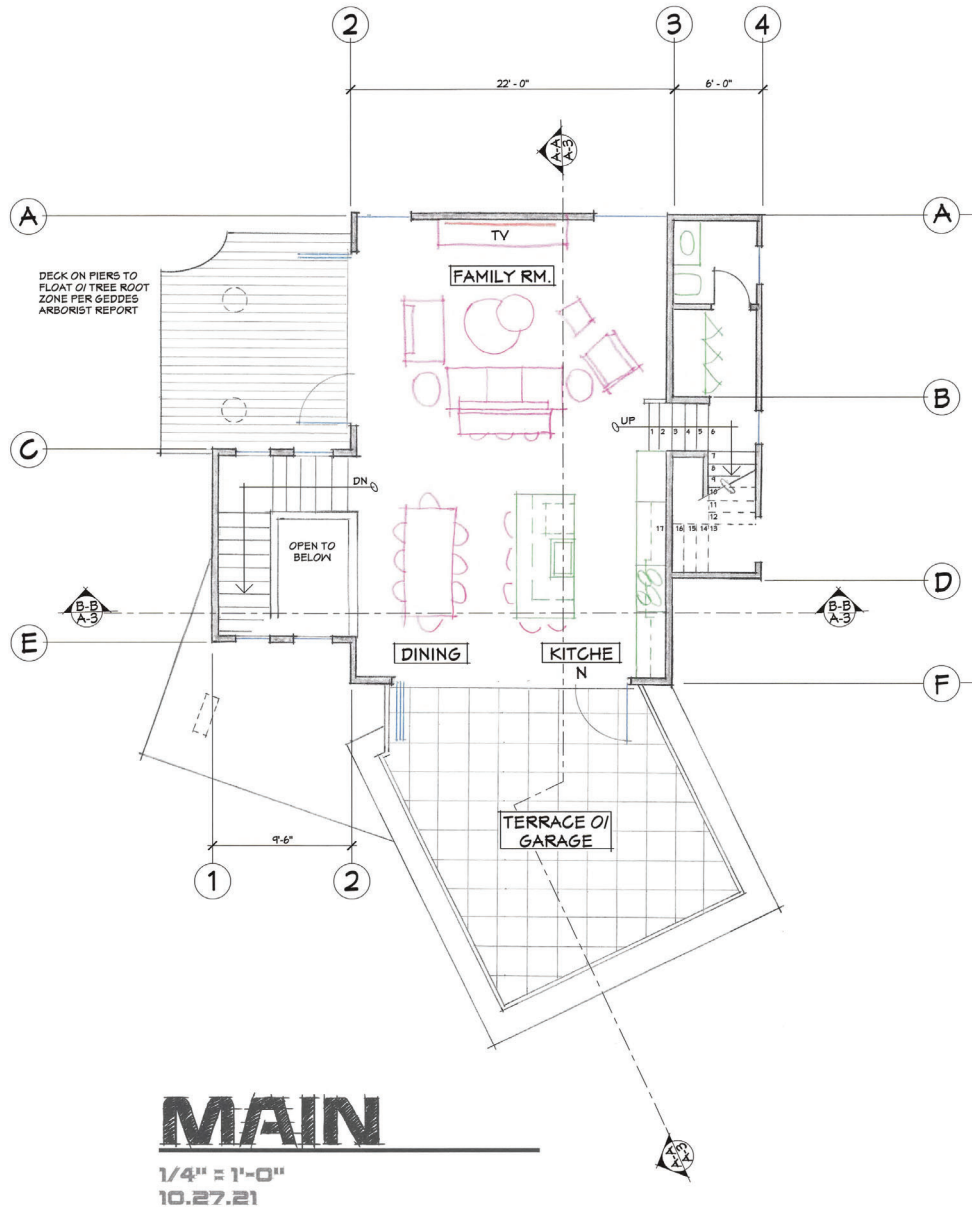
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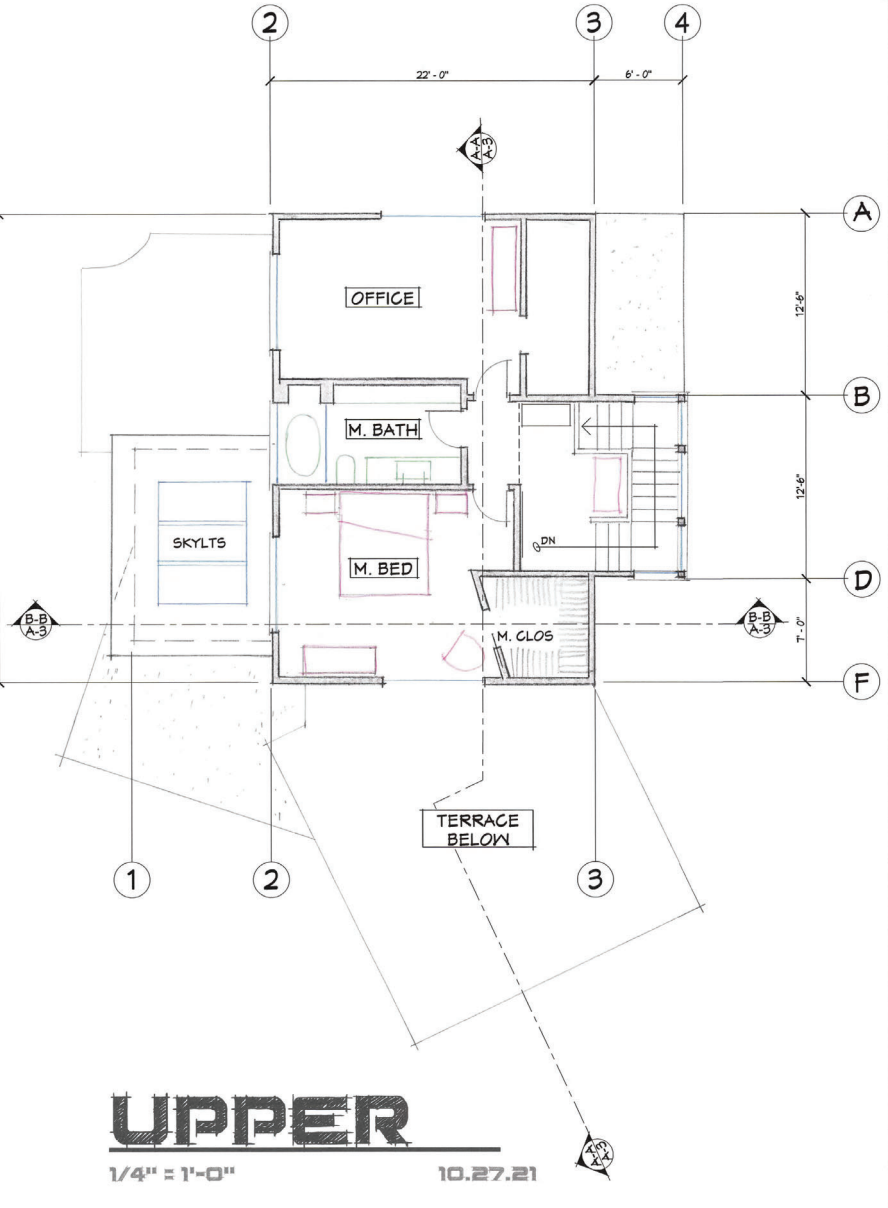
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MAIN
 1/4" = 1'-0"
 10.27.21



UPPER
 1/4" = 1'-0"
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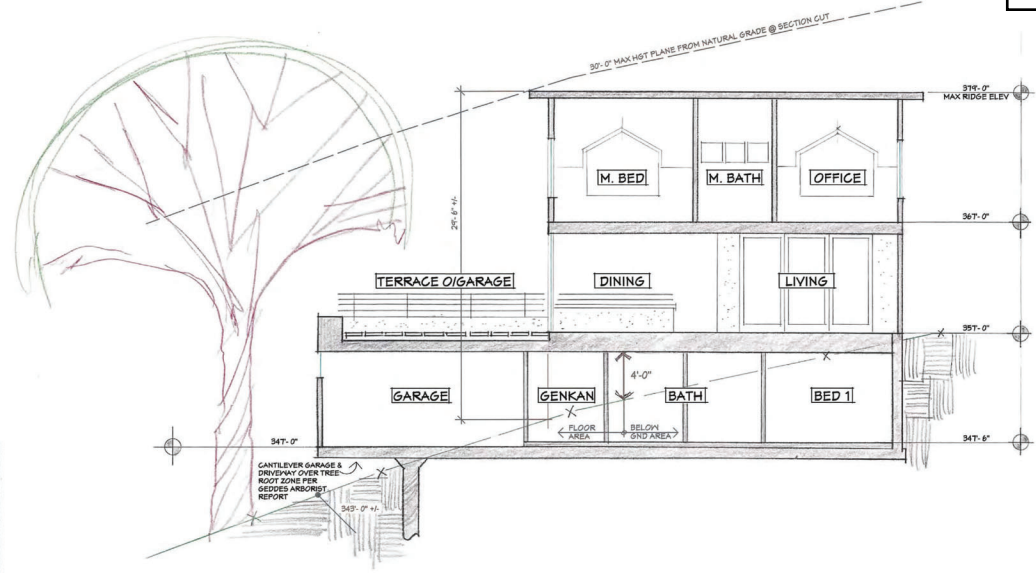
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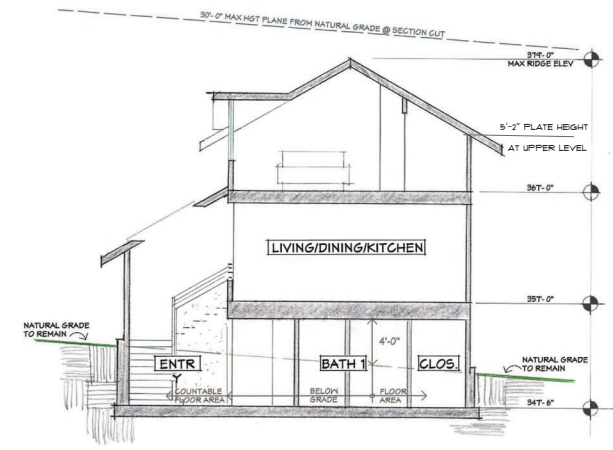
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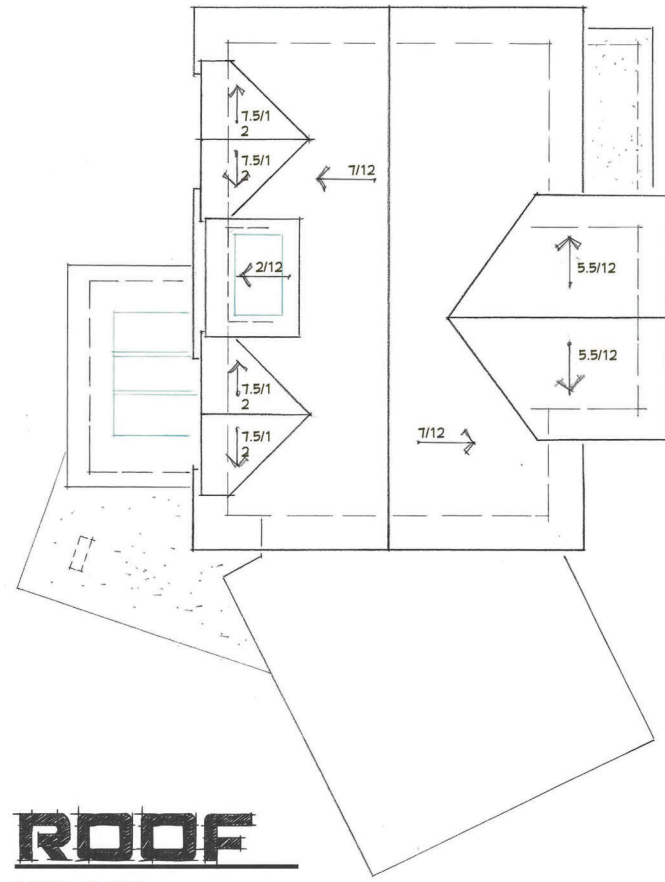
SECTION A-A

3/16" = 1'-0"



SECTION B-B

3/16" = 1'-0"



ROOF

1/4" = 1'-0"

Print date :

02.29.24
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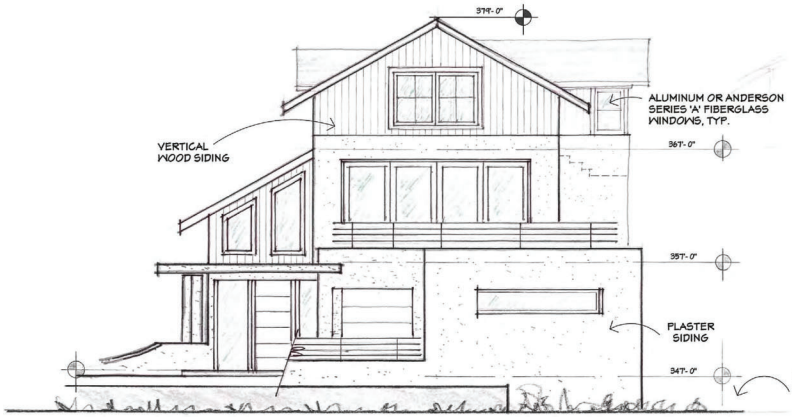
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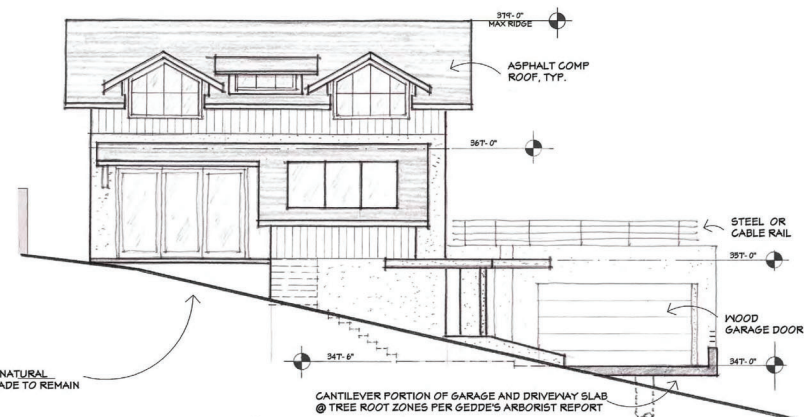
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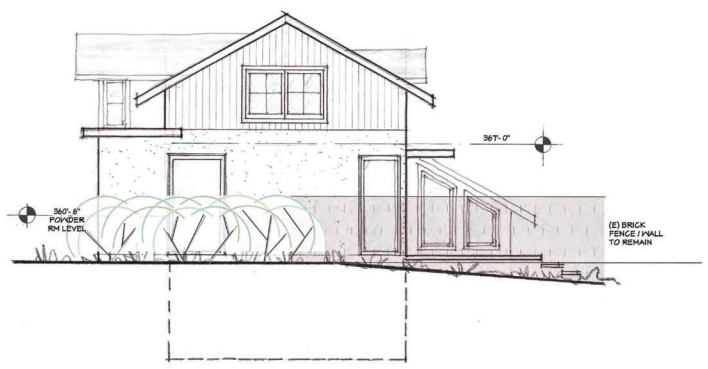
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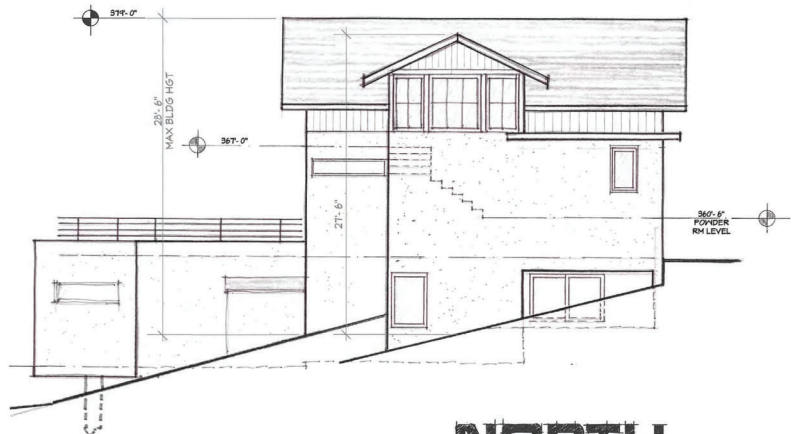
EAST



SOUTH



WEST



NORTH

ELEVATIONS

3/16" = 1'-0"

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10.03.22

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ARCHITECT

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jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030

**McFARLAND
OAK MEADOW DR.
LOS GATOS**

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Revisions :

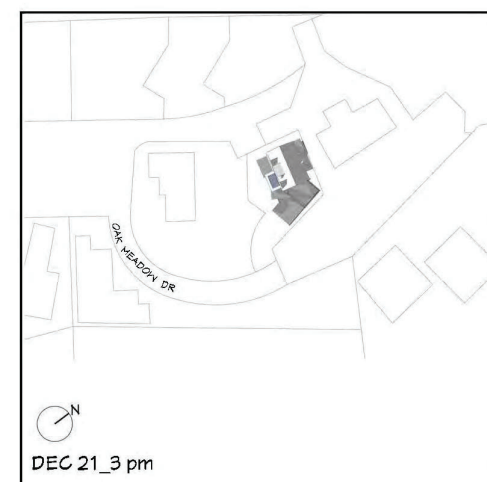
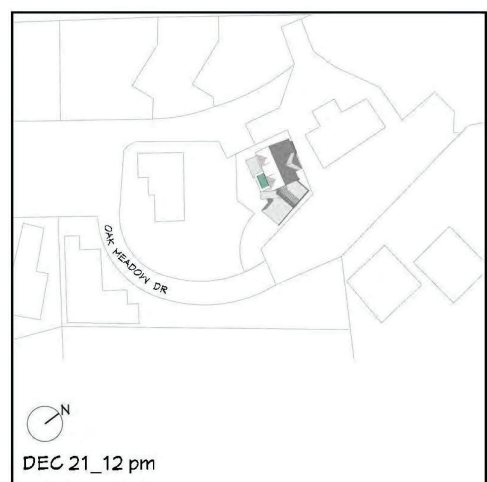
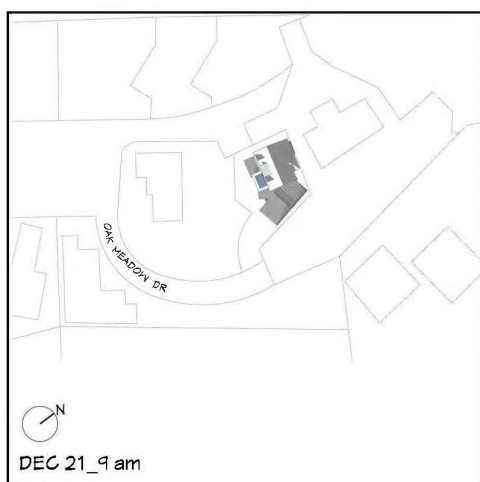
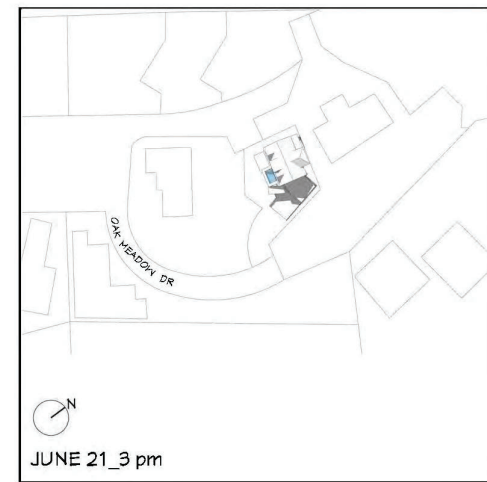
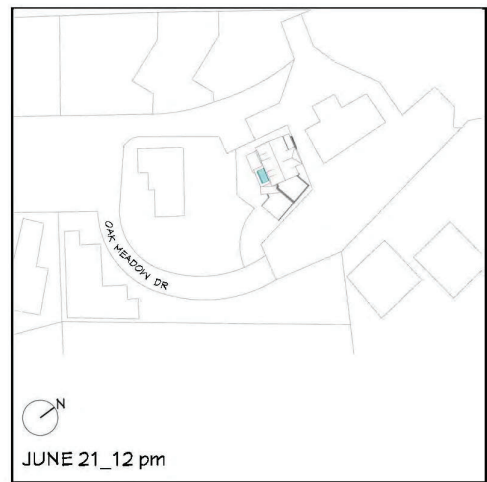
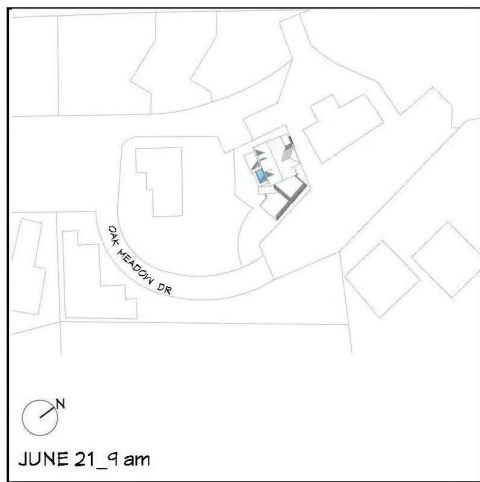
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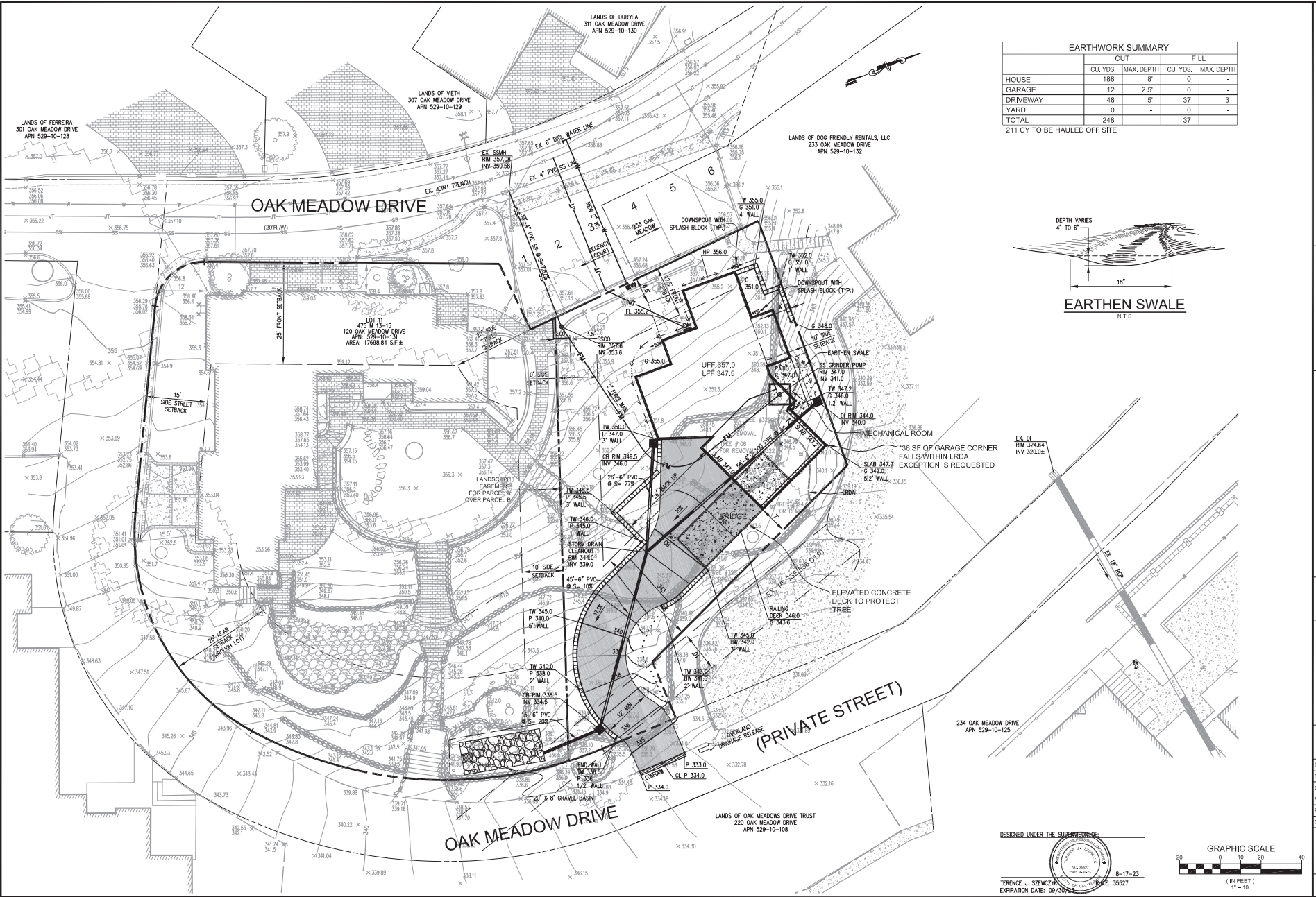
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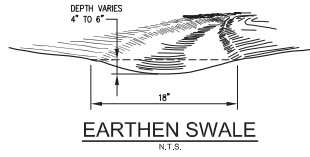
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	CU. YDS.	MAX. DEPTH	CU. YDS.	MAX. DEPTH
HOUSE	188	8'	0	-
GARAGE	12	2.5'	0	-
DRIVEWAY	48	5'	37	3
YARD	0	-	0	-
TOTAL	248		37	

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TSCIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 PH: 408.452.9300
 FAX: 408.837.7550
TS CIVIL ENGINEERING

LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

SITE PLAN
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

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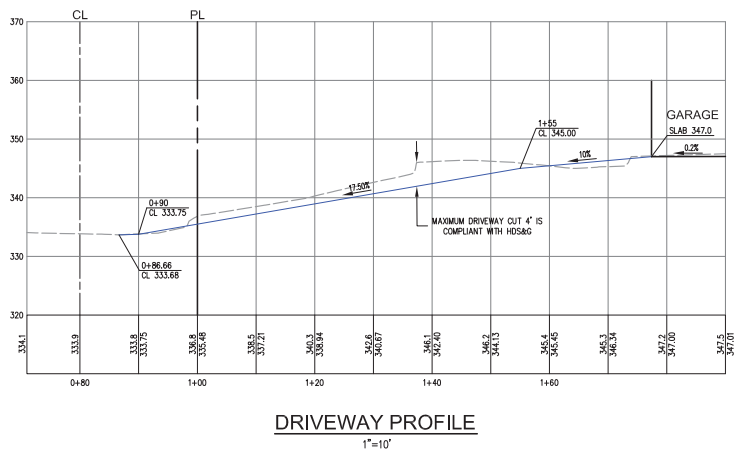
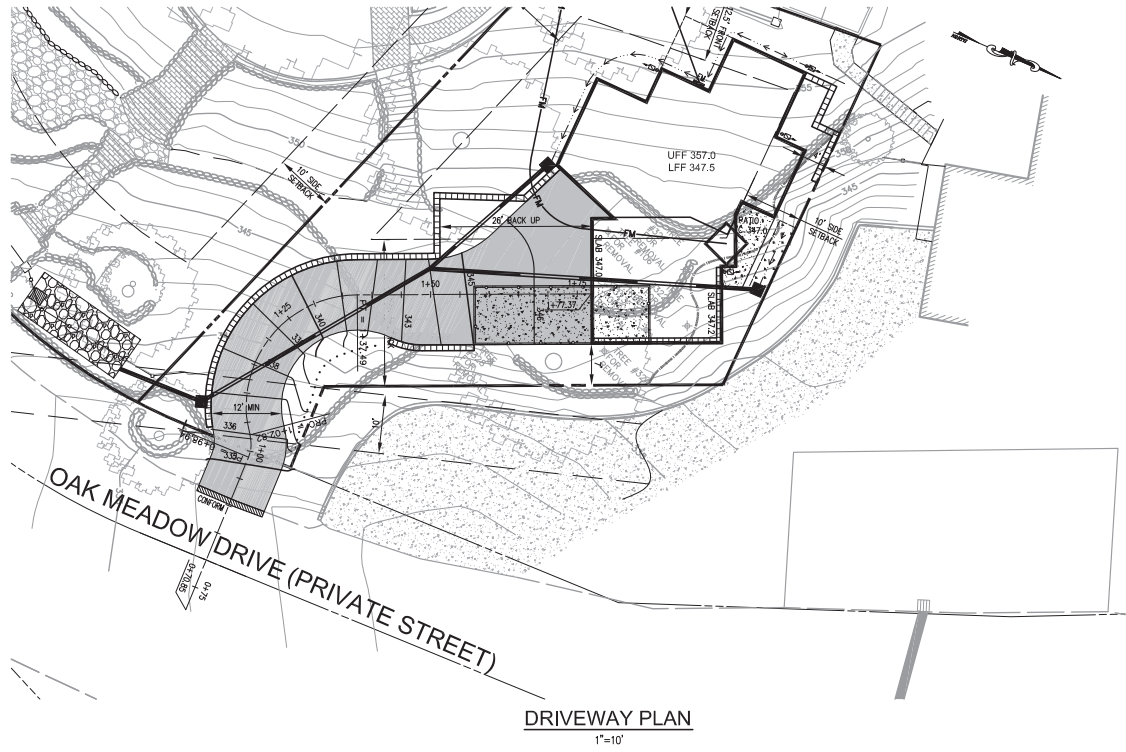
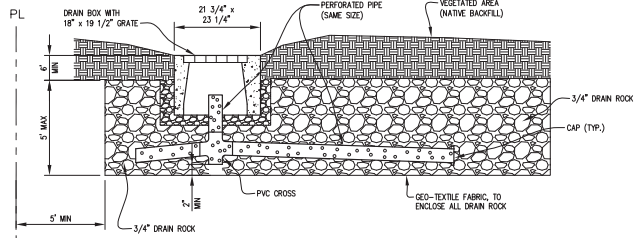
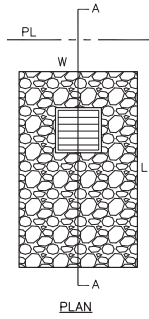
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 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C-2**
 OF 4 SHEETS
 JOB NO. 20-207

DESIGNED UNDER THE SUPERVISION OF

TERENCE J. SZWEDZIN
 EXPIRATION DATE: 09/30/2025
 8-17-23
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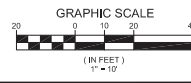
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DESIGNED UNDER THE SUPERVISION OF

 8-17-23
 TERENCE J. SZEWCZYK
 EXPIRATION DATE: 08/30/24



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 SAN JOSE, CA 95110
 PH: 408-452-9300
 FAX: 408-837-5550

LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

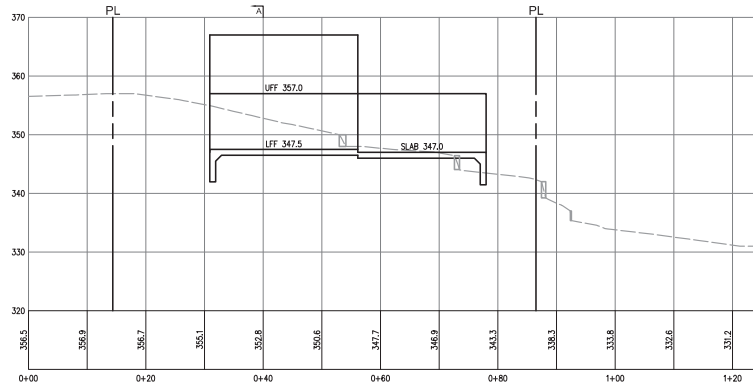
DRIVEWAY PROFILE
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

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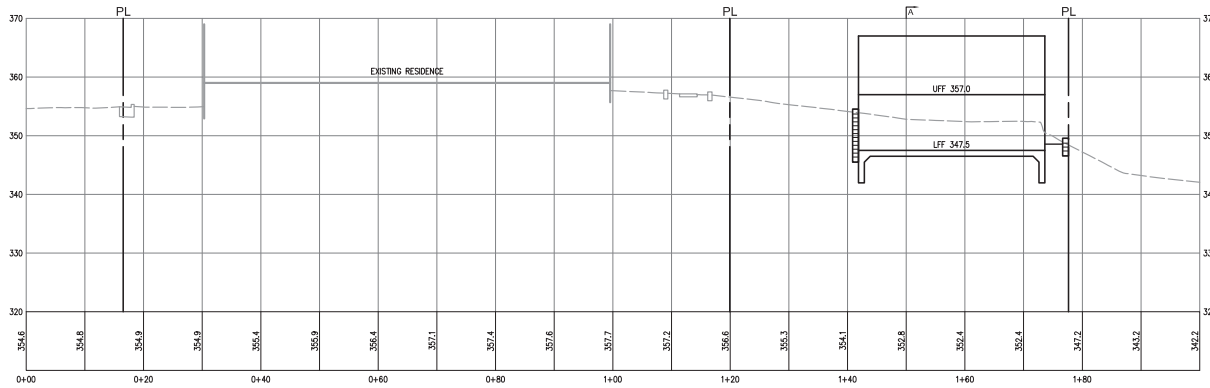
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C-3
 OF 4 SHEETS
 20-207

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SECTION A-A
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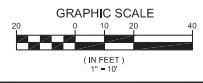


SECTION B-B
1"=10'

DESIGNED UNDER THE SUPERVISION OF



TERENCE J. SZEWCZYK
EXPIRATION DATE: 08/30/2023



TSCMIL ENGINEERING INC.
1776 TECHNOLOGY DRIVE
SAN JOSE, CA 95110



LANDS OF MCFARLAND
120 OAK MEADOW DRIVE
MINOR SUBDIVISION AND
PD ZONING AMENDMENT

SITE CROSS SECTIONS
120 OAK MEADOW DRIVE
LOS GATOS, CA 95032
APN 529-10-131

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SHEET NO.
C-4
OF 4 SHEETS
JOB NO.
20-207

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From: Laura Vieth [REDACTED] >
Sent: Thursday, April 22, 2021 10:40 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Fwd: Proposed Building Plans

Sean, thanks again for the call today. This email along with our conversation is provided to document personal concern as thd property owner of [REDACTED], Los Gatos, CA 95032f regarding noise and aesthetics if easement is granted off Osk Meadow Drive for the subdivision of property at 120 Osk Meadow Drive. If you have any questions or need additional clarification, please let me know.

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

From: Laura Vieth <[REDACTED]>
Date: Mon, Apr 19, 2021 at 9:58 AM
Subject: Proposed Building Plans
To: <smullin@losgatosca.gov>

Sean, greetings and by way of introduction, Laura Vieth, homeowner at [REDACTED] Los Gatos, CA 95032. Regency Court HOA. I would like to schedule time with you to discuss building plans being discussed. I can be reached at [REDACTED]

My husband and I were informed by the property owner at 120 Oak Meadow Drive (not part of our HOA) is planning to subdivide his property and build a house....no concern from that perspective. Our concern is the placement of the driveway.

We understand the driveway is tentatively being discussed to use HOA property on the front side of the street and put the driveway directly across from our driveway. We would like the driveways to be on the backside of the street vs. across from our home.

I look forward to speaking with you soon.

--

Regards,

Laura Vieth
 email: [REDACTED]
 [REDACTED]

--

Regards,

Laura Vieth (DiPiero)
 email: [REDACTED]
 [REDACTED]

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/24/2024

ITEM NO. 14.

ITEM NO: 3

DESK ITEM

DATE: July 24, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owner: Marty and Penny McFarland. Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.

REMARKS:

Exhibit 17 includes a public comment received between 11:01 a.m., Friday, July 19, 2024, and 11:00 a.m., Wednesday, July 24, 2024.

In response to questions from a Planning Commissioner, staff has prepared the following information.

Is there a road maintenance agreement among the property owners since it is a private road? If so, does it address increased burdens or what arrangements are anticipated?

Being a private party agreement for a private road, staff is not aware of any existing road maintenance agreements, or any increased burdens created by the project. The applicant and/or property owner may be able to address this question during the public hearing.

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 3

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 24, 2024

REMARKS (continued):**Has there been a Staff analysis of the traffic impact that would result from the additional residence?**

Pursuant to the current Institute of Transportation Engineers Trip Generation Manual's assignment for specific use types, a new detached single-family residence is assigned an Average Daily Traffic or ADT of 9.43 trips per day. The added trips require payment of a Traffic Impact Fee. Condition of approval #74 included in Exhibit 4 requires payment of the Traffic Impact Fees prior to recordation of the parcel map.

The existing residence has a plaque indicating it is a historic property. Is it in the inventory, and, if so, would that affect the subdivision application?

The existing residence is included on the Town's Historic Resources inventory. Town records indicate that the original residence was constructed between 1860 and 1890 with a number of additions being constructed over time. The subdivision application does not pose an impact on the historic residence.

There is limited visibility to the proposed site. Can Staff opine on whether the new two-story home would be visible to any neighbors?

The new residence would be visible from surrounding properties with existing trees and other vegetation providing some screening. The applicant has provided a summary of their neighbor outreach efforts (Exhibit 13). Public comments on the project are included as Exhibits 16 and 17.

EXHIBITS:Previously Received with the July 24, 2024, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Draft Planned Development Ordinance
4. Recommended Conditions of Approval
5. Planned Development Ordinance 1412
6. Letter of Justification
7. Project Description
8. Color and Materials Board
9. Letter of Justification for Garage Terrace
10. Town's Consulting Architect Report
11. Response to Consulting Architect's Recommendations
12. Arborist Report

PAGE 3 OF 3

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: July 24, 2024

ITEM NO. 14.

EXHIBITS (continued):

13. Summary of Neighbor Outreach
14. Building Envelope Study by Applicant
15. Development Plans
16. Public Comments received by 11:00 a.m., Friday, July 19, 2024

Received with this Desk Item Report:

17. Public Comments received between 11:01 a.m., Friday, July 19, 2024, and 11:00 a.m., Wednesday, July 24, 2024

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From: Andrew Quan <[REDACTED]>
Sent: Wednesday, July 24, 2024 9:05 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Valley Water Comments re: Subdivision, Modification of Planned Development Ordinance 1412, Construction of Single-Family Residence, and Grading at 120 Oak Meadow Drive

[EXTERNAL SENDER]

Hi Sean,

Valley Water has reviewed the documents for the subdivision of one lot into two lots, modification of Planned Development Ordinance 1412, construction of a single-family residence, and grading at 120 Oak Meadow Drive in Los Gatos, received on July 15, 2024. Per our review, we have the following comments:

1. There is no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.
2. On Page 9 of the Town of Los Gatos Community Development Department Environmental Checklist Form, for Item (i), the document states "No Impact". Please note that the project site is located within the James J. Lenihan dam inundation zone and include this information about the dam inundation zone in this document. Please revise the degree of impact, if needed.
3. The proposed development needs to follow the Guidelines and Standards for Land Use Near Streams, which was adopted by the Town of Los Gatos. In particular, see the sections on drainage, landscaping, and creek setbacks. More information can be found on our website here: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/guidelines-and-standards-land-use-near-streams>.
4. According to Valley Water's records, there are no wells within the property boundary. While Valley Water has records for most wells located in the County, it is always possible that a well exists that is not in Valley Water's records. If previously unknown wells are found on the subject property during development, they must be properly destroyed under permit form Valley Water or registered with Valley Water and protected from damage. For more information, please call Valley Water's Well Ordinance Program Hotline at (408) 630-2660.

For any questions, please contact me at [REDACTED] For any future correspondence, please reference File No. 28236.

Thank you,
ANDREW QUAN
ASSISTANT ENGINEER II - CIVIL
Community Projects Review Unit
Tel. [REDACTED]

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

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A P P E A R A N C E S:

Los Gatos Planning Commissioners:
Steve Raspe, Chair
Jeffrey Barnett
Susan Burnett
Melanie Hanssen
Kathryn Janoff
Adam Mayer

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin
(619) 541-3405

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P R O C E E D I N G S :

CHAIR RASPE: Let's move to our public hearings. Item 3 on tonight's agenda is Request for Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O-PD. Located at 120 Oak Meadow Drive, APN 529-10-131, Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. The project is categorically exempt pursuant to CEQA Guidelines 15315, 15303, and 15304. The property owners are Marty and Penny McFarland. Apps are Terence J. Szewczyk and Jay Plett.

May I have a show of hands from Commissioners who have visited the site? Any disclosures? Seeing none, Mr. Mullin, can I have the staff report, please?

SEAN MULLIN: Thank you, Chair, and good evening. The request before you this evening for a modification to existing Planned Development Overlay Zone would allow a subdivision of one lot into two lots and construction of a new single-family residence.

1 The subject property is located on Oak Meadow
2 Drive between Roberts Road and Blossom Hill Road within a
3 planned development comprised of two-story townhomes, an
4 office building, and a single-family residence on the
5 subject property.

6 The Applicant is requesting approval to modify PD
7 Ordinance 1412 to allow subdivision of the property into
8 two lots and construct a new two-story single-family
9 residence. Parcel A would include the existing residence
10 and Parcel B would be developed with the new residence.

11 The requested modifications to the PD Ordinance
12 include performance standards affecting both parcels to
13 allow for deviations from the underlying Office zone
14 requirements in applicable sections of the Hillside Design
15 Standards and Guidelines. These include for Parcel A lot
16 coverage exceeding 40% and the existing residence exceeding
17 FAR standards; and for Parcel B a lot size below what is
18 required for this zone, a proposed residence exceeding FAR
19 standards, lot coverage exceeding 40%, reduced setbacks, a
20 portion of the residence located outside of the LRDA, and
21 driveway slope exceeding 15%.

22 The Applicants discussed the requested
23 performance standards in their Letter of Justification and
24 project description, and full discussion of each of the
25

1 requested standards is included in your Staff Report. All
2 other performance standards included in the existing PD
3 Ordinance would remain in effect and would be carried
4 forward into a modified PD, which would replace the
5 existing.

6 The proposed residence on Parcel B was reviewed
7 by the Town's consulting architect who provided two
8 recommendations and the Applicant provided a response to
9 each recommendation, which is included in the Discussions
10 section in your Staff Report.

11 When considering the immediate neighborhood the
12 proposed residence would not result in the largest
13 residential structure in terms of floor area or floor area
14 ratio, would be the largest in terms of the two single-
15 family residences in terms of FAR, and would not be the
16 first two-story residence.

17 The Applicant seeks a recommendation from the
18 Planning Commission to the Town Council who will render the
19 final decision.

20 If the Commission finds merit with the proposed
21 project Staff recommends taking the actions provided on
22 page 13 of your Staff Report to forward the PD Subdivision
23 and Architecture and Site applications to the Town Council
24 with a recommendation for approval.

1 A Desk Item was distributed today that includes
2 additional public comment received after publishing the
3 Staff Report and Staff's response to Planning Commissioner
4 questions.

5 This concludes Staff's presentation and we are
6 available to answer any questions.

7 CHAIR RASPE: Thank you very much, Mr. Mullin.
8 Commissioners, any questions for Staff? Yes, Commissioner
9 Burnett.

10 COMMISSIONER BURNETT: Thank you. For Staff. We
11 did get a letter from a neighbor concerned about the
12 driveway, and the driveway has been rearranged from the
13 initial design. Was there any comment from the neighbor?
14

15 SEAN MULLIN: Thank you for that question. After
16 the driveway was shifted from the west side to the east
17 side of the property no additional comments were received.

18 COMMISSIONER BURNETT: Thank you for that. Then a
19 second question. When it comes to the Valley Water I
20 noticed there were four issues brought up. Have those all
21 been resolved? Are there any problems from Valley Water
22 regarding the project?
23

24 SEAN MULLIN: Thank you for that question. Those
25 comments were received today as Valley Water owns a
neighboring parcel that was included in the noticing

1 radius, so Staff has not provided any input on those, but
2 the Applicant may be able to speak to each of those
3 tonight.

4 CHAIR RASPE: Thank you so much. Just one
5 clarification. We do, I believe, have comments from the
6 driveway neighbor who will be speaking later on.

7 Commissioner Barnett.

8 COMMISSIONER BARNETT: Mr. Mullin, my question is
9 since the matter before us involves a PD adjustment, do the
10 standards for variances apply or not?
11

12 SEAN MULLIN: Thank you for that question. The
13 findings for the variance would not apply. What would apply
14 are the findings required to approve a PD.

15 CHAIR RASPE: Commissioners, any questions for
16 Staff? Seeing none, I'll then open up the public portion of
17 this hearing to public comment and ask the Applicant to
18 step forward. I notice I have three cards here from the
19 Applicant: from Mr. Jay Plett, Terry Szewczyk, and Marty
20 McFarland. You have a total of five minutes collectively,
21 so I encourage you to allot time in whatever manner you
22 wish.

23 TERENCE SZEWCZYK: Thank you. This project
24 represents the ideal creation of generational housing on
25 one parcel, and that's really the intent of SB 9. We would

1 have changed this to an SB 9 application, however, the
2 underlying zoning is Office, so we are unable to use SB 9,
3 so we're here to ask you to recommend to the Council to
4 modify the PD zoning to allow for this additional house.

5 The McFarlands, Penny and Marty, want to build a
6 house for their two daughters, and the land cost is ideal
7 in this situation, because it is zero. Additionally, the
8 parcel is surrounded by infrastructure for sewer, water,
9 and PG&E, so it is a reasonable project that would take an
10 oversized 18,000 square foot lot and put the McFarland's
11 3,600 square foot house onto what would become a reduced
12 12,000 square foot lot, and then the new house would be
13 approximately 2,448 square feet on a nearly 6,000 square
14 foot lot, and the new house is three bedrooms.

15 In regard to the architecture or any issues with
16 the adjoining neighbor, Marty can speak to that.

17 We have carefully sited this house for tree
18 protection, as well as the safest and least impact from the
19 driveway by coming from below and going up, and we do have
20 a situation where we have to increase the slope to 17.5%,
21 the reason being is we need to get up a little higher to
22 avoid damaging the base of some spectacular oak trees.

23 In regard to letter from the Santa Clara Valley
24 Water District, we've been processing this application for
25

1 two years. I'm a little shocked that they just responded
2 today. In one of their comments the fact that this is
3 within the Lenihan Dam failure zone, there's really nothing
4 we can do about that. They wanted that potentially stated
5 in our environmental review document, but we're
6 categorically exempt, so it's kind of a moot point. But the
7 Lenihan Dam thing is the situation where the post office is
8 going to end up down at Netflix, and that affects more than
9 just us, so there's really nothing we can do about that in
10 terms of the environmental document.
11

12 They had another comment about the setbacks from
13 streams that are normally required by the Town. The
14 construction for this site and the house itself is 100'
15 away from the top-of-bank, so that comment really isn't of
16 any pertinence.

17 There was a comment about potential road
18 maintenance participation. Since Oak Meadow Drive is a
19 private road—it runs from Blossom Hill Road out to Roberts
20 Road—I don't think it would be unreasonable for us to agree
21 to some kind of a condition to participate in road
22 maintenance.
23

24 In fact, the McFarlands already do participate in
25 road maintenance costs. They were removed from the
Homeowners Association many years ago as far as

1 participating in typical activities of the Homeowners
2 Association, because their house is a bit different. It's a
3 historic residence that was sort of built around the
4 townhouses that are on narrow lots that also have adjoining
5 walls, and some of the lots are Z-lots, so at some point it
6 was agreed that they didn't belong in the Homeowners
7 Association for maintenance and other reasons.

8 That's all I have. Happy to answer some
9 questions.

10 CHAIR RASPE: Thank you so much, and actually
11 before you sit down I noticed that pretty much all the five
12 minutes was taken during your presentation. We only have
13 one agenda item tonight, so it's my predisposition to allow
14 a little bit of extra time if the homeowner or architect
15 wishes to speak. Do you have anything additional to add? Is
16 one minute satisfactory? If you would approach the podium
17 and state your name for the record, please.

18 MARTY McFARLAND: Marty McFarland; that's my wife
19 Penny. We've lived on the property for over 32 years and
20 when we moved in our daughters were two and four years old.
21 Today our youngest daughter is 34; she's a local special
22 education teacher. We're super proud of her for what she's
23 doing for a living, but at the same time teachers don't
24 make a lot of money, but at the same time teachers don't
25 make a lot of money, so we're super excited about this

1 project and the opportunity to provide them a lot so that
2 they can build a house. Many of their friends are having to
3 move out of the area because of the high cost of housing,
4 so we're excited about this. They're currently in an
5 apartment. My daughter and her husband both went to Los
6 Gatos High School. We look forward to your support. Thank
7 you.

8
9 CHAIR RASPE: Thank you so much. Before you sit
10 down, Commissioners, do we have any questions for either
11 the homeowner or the designer for this project? Seeing
12 none, again, thank you for your time.

13 I will now open the public portion of Item 3 to
14 receive comments from those other than the Applicant. I
15 have two cards. Let's begin with Paul Vieth. Sir, if you'll
16 please approach, and you'll have three minutes in which to
17 speak. Thank you so much.

18 PAUL VIETH: Paul Vieth. I live across from the
19 McFarlands and my wife and I have lived there since 1997. I
20 am one of the three board members of Regency Court HOA. Our
21 board has met on this subject and I represent the ten
22 homeowners of the Regency Court HOA.

23 This is the CC&Rs for the Regency Court HOA, and
24 included in your package that you received from Mr. Plett,
25 the architect, is in 1985 the lot was removed from the HOA

1 except for the purposes of contributing to the Regency
2 Court HOA for road maintenance, which is 12%, and pursuant
3 to that agreement, which Mr. McFarland is a signature to,
4 the Regency Court HOA retains a right of architectural
5 control over that lot.

6 As the Town lawyer knows, per the Davis-Stirling
7 Act the CC&Rs are an equitable servitude and go along with
8 the deed, and there are clear guidelines in the CC&Rs on
9 architectural approval for anything affected by the CC&Rs
10 and the bylaws, and that process has not occurred. Although
11 Marty did an excellent job of sending out an email to
12 everybody there was never an attempt to review this with
13 the Architectural Committee or the HOA, and there is a very
14 defined process in the CC&Rs, which Marty knows about, and
15 those were not followed.

17 Back in October of 2021 when Marty asked if we
18 would give up two of our seven community parking spots so
19 that he could put a driveway on the other side we
20 communicated to him no, it had to be on the other side and
21 he objected to that, but we told him that the HOA would not
22 approve that.

24 We also at that brought up removal of no oak
25 trees, which he has addressed, but we also expressed that
we didn't want a change to the view we currently see, we

1 don't want to see a house in the immediate view, or having
2 windows facing our home, and that was made clear in an
3 email back to Marty as early as 2021.

4 Can I request more time since I'm speaking for
5 ten homeowners?

6 CHAIR RASPE: I think it's equitable. Since I've
7 given the Applicant an additional one minute, I'll present
8 that same one minute to you, sir.

9 PAUL VIETH: There are a number of issues, and I
10 can't do it in a minute, but I'll try. One is on the third
11 floor there is an office and a bedroom, and we would prefer
12 that the lot was bigger, and that instead of three floors
13 it was two floors with the master bedroom on the main floor
14 so that it wasn't looking out into our bedrooms.

15 At a minimum, those windows should absolutely be
16 reviewed. Our Architectural Committee did the same thing
17 for one of our neighbors—subject to the same CC&Rs—who
18 wanted to put windows in their office and we told them no,
19 he could put a skylight in, but for privacy reasons we
20 wouldn't allow windows. Now they have privacy windows, but
21 those can be easily changed when a house is sold, and we
22 don't want somebody sitting in an office looking at our
23 property.
24
25

1 I'm sorry, but there are four or five other key
2 things that the other ten homeowners would like to express
3 here.

4 CHAIR RASPE: I appreciate that, but our time is
5 limited, so thank you so much for those comments. I
6 encourage you that if there is anything further you can put
7 them in writing to the Town. Thank you so much.

8 I do have another member of the public here who
9 is ready to speak. Desiree Hedberg. If you would approach
10 the podium, please. Thank you so much.

11 PAUL VIETH: Can I make just one other comment,
12 please?

13 CHAIR RASPE: Ten seconds.

14 PAUL VIETH: The other major one is the setback
15 on the property line is 6.5' and we would like that to be
16 further back from the property line.

17 CHAIR RASPE: Thank you very much. Before you sit
18 down, Commissioners may have questions for you.
19 Commissioner Barnett.

20 COMMISSIONER BARNETT: Would you allow me to see
21 the CC&Rs? I've represented many homeowners associations
22 and I'm trying to figure out whether I need to recuse
23 myself. (Mr. Vieth hands a document to Commissioner
24 Barnett.) (Inaudible background conversation.)
25

1 ATTORNEY WHELAN: The meeting is being recorded;
2 so all the comments need to be made at the podium so they
3 can be captured.

4 COMMISSIONER BARNETT: Thank you for that
5 clarification. I did not (inaudible).

6 CHAIR RASPE: And I'm sorry, if you could repeat
7 that comment just so it's in our record, please? Your
8 exchange with Commissioner Barnett, if you could just
9 repeat it for the record.
10

11 PAUL VIETH: That in the recitals for the CC&Rs
12 in your package is a page from the recitals that was
13 included by the architect that mentions that the Homeowners
14 Association retains the right for architectural control.

15 CHAIR RASPE: Very good. Thank you so much. Did
16 that answer your question?

17 COMMISSIONER BARNETT: Yes.

18 CHAIR RASPE: Any other questions for the
19 speaker? Seeing none, thank you, sir, you may sit down.
20 Now, I'm sorry, Ms. Hedberg, if you would approach and
21 state your name for the record, please.

22 DESIREE HEDBERG: Hi, my name is Desiree Hedberg.
23 I'm a small business owner of affirming relationship
24 therapy. I'm directly adjacent to the property that's being
25 considered for dual parcelship and construction.

1 My business is focused on creating a community of
2 therapists that work with people on mental health issues,
3 and my concern, which I'm sure you jumped to right away, is
4 that the noise factor with the construction could be
5 considerably significant and impact my business in a very
6 negative way.

7 I'm not saying I'm not open to hearing more and
8 understanding more about the auditory impacts of this
9 project, however, of course I value the silence and the
10 quiet of our area, and the beauty of our area, and the fact
11 that one of the buildings looks like it's going to be
12 looking directly down on me, that's also HIPAA violations
13 to consider on my part, which I could shade the glass to
14 keep my peoples' identities confidential, however, I don't
15 know how much this is going to be an auditory and visual
16 impact on my business.

17 Of course I have the option of moving my
18 business, but that is not my goal. I love this space, I
19 love this area; it's very quiet, it's beautiful, majestic,
20 and not one person that I see doesn't comment on how
21 relaxing and quiet it is.

22 I'm just expressing a fear and maybe asking a
23 question of what do you perceive the auditory impact might
24 be? Are there piers going in or are they I-beams where it's
25

1 a significantly loud noise? I know that will impact other
2 therapists, chiropractors, and dentists in the area.

3 CHAIR RASPE: Thank you for those comments.
4 Commissioners, any questions? Commissioner Janoff.

5 COMMISSIONER JANOFF: Have you expressed your
6 concerns to the Applicant or the Applicant's architect?

7 DESIREE HEDBERG: No, I haven't. I just received
8 notice last month with the placard that was out in front of
9 the wall; thank you for that. And I also got a mailer, so I
10 decided to come and express those concerns here.

11 COMMISSIONER JANOFF: Thank you.

12 CHAIR RASPE: Thank you. Any other questions?
13 Thank you, you may sit down. I'll invite the Applicant now.
14 Again, you'll have a total of three minutes to speak, so
15 you can assign any representative or combination of
16 representatives that you wish. I would encourage you, at
17 least from my own mind, to address the CC&R and privacy
18 issues. Thank you.

19 TERENCE SZEWCZYK: It's great to know that we
20 have a CC&R expert on the Planning Commission. But
21 obviously if we've overlooked the formal HOA Architectural
22 Committee review of the plans we'll have to complete that,
23 so that's our comment relative to that issue. Jay can speak
24
25

1 to the window placement and the privacy issues across the
2 street with the neighbors.

3 JAY PLETT: The window that faces the townhomes
4 is a bedroom window; it's not a living room, it's not a
5 place where people will be up there partying and looking
6 down on everybody, not to mention the fact that the
7 townhouses look back at the house anyway, and they both
8 have windows.

9
10 It was mentioned the house has a 6.5' setback. It
11 is 6.5', but then there is 20' of parking, and then there
12 is a road for the townhomes, so our home and those windows
13 are probably 30' away from anybody. The existing
14 McFarland's home is just as close, if not closer, to the
15 street, and there are townhomes that are almost bordering
16 right on the road, and that was taken off the GSI maps, and
17 that's documented on our sheet; I believe it's A1.1. You
18 can see the site plan, how our house sits, how the
19 McFarlands at 120 sit, and how the townhomes are laid out,
20 and some of the townhomes are right there on the edge of
21 the road.

22 As far as any windows, let's talk about noise.
23 Yes, there is noise when anything is built, but no, we
24 don't anticipate any driving of piles or anything like that
25 that are going to make excessive noise, just typical

1 construction like goes on around town all day long, road
2 repair, things like that.

3 CHAIR RASPE: Thank you so much. Commissioners,
4 any further questions? Commissioner Hanssen.

5 COMMISSIONER HANSSEN: The consulting architect
6 had some comments on the design of the house and you had
7 contested his points. I haven't seen this very often, but
8 did our consulting architect get it wrong? You countered
9 all of his points.

10 JAY PLETT: You mean as far as some of the
11 recommendations?
12

13 COMMISSIONER HANSSEN: Yes.

14 JAY PLETT: I just didn't agree with it. The
15 driveway floats. It floats over the tree roots in order to
16 preserve the tree, and stone doesn't float, it's not
17 something that it works that way, so it's not an
18 appropriate use of materials in my opinion.

19 I think we did comply with some of what Larry
20 recommended, but not all of it. Did you get my little
21 handout that explains the elevation? The red line at the
22 base is street level of the townhomes, and you can see from
23 the street level the house is only 22' tall, the eaves are
24 at 15'; it's a very modest house. The McFarland's house,
25 the existing house at 120, towers over this house. The

1 townhomes have more of a presence than what this elevation
2 is going to have to the people who live in that
3 development.

4 COMMISSIONER JANOFF: Thank you for the
5 clarification and the sheet before us. To the concern with
6 the Homeowners Association that they'd be looking at a
7 three-story structure, would it be your contention that
8 they're essentially looking at a one-story structure from
9 the elevation that faces the townhomes?

10
11 JAY PLETT: This is first that's come up about
12 the HOA. I have no knowledge about it; Terry would know
13 more than me, but I can tell you this. At the inception of
14 this house Marty told me, "Jay, I don't want to lose any
15 trees." Of our trees, they have a very expensive arborist
16 who takes care of their trees, so the first thing I did is
17 I got an arborist out there and I said, "How close can we
18 get to these trees?" That's what created the setbacks for
19 the building, not an arbitrary distance from a property
20 line.

21 COMMISSIONER JANOFF: Let me just interrupt you.
22 I'm not concerned so much with the setbacks, my concern was
23 with the statement that they prefer it to be a two-story
24 rather than a three-story structure, which implies that the
25 Homeowners Association would be looking at a three-story

1 elevation, and what I'm looking at here looks like the
2 three-story steps down behind the elevation.

3 JAY PLETT: Yes, that is what you would see from
4 the HOA.

5 COMMISSIONER JANOFF: So this elevation, which is
6 the west elevation, is what they would be seeing. They
7 would not be seeing the three stories?

8 JAY PLETT: No, no.

9 CHAIR RASPE: Thank you. Any other questions,
10 Commissioners? Seeing none. I'm sorry, Mr. Paulson, I
11 skipped over do we have any public comments on Zoom?
12

13 JOEL PAULSON: Thank you, Chair. For the
14 individual on Zoom, if you wish to speak on this item as a
15 member of the public, please raise your hand. I don't see a
16 hand raised.

17 CHAIR RASPE: All right, thank you. Then I will
18 close the public portion of Agenda Item 3 and then open the
19 matter to Commission discussion. Commissioners, I request
20 your comments, thoughts, or if appropriate, a motion.

21 Commissioner Hanssen.

22 COMMISSIONER HANSSEN: While it certainly isn't
23 not according to procedure, I found it pretty troubling to
24 be this far in the process and then have the CC&R issue
25 come up. While there was some small amount of time put into

1 a couple of issues that were brought up by the head of the
2 Homeowners Association, I'm not sure that this can be
3 approved at this point without that process being
4 completed. I just wondered if other Commissioners or our
5 Town Attorney had some comments, because it seemed like
6 they do have jurisdiction over this project.

7 ATTORNEY WHELAN: Yes, I do have thoughts. As you
8 know, CC&Rs are private agreements between private parties.
9 They're not typically enforced by public entities, but that
10 said, it would be concerning for the Town to approve an
11 entitlement that was in conflict with a private agreement,
12 so the most conservative course of action would be for me
13 to review the CC&Rs to confirm that they read as they were
14 described, and then to get back to the Planning Commission
15 with a recommendation.

17 CHAIR RASPE: And out of curiosity, Counsel, how
18 long would it take for you to review the CC&Rs to make that
19 determination?

20 ATTORNEY WHELAN: I expect that I could have that
21 completed in time for the next Planning Commission meeting.

22 CHAIR RASPE: Very good. Commissioner Barnett.

23 COMMISSIONER BARNETT: The Homeowners Association
24 representative indicated that the CC&Rs require approval,
25 so if the board hasn't presented an agenda item within the

1 Homeowners Association requirements and has not made a
2 decision for architecture approval or...I'm sorry, if the
3 CC&Rs also relate to the road, that certainly needs to be
4 explored, so I'm in agreement with Commissioner Hanssen
5 that from my perspective the best option for us is to
6 continue the hearing.

7 CHAIR RASPE: Thank you. Other Commissioners?
8 Commissioner Janoff.

9 COMMISSIONER JANOFF: Question for the Town
10 Attorney on a different issue. We heard from our small
11 business owner that there is a concern about privacy with
12 respect to their patients or clients and visual access to
13 identify; the assertion was made that that would violate
14 HIPAA. I'd like the Town's opinion on that issue.

15 ATTORNEY WHELAN: In my opinion that would not
16 violate HIPAA because HIPAA relates to the disclosure of
17 private medical information and documentation, and this
18 would not be that situation.

19 COMMISSIONER JANOFF: Thank you. One other
20 question, if I may?

21 CHAIR RASPE: Yes, please.

22 COMMISSIONER JANOFF: Also for the Town Attorney.
23 The HOA indicated that they were concerned with the loss of
24 views. It's the Planning Commission's understanding that
25

1 views are not protected in Los Gatos, as unfortunate as
2 that might be, and I'd like the Town Attorney to weigh in
3 on that.

4 ATTORNEY WHELAN: Yes, I can confirm that the
5 Town does not currently have a view ordinance. One way that
6 views can be protected is for property owners to purchase
7 private view easements.

8 COMMISSIONER JANOFF: Thank you for that. I just
9 wanted to make a comment. Should the matter be continued
10 tonight in order for the Homeowners Association and the
11 Applicant to have a conversation regarding the obligations
12 of the Homeowners Association agreement, please understand
13 what is and is not within the purview of the Homeowners
14 Association to control.

15 CHAIR RASPE: Thank you for those comments,
16 Commissioners. So if I'm reading the room correctly it
17 seems like we're all in agreement that we're missing some
18 major pieces to this puzzle, and perhaps a continuance to
19 allow those pieces to be put into place would be beneficial
20 to all. My question is, and it's perhaps a question to the
21 Applicant, how long do you think you would need to review
22 these open issues and come back to us with the answers that
23 we think we need?
24
25

1 TERENCE SZEWCZYK: I think it's a function of how
2 quickly the Architectural Review Committee can be
3 assembled.

4 CHAIR RASPE: Very good, then I'll open the
5 public portion again, and if I can ask you a question, Mr.
6 Vieth. How long do you think it would take for the
7 architectural review process to go forward, assuming that
8 was required after Town Council requires that?

9 PAUL VIETH: It would not take long, but I would
10 prefer first before that happens to meet with the Town
11 Attorney and discuss whether the Davis-Stirling Act impacts
12 this and those statutes are relevant here, so then I know
13 to address Commissioner Janoff's comment about the view,
14 because the CC&Rs are under Davis-Stirling and they clearly
15 give us control over the views if they're covered under the
16 Davis-Stirling action, so I would like to review that with
17 the attorney first, then once that's done to (inaudible).
18 My wife Laura is the chairman of the Architectural
19 Committee.
20

21 CHAIR RASPE: That answers my question. Thank you
22 so much. I'll close the public portion of the hearing
23 again, and then I will ask the Town Attorney: I'm not
24 committing you to meet with anybody or discuss anything
25 with anybody, but I want to set enough time before we

1 reschedule this for a hearing. Is a month's time adequate,
2 do you think, to make a determination in the first instance
3 whether the CC&Rs are in play here, and then to allow
4 perhaps a CC&R review?

5 Ms. Armer, I think you wish to speak as well.

6 JENNIFER ARMER: If I may jump in, because there
7 was also discussion of review by the HOA of the
8 architectural design, and if that is truly a portion of
9 their required process that Planning Commission would like
10 to see completed, we would probably recommend it be
11 continued to a date uncertain so that they have time to do
12 that, and then we would renotice so that there is time,
13 because we don't know whether that would result in changes
14 to the architectural style of design.

15 CHAIR RASPE: Thank you, that sounds like sound
16 advice to me. Commissioners, any further comments?
17 Commissioner Hanssen.

18 COMMISSIONER HANSEN: I wanted to bring up one
19 other thing with the Town Attorney, and it was brought up
20 by our business owner commenter and was about noise from
21 construction. Although the architect did address it to a
22 certain extent, it is my understanding, having been on the
23 Commission for a while, that we don't normally factor that
24 into approvals of projects. Construction is part of the
25

1 process and there are usually hours set for construction,
2 but I don't think that's a reason not to do a project.

3 ATTORNEY WHELAN: That's correct. The Town's
4 purview is whether the proposed project conforms to the
5 Town standards. The Town does have requirements for when
6 construction can occur, and so if this project were
7 approved the Town would confirm that the Applicant was
8 conforming to those requirements.

9 CHAIR RASPE: Thank you. One final question for
10 Staff. In the event we wish to make a motion to continue to
11 an uncertain date do we have to state the grounds for the
12 motion? That is that we want certain findings made, or just
13 ask for continuance?

14 ATTORNEY WHELAN: There is no requirement to
15 state it, but I do think it will be helpful for the
16 minutes. Looking back it will help explain why it was
17 continued.

18 CHAIR RASPE: Thank you so much. Commissioner,
19 any further questions or comments?

20 With that being said, I will make then the motion
21 to continue the matter to a date uncertain for Agenda Item
22 3, that is the request for approval for modification of
23 Planned Development Ordinance 1412, Subdivision of One Lot
24 into Two Lots, Construction of a Single-Family Residence,
25

1 and Site Work Requiring a Grading Permit on Property Zoned
2 O-PD, located at 120 Oak Meadow Drive with a special
3 emphasis on resolving any open issues presented by the
4 CC&Rs and privacy concerns of the neighbors.

5 Commissioners, any further additions to the
6 motion? Seeing none, do I have a second? Commissioner
7 Janoff.

8 COMMISSIONER JANOFF: I'll second the motion.

9 CHAIR RASPE: Thank you. Discussion? Then by a
10 show of hands can I see all those in favor of the motion?
11 The motion carries unanimously. Thank you all.

12 (END)
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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/11/2024

ITEM NO: 3

ITEM NO. 14.

DATE: December 6, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owner: Marty and Penny McFarland. Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit on property zoned O:PD, located at 120 Oak Meadow Drive.

BACKGROUND:

On July 24, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Exhibit 18). Included in the public comments was testimony from a neighbor and board member of the Regency Court Homeowners Association (HOA) who indicated that the HOA maintained architectural control over the subject property even though it had been removed from the HOA in 1985. Further, the HOA board member indicated that architectural review by the HOA had not been completed. After discussing the matter, the Planning Commission voted to continue consideration of this item to a date uncertain to allow the applicant sufficient time to coordinate with the HOA.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

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SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: December 6, 2024

DISCUSSION:

In October 2024, the HOA provided a letter summarizing the coordination between the HOA, property owner, and architect (Exhibit 19). The letter also provided the HOA's conditional approval of the proposed project. The HOA's conditions include requiring that the second-story window on the west elevation is to utilize obscured glass, restricting the current and future owners from removing or modifying the existing brick wall along the west property line, and that this wall is to be extended to the north using the same vertical siding as is proposed on the second story of the residence. Additional conditions related to construction activities, garbage collection, access, road maintenance, and costs related to updating the CC&Rs are also included.

The applicant submitted a response letter (Exhibit 20) summarizing their agreement to the HOA conditions and the changes made to the revised development plans in response (Exhibit 21), which include obscured glass on the second-story window on the west elevation (Sheet A-5), extension of the wall along the west property line, and a construction access plan (Sheet A-1).

While the Town is not responsible for enforcing private-party agreements included in CC&Rs, the revised development plans included as Exhibit 21 incorporate the HOA's conditions, summarized above, that impact the proposed residence. With any approval of the project, the revised development plans will be included with the draft Planned Development Ordinance (Exhibit 3) and the requirement to obscure glass and extend the existing wall would be enforced by the Town. The Planning Commission may choose to incorporate all or some of the HOA conditions into the draft Planned Development Ordinance included as Exhibit 3 with their recommendation to the Town Council.

PUBLIC COMMENTS:

Notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. As of the publishing of this report, no public comments have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of Planned Development Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: December 6, 2024

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

No other exceptions are requested. Regarding consistency with the immediate neighborhood, the proposed single-family residence on Parcel B would not result in the largest residential structure in terms of floor area or FAR, would be the largest of the two single-family residences in terms of FAR, and would not be the first two-story residence. The applicant seeks a recommendation from the Planning Commission to the Town Council, who will render the final decision on the project.

B. Recommendation

If the Planning Commission finds merit with the proposed project, staff recommends the Commission take the following actions to forward the PD, Subdivision, and Architecture and Site applications to the Town Council with a recommendation for approval of the proposed project, by recommending that the Town Council:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Exhibit 2);
2. Make the finding that the amendment to the Planned Development Overlay is consistent Town Code Section 29.80.095 (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site (Exhibit 2);
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Exhibit 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2);

PAGE 4 OF 5

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: December 6, 2024

6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Exhibit 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Exhibit 3); approve Subdivision application M-20-011; and Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Exhibit 4 and the revised development plans included as Exhibit 21.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval of the applications with additional and/or modified conditions; or
3. Recommend denial of the applications and make the required findings for denial

EXHIBITS:

Exhibits previously received with the July 24, 2024, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Draft Planned Development Ordinance
4. Recommended Conditions of Approval
5. Planned Development Ordinance 1412
6. Letter of Justification
7. Project Description
8. Color and Materials Board
9. Letter of Justification for Garage Terrace
10. Town's Consulting Architect Report
11. Response to Consulting Architect's Recommendations
12. Arborist Report
13. Summary of Neighbor Outreach
14. Building Envelope Study by Applicant
15. Development Plans
16. Public Comments received by 11:00 a.m., Friday, July 19, 2024

SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: December 6, 2024

Exhibits previously received with the July 24, 2024, Desk Item:

17. Public Comments received between 11:01 a.m., Friday, July 19, 2024, and 11:00 a.m., Wednesday, July 24, 2024

Exhibits Received with this Staff Report:

18. July 24, 2024 Planning Commission Minutes

19. HOA Approval Letter

20. Applicant Response Letter

21. Revised Development Plans

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
JULY 24, 2024**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, July 24, 2024, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Steve Raspe, Commissioner Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Adam Mayer
Absent: Vice Chair Emily Thomas

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. **Approval of Minutes** – June 26, 2024
2. **Approval of Minutes** – July 10, 2024

MOTION: **Motion by Commissioner Barnett** to approve adoption of the Consent Calendar. **Seconded by Commissioner Mayer.**

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

3. 120 Oak Meadow Drive

Subdivision Application M-20-011

Planned Development Application PD-20-002

Architecture and Site Application S-22-021

APN 529-10-131

Applicant: Terence J. Szewczyk (M-20-011 and PD-20-002) and
Jay Plett, Architect (S-22-021)

Property Owner: Marty and Penny McFarland

Project Planner: Sean Mullin

Requesting approval for Modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit on property zoned O:PD. Categorically exempt pursuant to CEQA Guidelines Section 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Terence J. Szewczyk, Applicant

- This project represents the ideal creation of generational housing on one parcel, which is the intent of SB 9. We would have changed this to an SB 9 application, but the underlying zoning is Office, so we are unable to use SB 9. We ask the Planning Commission to recommend to the Town Council modification of the PD zoning to allow for this additional house. The McFarlands want to build a house for their two daughters. We have carefully sited this house for tree protection, safety, and the least impact from the driveway. We have to increase the driveway slope to get up higher to avoid damaging the base of some spectacular oak trees. Oak Meadow Drive is a private road and it would not be unreasonable for the applicants to agree to a condition to participate in road maintenance.

Marty McFarland, Property Owner

- We have lived on this property for over 32 years and are excited about this project and the opportunity to provide a lot to our two daughters to build a house. Our youngest daughter is a local special education teacher, and teachers don't make a lot of money.

Paul Vieth

- My wife and I live across from the McFarlands and I am one of the board members of Regency Court HOA. In 1985 the McFarland's lot was removed from the HOA except for the purposes of contributing to road maintenance, and pursuant to that agreement the HOA retains a right of architectural control over that lot. The CC&Rs go along with the deed and contain clear guidelines on architectural approval by the CC&Rs and bylaws, and

that process has not occurred. There was never an attempt to review this with the Architectural Committee or the HOA. In October 2021, the HOA denied Mr. McFarland’s request to give up two of our seven community parking spots so he could put a driveway on the other side. The HOA also expressed that we do not want to change the view, see a house in the immediate view, or have windows facing our home, as well as several other issues.

Desiree Hedberg

- I am a therapist with my business adjacent to the subject property, and my concern is the construction noise could be significant and impact my business in a very negative way. My question is what the audio impact might be?

Terence J. Szewczyk, Applicant

- If we have overlooked the formal HOA Architectural Committee review of the plans, we will complete that.

Jay Plett, Architect

- The window that faces the townhomes is a bedroom window, not a place where people will gather and be looking down. The house has a 6.5-foot setback, but then there is 20 feet of parking and then a road for the townhomes, so the proposed home and its windows would be probably 30 feet away from anybody. The existing McFarland’s home is just as close to the street, and there are townhomes that almost border on the road. There is noise when anything is built, but we don’t anticipate driving piles or anything that would make excessive noise, just typical construction noise.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commissioners asked questions of the applicant.

Closed Public Comment.

MOTION: **Motion by Chair Raspe** to continue the public hearing for 120 Oak Meadow Drive to a date uncertain. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Jennifer Armer, Planning Manager

- The Planning Commission meeting of August 14, 2024 will be cancelled due to lack of items.
- This is the final meeting for Commissioner Janoff and Commissioner Mayer. Staff thanked them for their service to the Town of Los Gatos.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Burnett

- The HPC met on July 24, 2024.

Commission Matters

Chair Raspe

- This will be the final Planning Commission meeting for Commissioner Janoff and Commissioner Mayer. The Planning Commission thanks them for their work over the years.
- Planning Manager Jennifer Armer will be leaving the Town of Los Gatos. Ms. Armer has served with the Town for nine years and the Town wishes her the best.

ADJOURNMENT

The meeting adjourned at 7:49 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 24, 2024 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

Regency Court Homeowners Association

October 14th, 2024

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: Regency Court Homeowners Association's Approval of Proposed Lot Split and
Development of 120 Oak Meadow Drive Los Gatos, CA 95032

Dear Sean,

The Board of the Regency Court Homeowners Association met with Marty McFarland, owner of 120 Oak Meadow Drive, and Jay Plett, Architect, in Mr. Plett's offices on Monday, September 30th at 4:30pm. At this meeting, the parties discussed the Findings and Recommendations of the Regency Court Architectural Committee.

After a thorough discussion of these issues, the Board agreed to approve the proposed development of 120 Oak Meadow Drive subject to certain conditions contained within the Owner's Responses to the Findings and Recommendations and certain changes to the proposed Plan Set. Those documents and the Conditions of Approval are contained as Addenda to this approval.

In addition, to the items outlined in these documents, we are also requiring the following two items:

- The proposed update to the CC&Rs will include a provision retaining architectural control approval over both lots; both the existing lot at 120 Oak Meadow and the proposed newly created lot.
- Marty McFarland agrees not to change or remove the brick wall separating the properties in question from the HOA without prior written consent of the Board of the Regency Court HOA.

Subject to those changes, the Board of the Regency Court Homeowners Association hereby approves the proposed lot line adjustment and development of the new housing unit at 120 Oak Meadow Drive.

Please let me know of any questions you may have.

Best Regards,
REGENCY COURT HOMEOWNERS ASSOCIATION

A handwritten signature in blue ink that reads "Richard W. Daniel". The signature is written in a cursive style with a large, stylized 'D' at the beginning and a flourish at the end.

Richard W. Daniel
Treasurer - Board Member

Addenda

- 1) 120 Oak Meadow Owner's Responses to Regency Court Architectural Committee 'Findings and Recommendations' to Regency Court Board dated October 9th, 2024.
- 2) Change Pages for Plan Set dated October 3rd, 2024.
- 3) 120 Oak Meadow - Conditions of Approval dated July 24th, 2024.

July 30, 2024 – Below is the Regency Court Architectural Committee 'Findings and Recommendations' to Regency Board. Not in numerical order of importance.

The Regency Court Board HOA expects confirmation that the following items will be addressed by the 120 Oak Meadow homeowner and Town of Los Gatos to the Regency Court HOA Architectural Committee and Board of Directors prior to Town approval and commencement of construction at 120 Oak Meadow Drive.

See Owner Responses in [blue dated October 9, 2024](#).

- 1) A request is made for a rendering, drawing or sketch of the proposed home shown behind the brick wall. Rendering needs to show house roof and windows with current view of existing trees from upper Oak Meadow Drive. The request is made to provide a visual representation of the proposed structure and to provide a visual illustration of the structure's height/size prior to "story poles" being installed. The concern is whether the rising morning sun will be blocked by the structure, the existing shadow example does not do this.

[As shown in the expanded shadow study A-5 the proposed structure will not block the morning sun.](#)

[The rendering illustrates that the proposed home is modest in size and to scale with the site. At 22 ft. at the peak and 15 ft. at the eaves it is lower than the branches of the Valley Oak and considerably lower than existing home at 120 Oak Meadow and Town Homes.](#)

[The Town of Los Gatos eliminated its story pole requirement last April. This follows a CA state requirement that the Town must loosen constraints on housing developments to receive certification of its housing element plan.](#)

- 2) CC&R Items related to existing and proposed homes: [Agree that CC&Rs will need to be amended, cost to be borne by 120 Oak Meadow.](#)

- a. It shall be a requirement of the RCHOA that the new lot is subject to the same Regency Court architectural approval requirements as outlined in the Regency Court HOA CC&R's covering the existing Lot #11 (120 Oak Meadow Drive). HOA CC&Rs including architectural control must cover both the existing and new lots.
- b. Also, current 120 Oak Meadow Owner to determine if they want to allocate a portion of the required assessment responsibility for maintenance and upkeep of Oak Meadow Drive – a private drive – to the proposed new lot/home or retain full responsibility for assessments related to road upkeep.

[Current 120 Oak Meadow Property to retain full responsibility.](#)

- c. It is anticipated that both of these items will require an amendment to the CC&Rs. Such amendment (e.g. hiring of an attorney, recordation of amendment, etc.) to be borne by 120 Oak Meadow.

- 3) Approval must include a requirement that current or future owners cannot take down the brick wall or make any modifications to the brick wall now and in the future. [Plan already indicates that it will be retained – see A-1 \(E\). Language can be expanded in CC&Rs if necessary. Wall to be extended north using same vertical siding as 2nd story of house and privets to be retained. See A-1.](#)

- 4) Current Floor plan, (exhibit A3, A4) is unclear as the space labeled 'OFFICE' looks to be a 4th bedroom as it has a closet, and the Architect said the room requires egress which appears to be the underlying reason for the window facing upper Oak Meadow Drive. The Architectural Committee recommends that the windows facing upper Oak Meadow are to be eliminated. As a compromise, the Architectural Committee would be amenable to move the

windows to the sides of the room which face the existing home at 120 Oak Meadow and/or face the common property in order to satisfy egress requirements. The Committee also would be amenable to the addition of sky lights if necessary to satisfy egress requirements. Architectural drawing (A5 elevation drawing) appears to already show windows on side walls.

Jay Plett, Architect discussed request with Robert Gray, Town Building Official who indicated that this window is an egress window required by Town ordinance independent of use of room. Jay believes that a 2nd story window facing upper Oak Meadow is an important design feature.

Homeowner and HOA agreed to retain window with condition that obscure glass be used. See Rendering and West Elevation which contains notes that this window to be obscure glass.

- 5) No exit from behind the house to the front/upper portion of Oak Meadow Drive. All occupant ingress & egress needs to occur from lower Oak Meadow Drive via newly built driveway. No ability to exit through the door in the wall along upper Oak Meadow Drive.

Owner understands HOA concern and believes signs recently posted by HOA provide adequate deterrence. As indicated in 3) above, fence to be extended north of existing brick wall. As shown in A-1 and agreed to in meeting, fence will have small gate opening to landing of Lot 12 stairs to allow owner to access property in front of wall/fence for maintenance including trimming of ivy, weeding and leaf blowing. This is needed so owner will not be required to walk down the driveway, walk up the hill to the top of Oak Meadow and around the corner carrying gardening equipment.

- 6) Property needs to include 2 guest parking spots that do not block the new driveway so visitors are not tempted to use HOA parking spots.

Town of Los Gatos does not require guest parking. Parking pad near garage and driveway will provide ample parking for guests. Agreed to with HOA in meeting.

- 7) The HOA Board requests confirmation that garbage cans for the new property must be located on the backside by the driveway entrance (lower Oak Meadow Drive). No additional garbage, recycle or yard waste bins will be placed in front of the 120 Oak Meadow Drive residence/road. Agreed - See note at the bottom of A-1 indicating garbage service to be located at bottom of driveway per HOA.

- 8) If road damage occurs during construction, cost to restore back to original condition will be borne by 120 owners. "Damage" to the HOA road is defined as any physical alteration or deterioration beyond normal wear and tear caused by the Builder's construction activities. This includes, but is not limited to, structural damage such as cracks, fractures, or breaks in the asphalt, deformation or subsidence of the road surface, potholes, and damage to the road edges. It also encompasses material residue like cement or gravel causing staining or surface roughness, debris obstructing the road, and any drainage or erosion issues caused by construction runoff. The Builder shall be responsible for all repair costs to restore the HOA road to its original condition prior to construction. If builder and HOA agree to resurface all of Oak Meadow Drive instead, 120 owners and HOA will share the costs 50%/50%.

See items 75 and 76 of Draft Conditions of Approval dated July 24, 2024, which address this concern.

- 9) The Committee requests Town to communicate the days and start/stop hours of construction. Create a plan and communicate to HOA where workers and construction vehicles will park (there is NO available parking on Oak Meadow Drive either upper or lower). Parking cannot occur in any HOA designated spots without prior written

communication and approval from the Regency Court HOA Board (see Board e-mail addresses, below). A construction traffic must enter from Blossom Hill Road.

ITEM NO. 14.

See item 48 of Draft Conditions of Approval dated July 24, 2024, which covers Construction Hours and items 32 Construction Management Plan and 53 Construction Vehicle Parking which address your concerns.

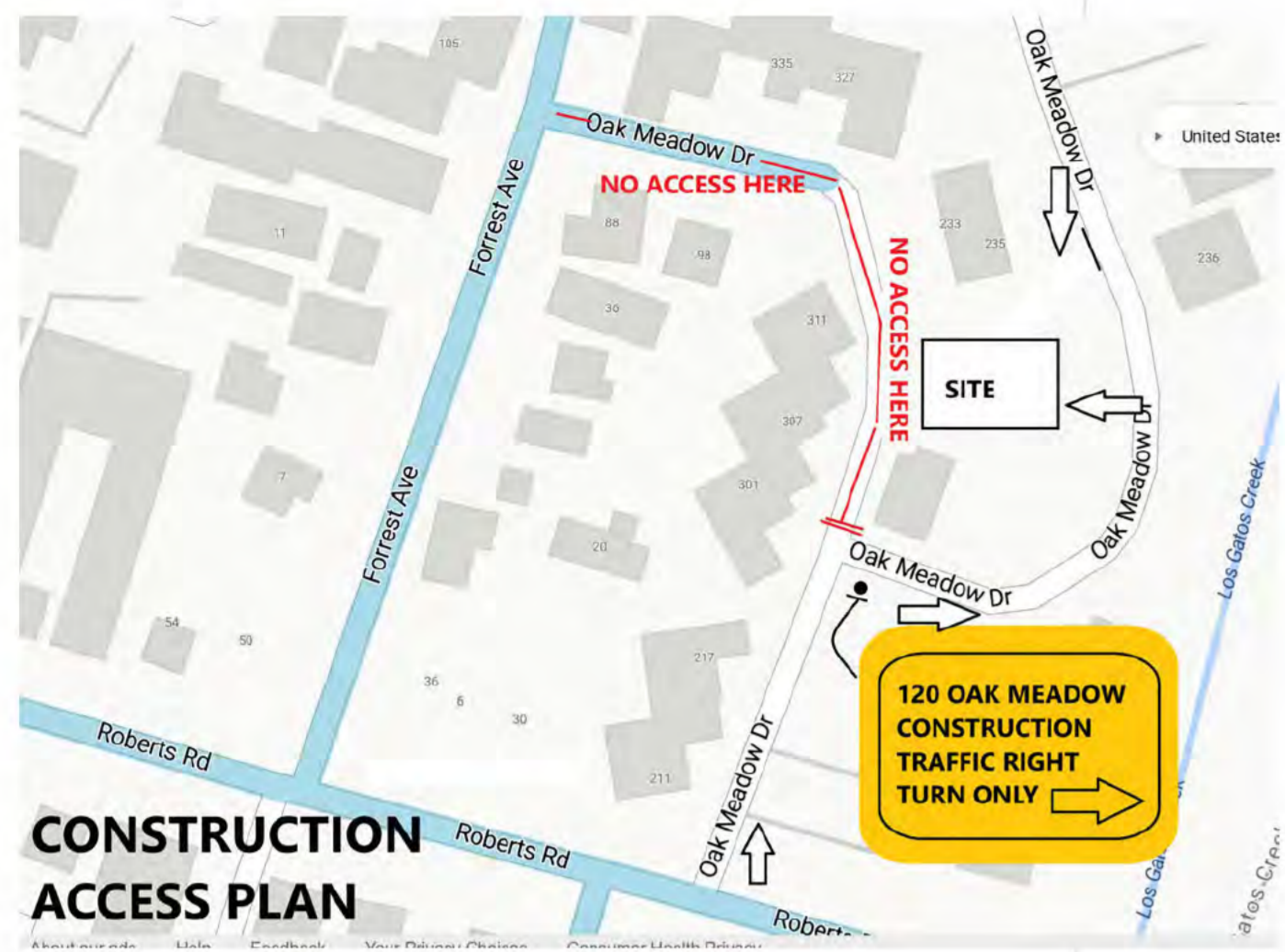
See Construction Site Access plan in upper left corner of A-1 including note that HOA to be provided with contractor, owner and architects phone numbers.

See also Construction Staging/Parking plan in lower left corner of A-1.

- 10) Erect a construction barrier to protect dirt and dust from impacting newly painted HOA residences. Install prior to commencement of construction. A construction debris barrier will be erected on upper Oak Meadow to limit dust – See upper A-1. Best construction practices to be followed to control dust including periodic water spraying. Hand digging around oak trees will also limit dust.

RCHOA Board E-Mail Addresses:





CONSTRUCTION SITE ACCESS



CONSTRUCTION SITE STAGING/PARKING

FIRE NOTES:

- FIRE SPRINKLERS REQUIRED:** AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ONE- AND TWO-FAMILY DWELLINGS AS FOLLOWS: 1) IN ALL NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING ONE- AND TWO-FAMILY DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN 3,600 SF WHETHER BY INCREASING THE AREA OF THE PRIMARY RESIDENCE OR BY CREATION OF AN ATTACHED ACCESSORY DWELLING UNIT. 2) IN ALL NEW BASEMENTS AND IN EXISTING BASEMENTS THAT ARE EXPANDED BY MORE THAN 50%. 3) IN ALL ATTACHED ADUS, ADDITIONS OR ALTERATIONS TO AN EXISTING ONE- AND TWO-FAMILY DWELLING THAT HAVE AN EXISTING FIRE SPRINKLER SYSTEM. EXCEPTIONS: 1) ONE OR MORE ADDITIONS MADE TO A BUILDING AFTER JANUARY 1, 2011 THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE FEET OF BUILDING AREA AND MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE
- WATER SUPPLY REQUIREMENTS:** POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.1.7.
- ADDRESS IDENTIFICATION:** NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.
- CONSTRUCTION SITE FIRE SAFETY:** ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 01-1. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.

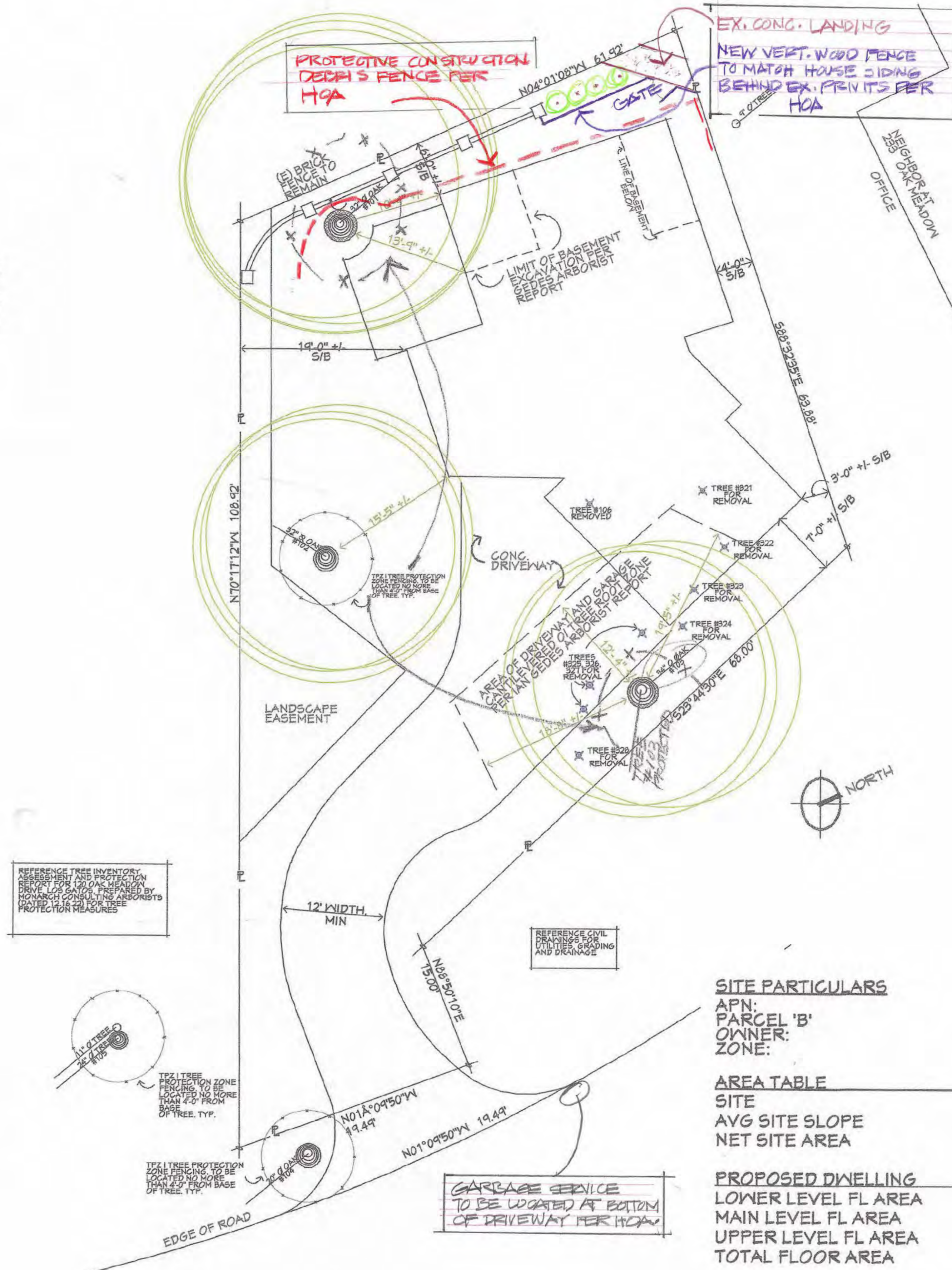
BUILDING NOTES:

- PV SYSTEM -** A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE PV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY
- ALL ELECTRIC REQUIREMENT -** THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.10.020 AND 6.120.020.

CONTENTS

- A-1 SITE PLAN
- A-1.1 NEIGHBORHOOD PLAN
- A-2 LOWER/BASEMENT PLAN
- A-3 MAIN & UPPER LEVELS
- A-4 SECTIONS & ROOF PLAN
- A-5 BUILDING ELEVATIONS

NEIGHBOR AT 120 OAK MEADOW SINGLE FAMILY RESIDENCE



REFERENCE TREE INVENTORY ASSESSMENT AND PROTECTION REPORT FOR 120 OAK MEADOW DRIVE LOS GATOS, PREPARED BY ROYARCH CONSULTING ARCHITECTS DATED 12/15/20 FOR TREE PROTECTION MEASURES

REFERENCE CIVIL DRAWINGS FOR UTILITIES, GRADING AND DRAINAGE

SITE PARTICULARS

APN: 529-10-131, PARCEL 'B', OWNER: McFARLAND, ZONE: O:PD

AREA TABLE

SITE	5,793 SF
AVG SITE SLOPE	18%
NET SITE AREA	4,287 SF

PROPOSED DWELLING

LOWER LEVEL FL AREA	305 SF
MAIN LEVEL FL AREA	862 SF
UPPER LEVEL FL AREA	779 SF
TOTAL FLOOR AREA	1,946 SF

BELOW GRADE AREA 502 SF

GARAGE 467 SF

LOT COVERAGE = 2,470 SF / 42%

Print date: 10.03.24
10.1.24
02.29.24
12.27.22

JAY PLETT ARCHITECT

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213 Bean Avenue
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MCFARLAND
OAK MEADOW DR.
LOS GATOS

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Revisions:

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PRICING SET
CONST. SET
Scale:
Date:
Sheet

SITE PLAN

1/8" = 1'-0"

A-1



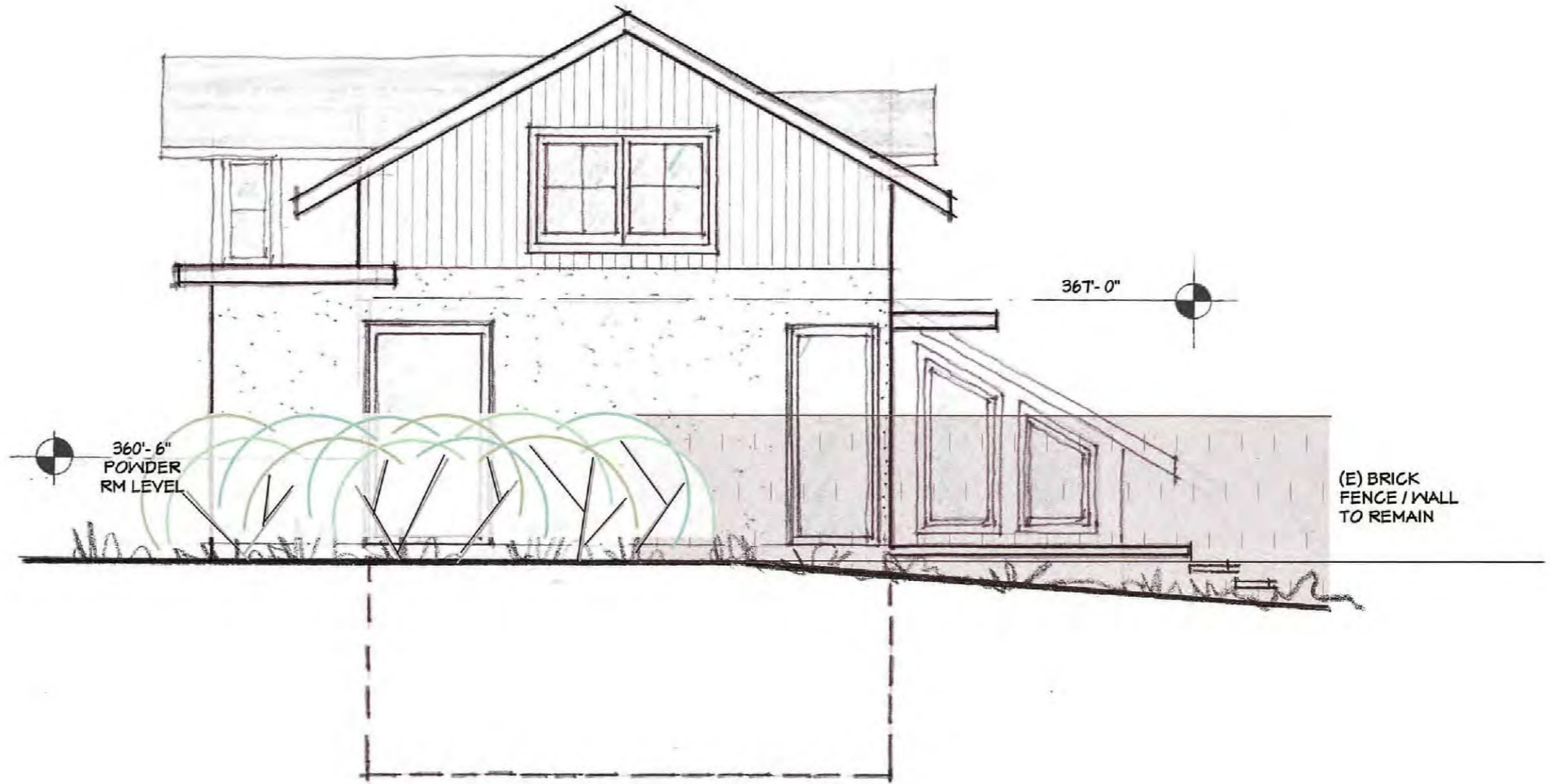
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WEST

10.03.24

10.03.22

JAY PLETT
ARCHITECT

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Revisions :

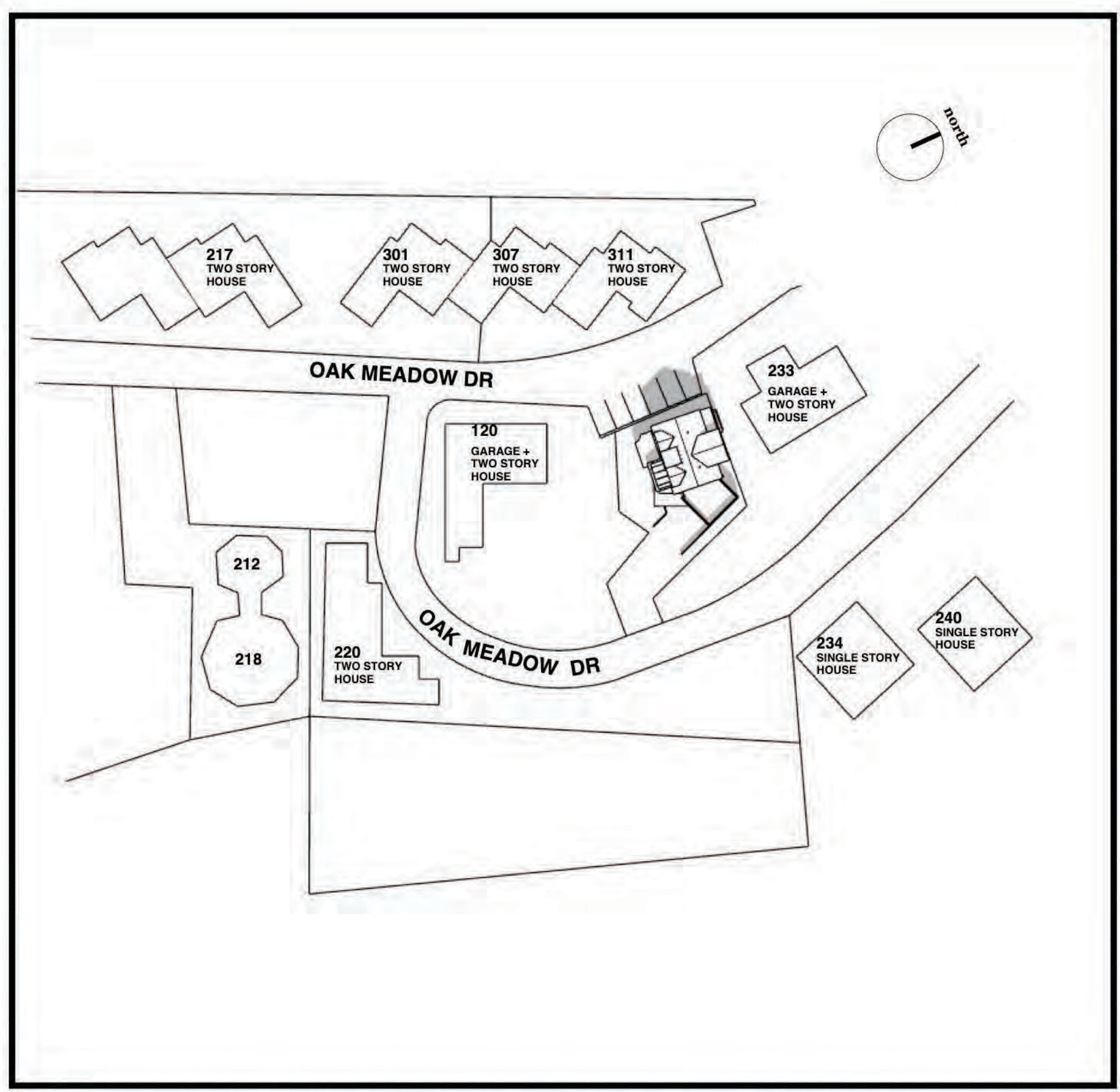
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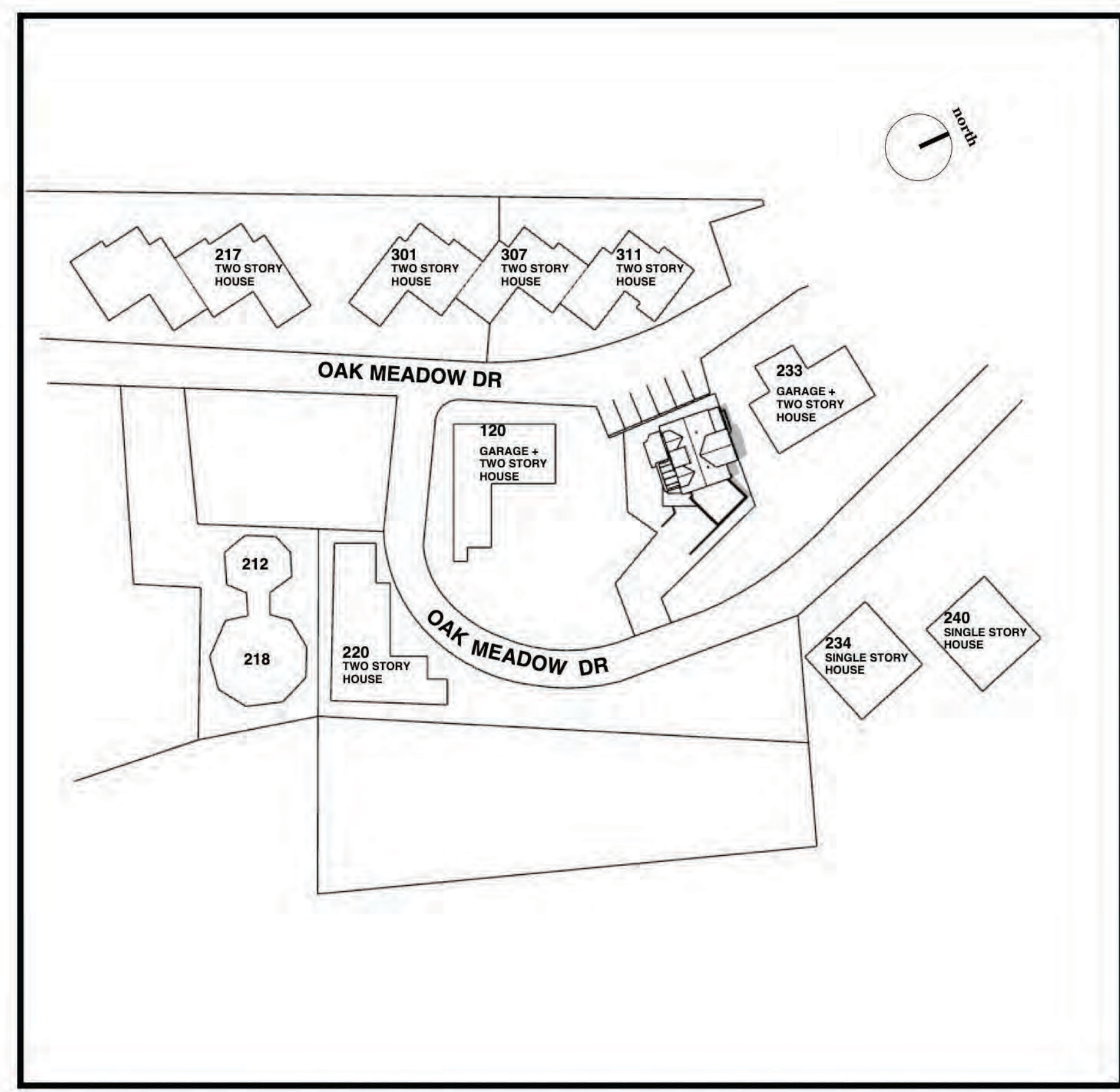
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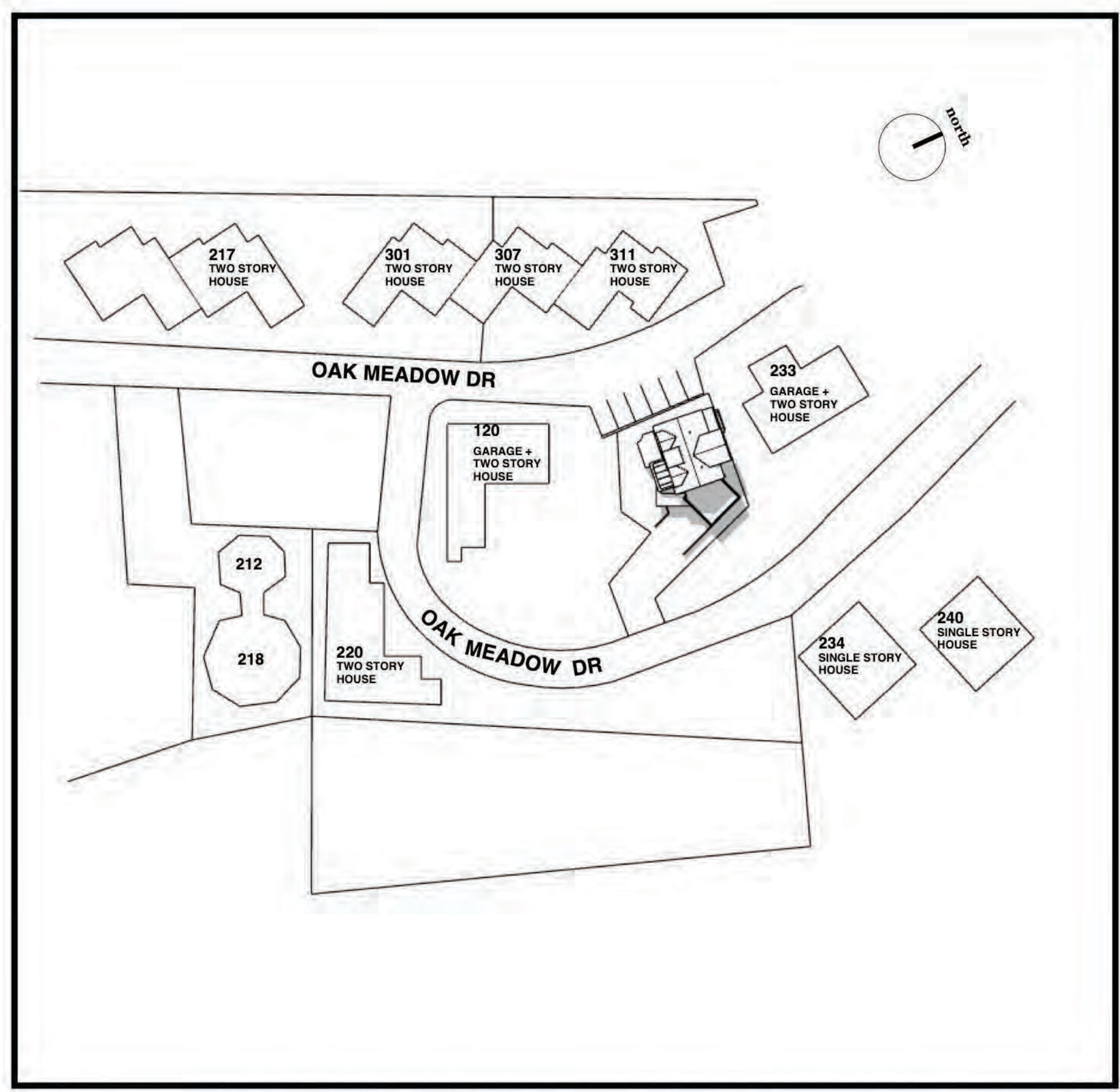
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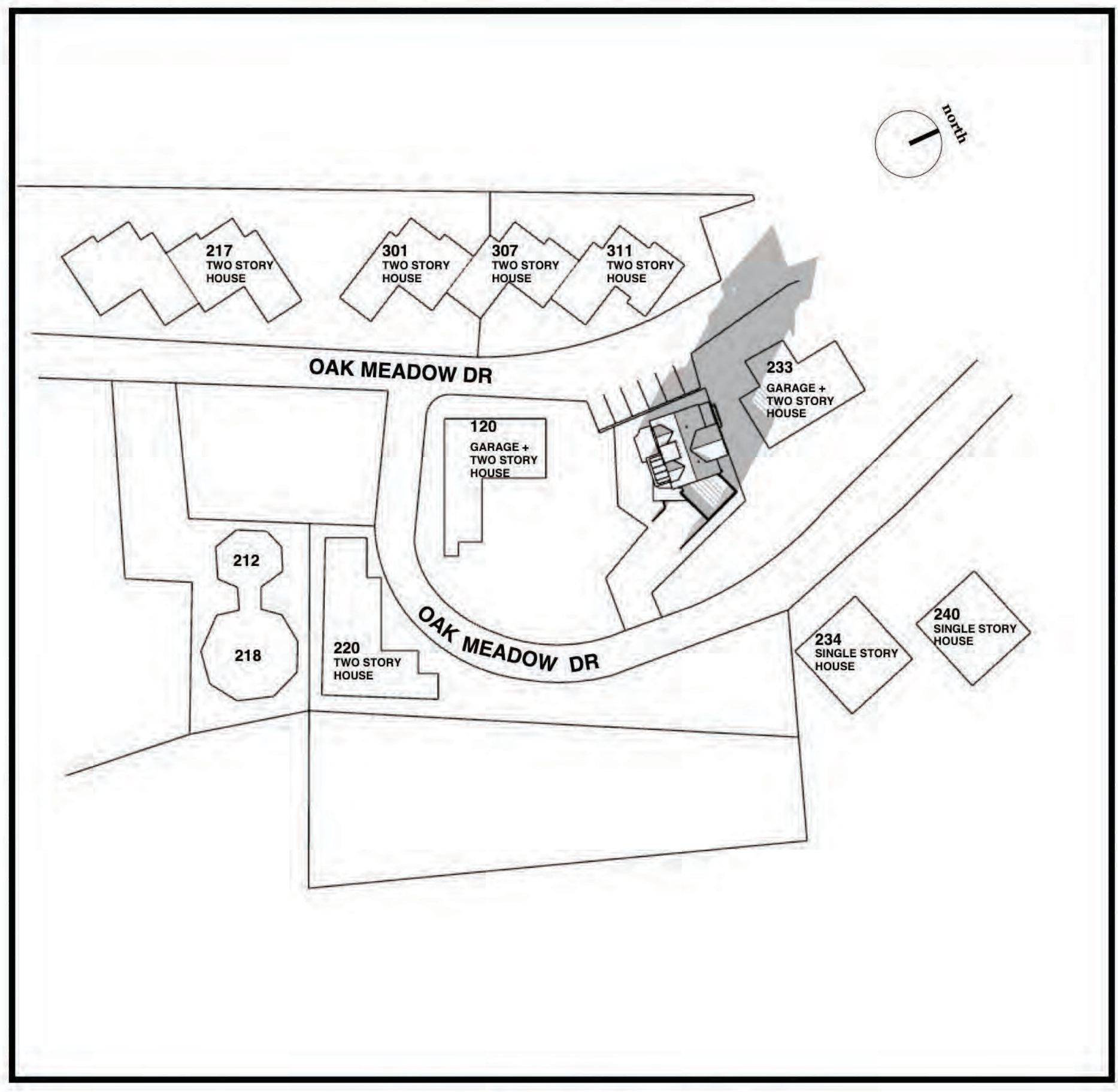
JUNE 21 @ 9AM



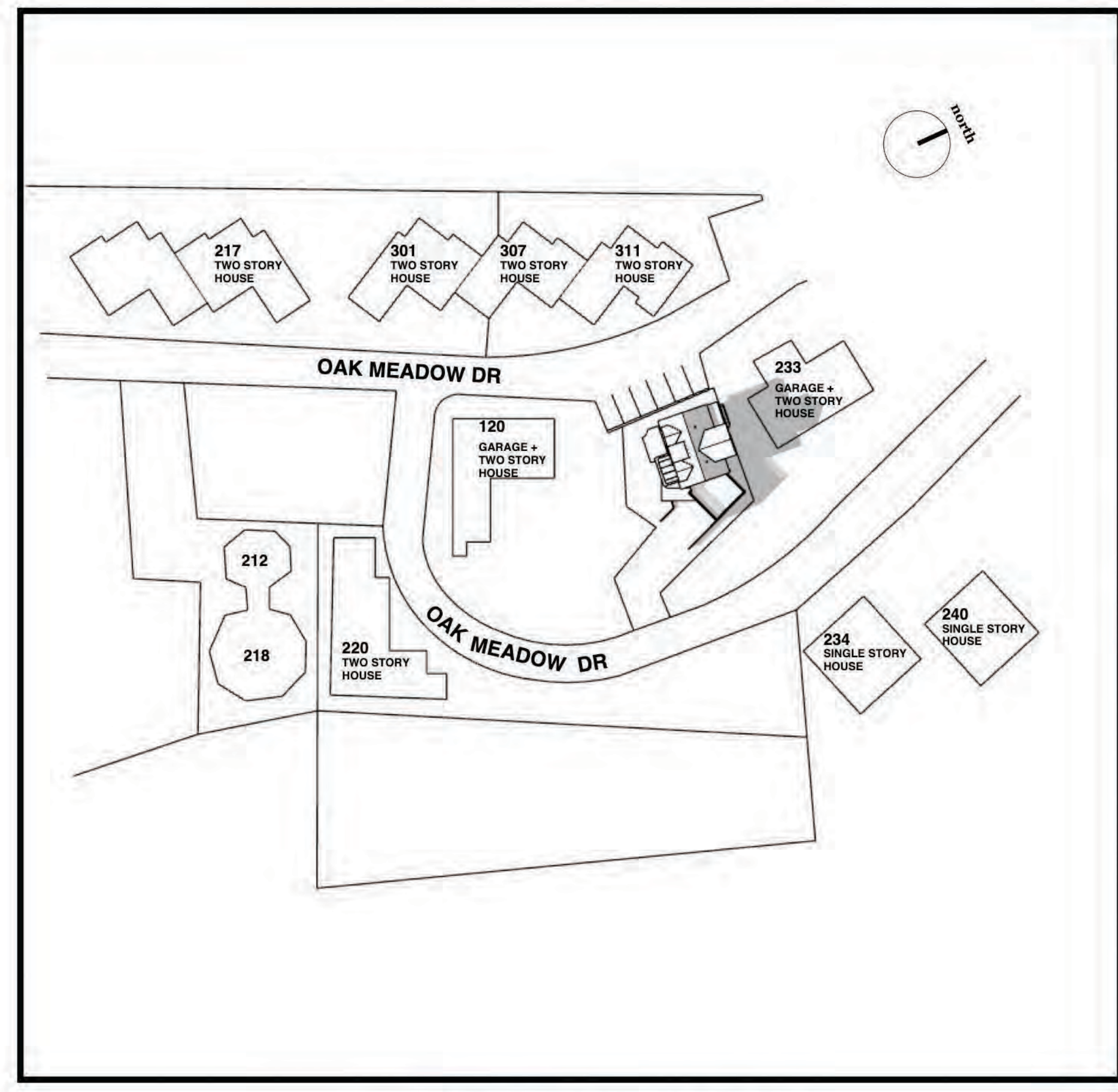
JUNE 21 @ 12PM



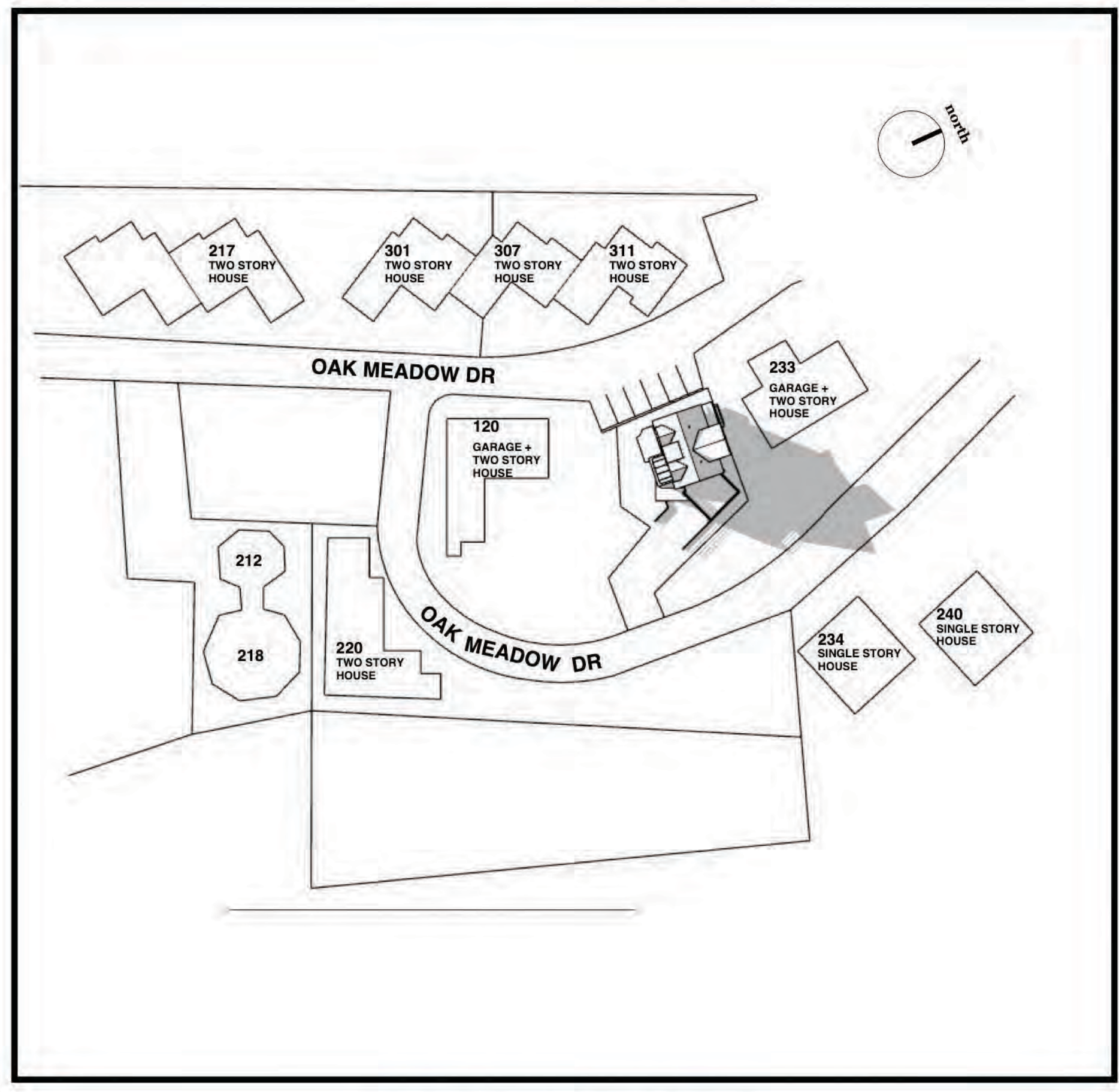
JUNE 21 @ 3PM



DEC 21 @ 9AM



DEC 21 @ 12PM



DEC 21 @ 3PM

SHADOW STUDY

NOT TO SCALE

HOA REGULATION AGREEMENTS

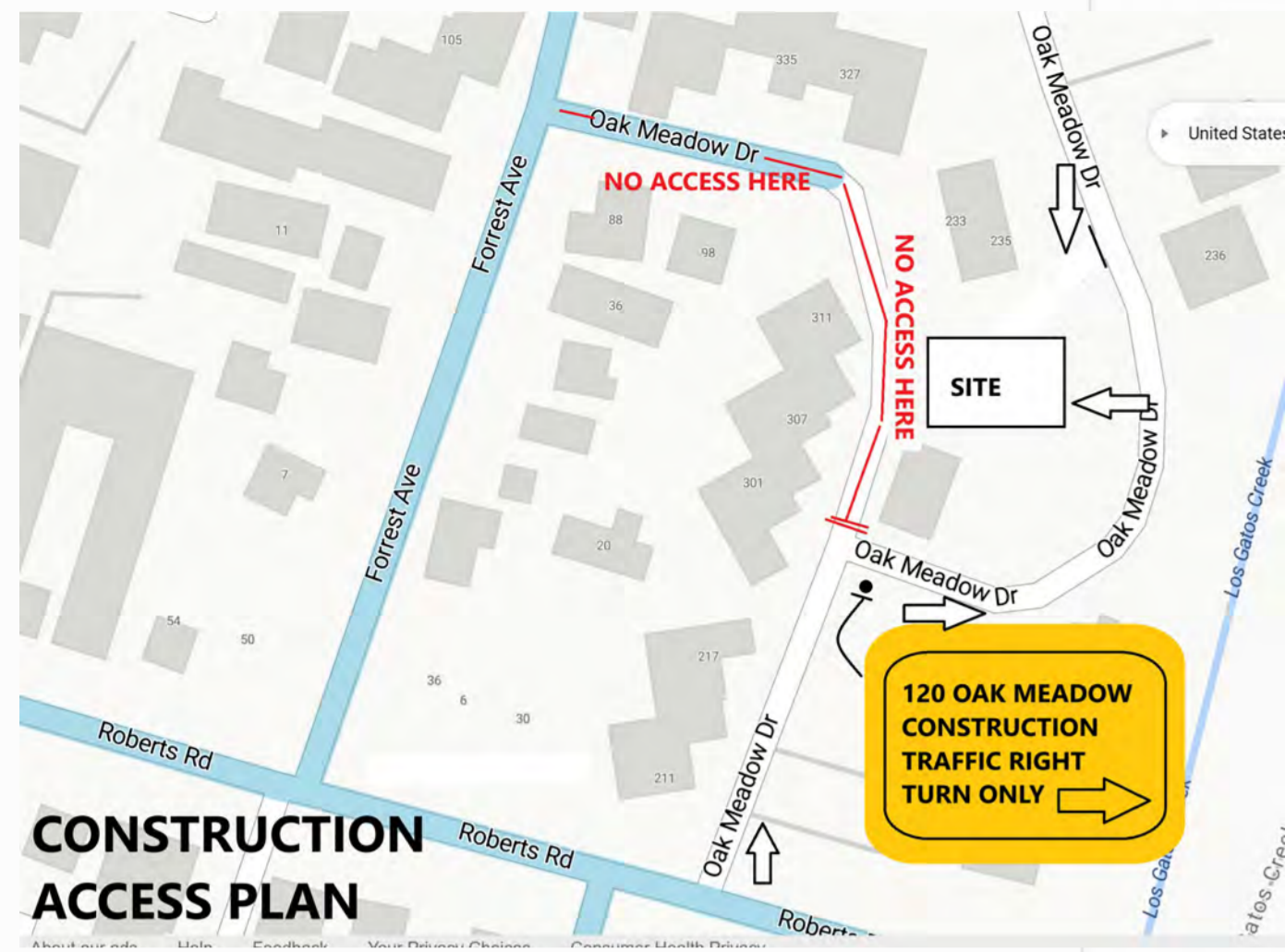
CC&RS TO BE UPDATED PRIOR TO CONSTRUCTION TO INCLUDE A PROVISION FOR HOA RETAINING ARCHITECTURAL CONTROL APPROVAL OVER BOTH LOTS (EXISTING LOT AT 120 OAK MEADOW AND THE PROPOSED NEW LOT).

OWNERS OF 120 OAK MEADOW AGREE NOT TO CHANGE OR REMOVE THE BRICK WALL SEPARATING THE PROPERTIES IN QUESTION FROM THE HOA WITHOUT PRIOR WRITTEN CONSENT OF THE BOARD OF THE REGENCY COURT HOA.

HOA ARCHITECTURAL MODIFICATIONS AS NOTED ON THE PLAN SET INCLUDE:

1. A PHOTO STUDY WAS PROVIDED TO HOA.
2. THE UPPER WINDOW FACING THE TOWNHOMES WILL BE OF OBSCURE GLASS.
3. AN ENHANCED SHADOW STUDY WAS PROVIDED TO HOA.
4. A FENCE - EXTENDING FROM THE EXISTING BRICK FENCE - MATCHING THE NEW HOUSE SIDING WILL BE CONSTRUCTED BETWEEN THE NEW HOME AND THE TOWNHOMES.
5. DURING CONSTRUCTION, A DEBRIS FENCE SHALL BE ERECTED BETWEEN THE CONSTRUCTION ACTIVITY AND THE TOWNHOMES.
6. IT IS AGREED THAT THE GARBAGE SERVICE AND CAN STORAGE WILL BE FROM BELOW AT THE BOTTOM OF DRIVEWAY OF THE NEW HOME.
7. NO CONSTRUCTION ACTIVITIES WILL BE CONDUCTED FROM THE TOWNHOME SIDE OF PROJECT. A CONSTRUCTION ACCESS PATH OF TRAVEL HAS BEEN AGREED TO. CONTRACTOR, OWNER AND ARCHITECT'S PHONE NUMBERS WILL BE PROVIDED TO HOA.
8. A CONSTRUCTION PARKING PLAN HAS BEEN AGREED TO.

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CONSTRUCTION SITE ACCESS



ELEVATION RENDERING

FIRE NOTES:

- FIRE SPRINKLERS REQUIRED:** AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ONE- AND TWO-FAMILY DWELLINGS AS FOLLOWS: 1) IN ALL NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING ONE- AND TWO-FAMILY DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN 3,600 SF WHETHER BY INCREASING THE AREA OF THE PRIMARY RESIDENCE OR BY CREATION OF AN ATTACHED ACCESSORY DWELLING UNIT. 2) IN ALL NEW BASEMENTS AND IN EXISTING BASEMENTS THAT ARE EXPANDED BY MORE THAN 50%. 3) IN ALL ATTACHED ADUS, ADDITIONS OR ALTERATIONS TO AN EXISTING ONE- AND TWO-FAMILY DWELLING THAT HAVE AN EXISTING FIRE SPRINKLER SYSTEM. EXCEPTIONS: 1) ONE OR MORE ADDITIONS MADE TO A BUILDING AFTER JANUARY 1, 2011 THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE FEET OF BUILDING AREA AND MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE
- WATER SUPPLY REQUIREMENTS:** POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.11.
- ADDRESS IDENTIFICATION:** NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, WHERE REQUIRED BY THE FIRE CODE OFFICIAL. ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 509.1.
- CONSTRUCTION SITE FIRE SAFETY:** ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 91-1. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.

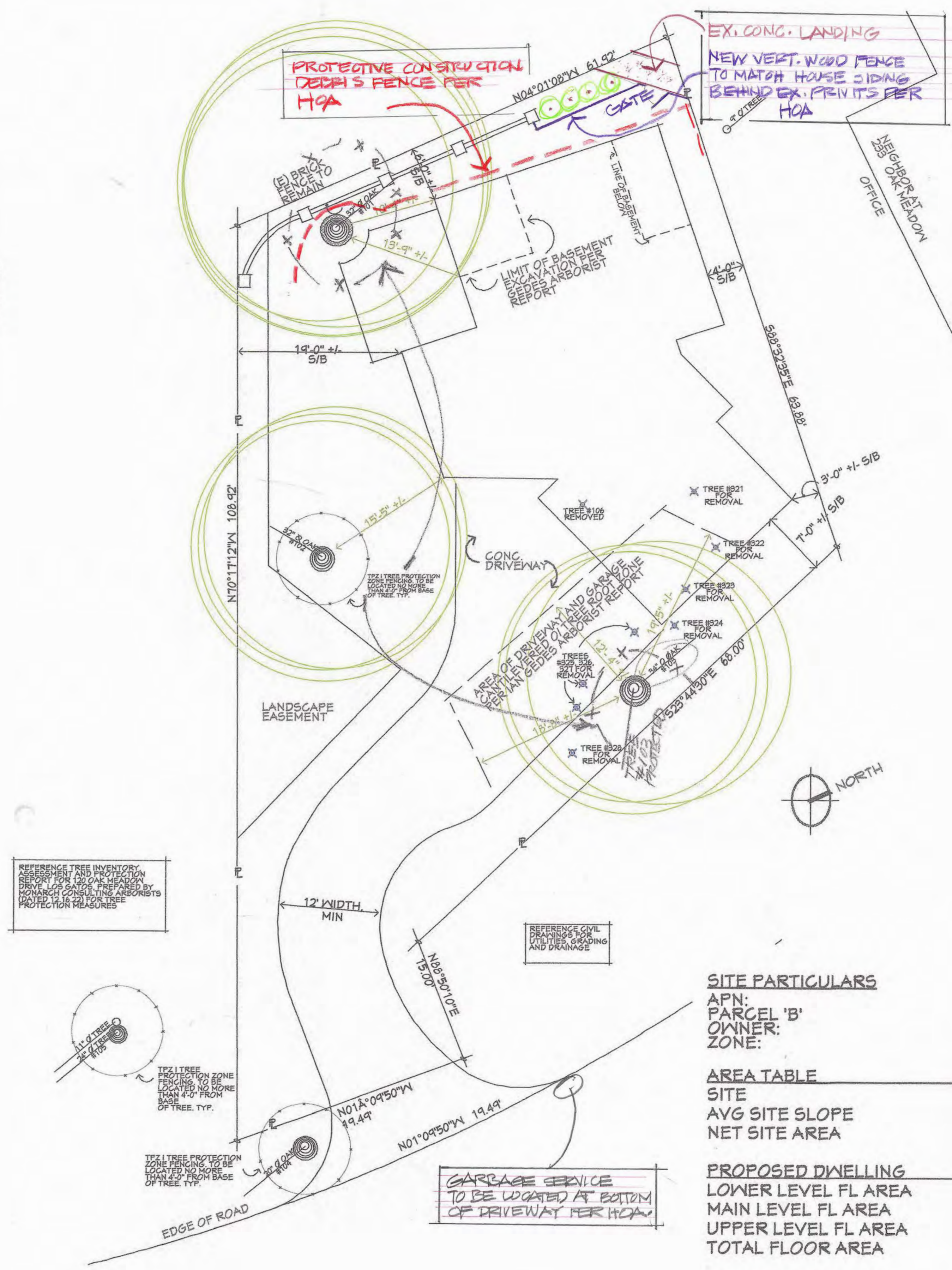
BUILDING NOTES:

- PV SYSTEM -** A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE PV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY
- ALL ELECTRIC REQUIREMENT -** THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.10.020 AND 6.120.020.

CONTENTS

- A-1 SITE PLAN
 - A-1.1 NEIGHBORHOOD PLAN
 - A-2 LOWER/BASEMENT PLAN
 - A-3 MAIN & UPPER LEVELS
 - A-4 SECTIONS & ROOF PLAN
 - A-5 BUILDING ELEVATIONS

NEIGHBOR AT 120 OAK MEADOW SINGLE FAMILY RESIDENCE



REFERENCE TREE INVENTORY, ASSESSMENT AND PROTECTION REPORT FOR 120 OAK MEADOW DR. LOS GATOS, PREPARED BY NICHOLAS CONSULTING ARCHITECTS WATER, UTILITIES, TREE PROTECTION MEASURES

REFERENCE CIVIL DRAWINGS FOR UTILITIES, GRADING AND DRAINAGE

SITE PARTICULARS

APN: 529-10-131,
PARCEL 'B'
OWNER: McFARLAND
ZONE: O:PD

AREA TABLE

SITE 5,793 SF
AVG SITE SLOPE 18%
NET SITE AREA 4,287 SF

PROPOSED DWELLING

LOWER LEVEL FL AREA 305 SF
MAIN LEVEL FL AREA 862 SF
UPPER LEVEL FL AREA 779 SF
TOTAL FLOOR AREA 1,946 SF

BELOW GRADE AREA 502 SF

GARAGE 467 SF

LOT COVERAGE = 2,470 SF / 42%

GARAGE SERVICE TO BE LOCATED AT BOTTOM OF DRIVEWAY PER HOA

SITE PLAN

1/8" = 1'-0"

Print date:
10.03.24
10.1.24
02.29.24
12.27.22

JAY PLETT ARCHITECT

408.354.4551
jay@plett-arc.com
www.plett-arc.com
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Los Gatos, CA 95030

McFARLAND
OAK MEADOW DR.
LOS GATOS

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Revisions:

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PRICING SET
CONST. SET

Scale:
Date: Sheet

A-1

Print date :
 10.03.24
 10.01.24
 02.29.24
 12.14.21

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MCFARLAND



A 301/307/311 OAK MEADOW DR



B 220 OAK MEADOW DR



B 220 OAK MEADOW DR



C 120 OAK MEADOW DR



D 233 OAK MEADOW DR



D 233 OAK MEADOW DR



E 234 OAK MEADOW DR



F 240/242 OAK MEADOW DR

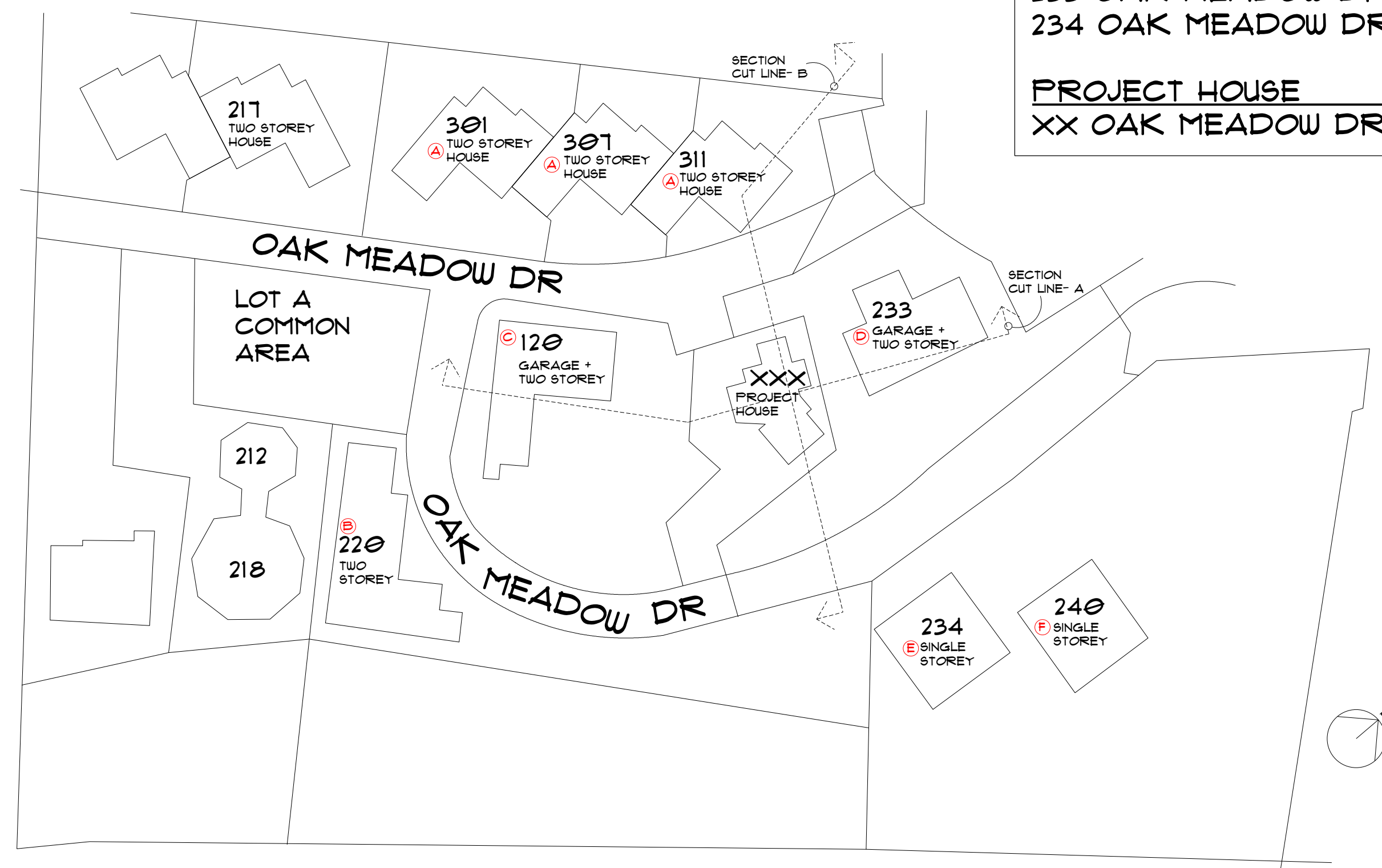
FLOOR AREA/FAR COMPARISONS

ADDRESS	LOT SIZE	FLR AREA	FAR HOUSE	GARAGE (SF)
301 OAK MEADOW DR	7352	*2620	0.356	484
307 OAK MEADOW DR	4794	*2620	**0.546	484
311 OAK MEADOW DR	4952	*2620	**0.529	484
220 OAK MEADOW DR	11703	*4507	**0.385	0
120 OAK MEADOW DR	17779	*3621	0.203	530
233 OAK MEADOW DR	19705	*3283	0.166	0
234 OAK MEADOW DR	41200	1756	0.042	0

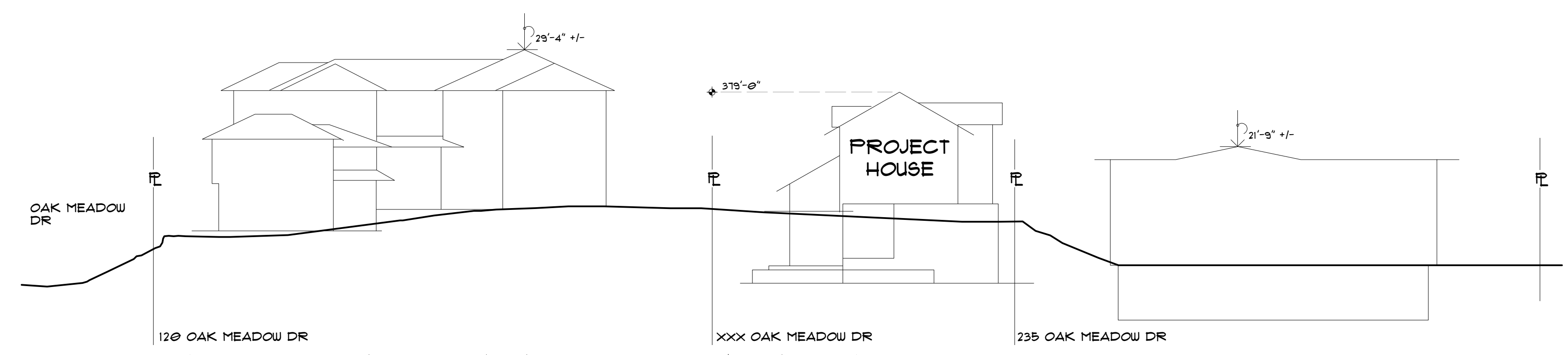
ANALYSIS
 *6 NEIGHBOR HOMES HAVE GREATER FLOOR AREA
 **3 NEIGHBOR HOMES HAVE GREATER FAR

AS THE STREETSCAPE ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD

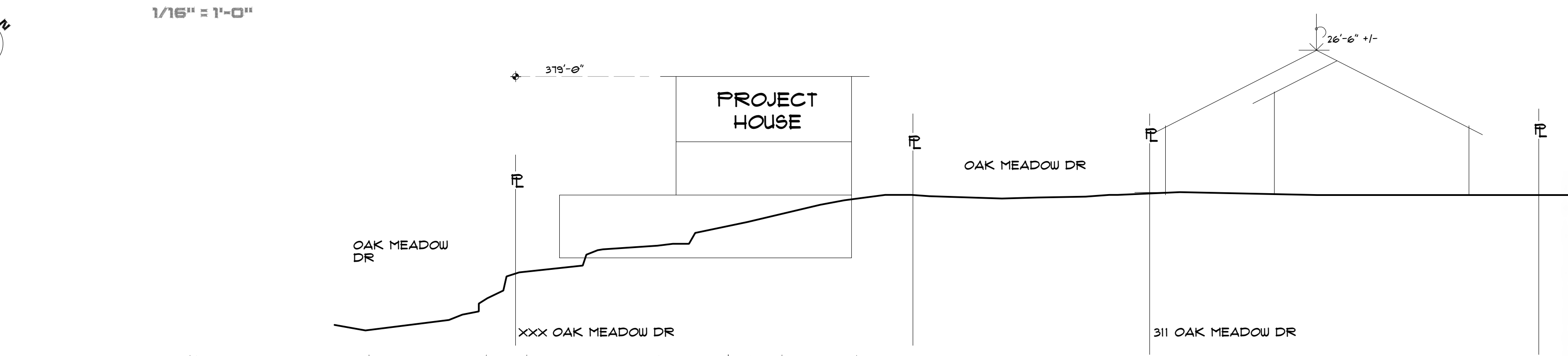
PROJECT HOUSE	LOT SIZE	FLR AREA	FAR HOUSE	GARAGE (SF)
XX OAK MEADOW DR	5249	1946	0.336	466.5



NEIGHBORHOOD PLAN
 1" = 50'



NEIGHBORHOOD SECTION-A
 1/16" = 1'-0"



NEIGHBORHOOD SECTION-B
 1/16" = 1'-0"

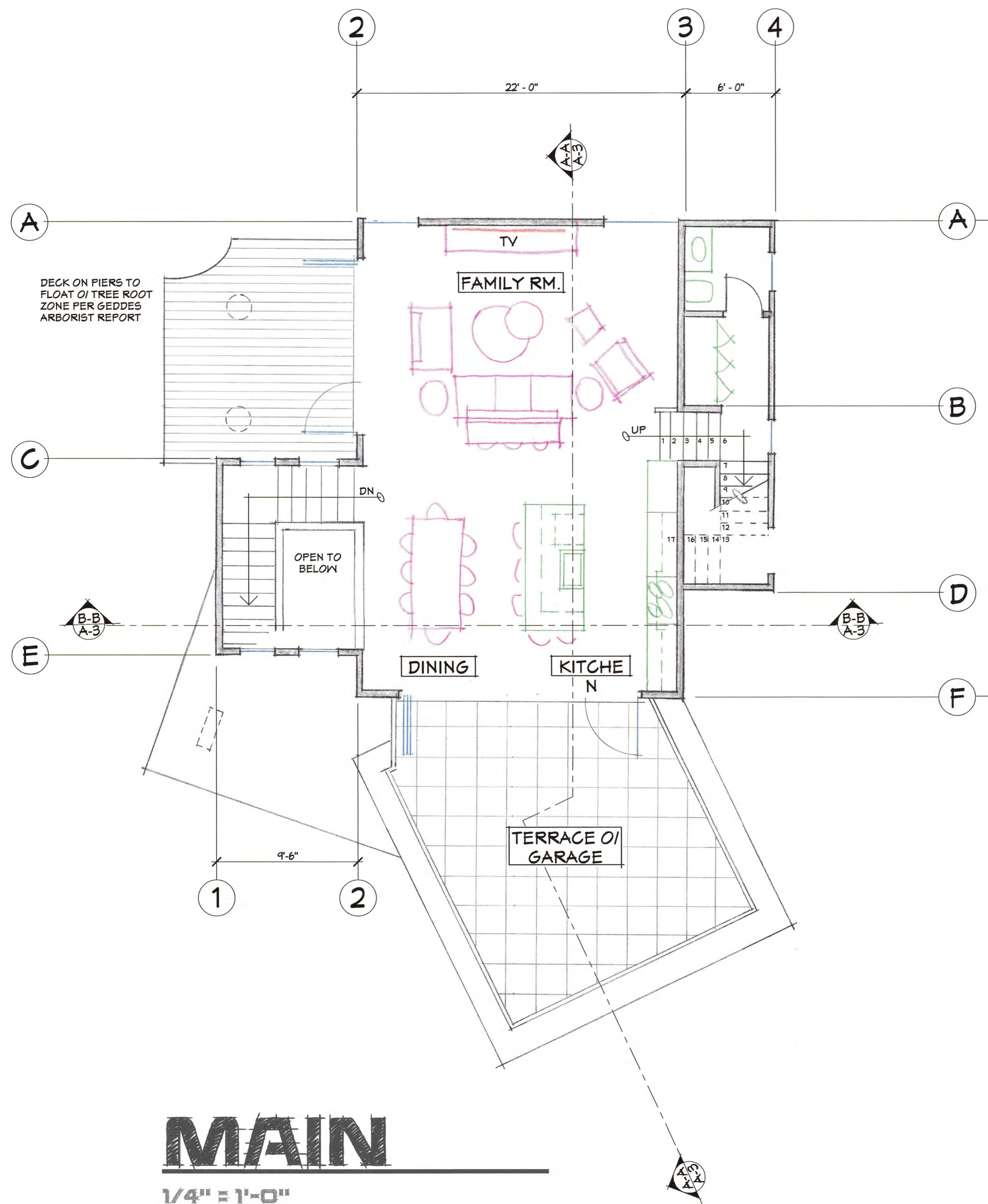
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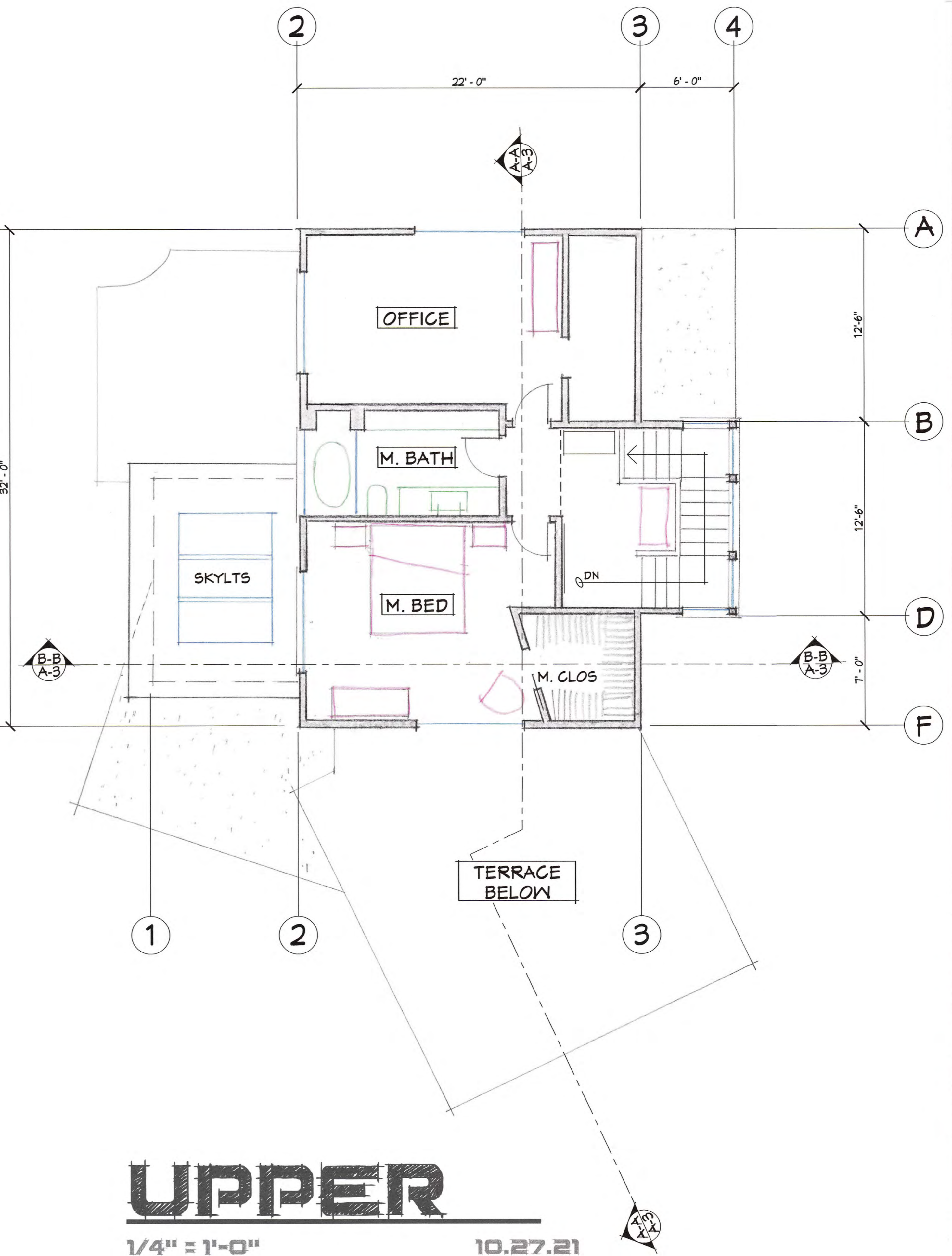
Scale :
 Date :
 Sheet

A-1.1



MAIN

1/4" = 1'-0"
10.27.21



UPPER

1/4" = 1'-0" 10.27.21

Print date : ITEM NO. 14
10.03.24
10.01.24
02.29.24
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A-3

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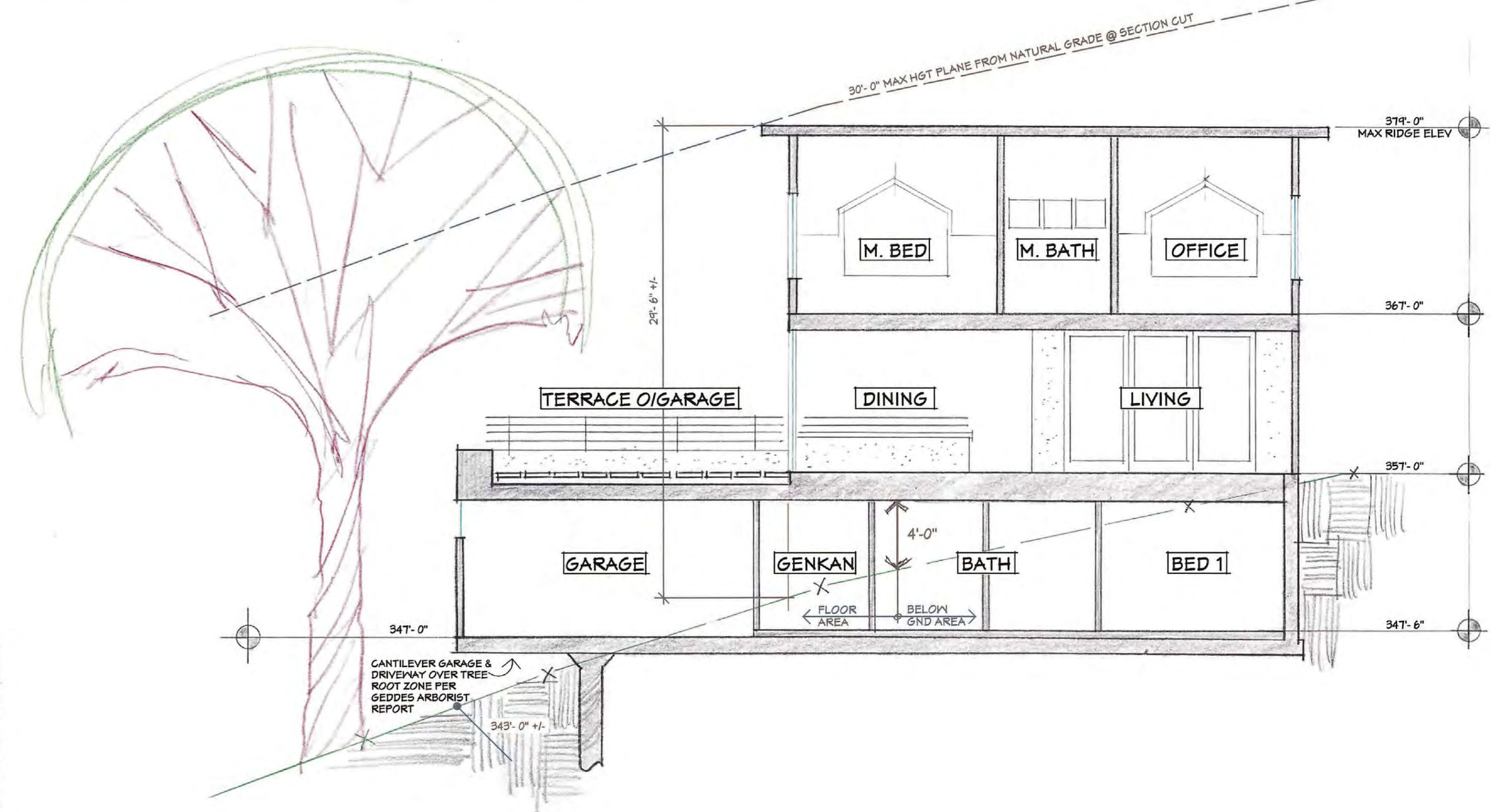
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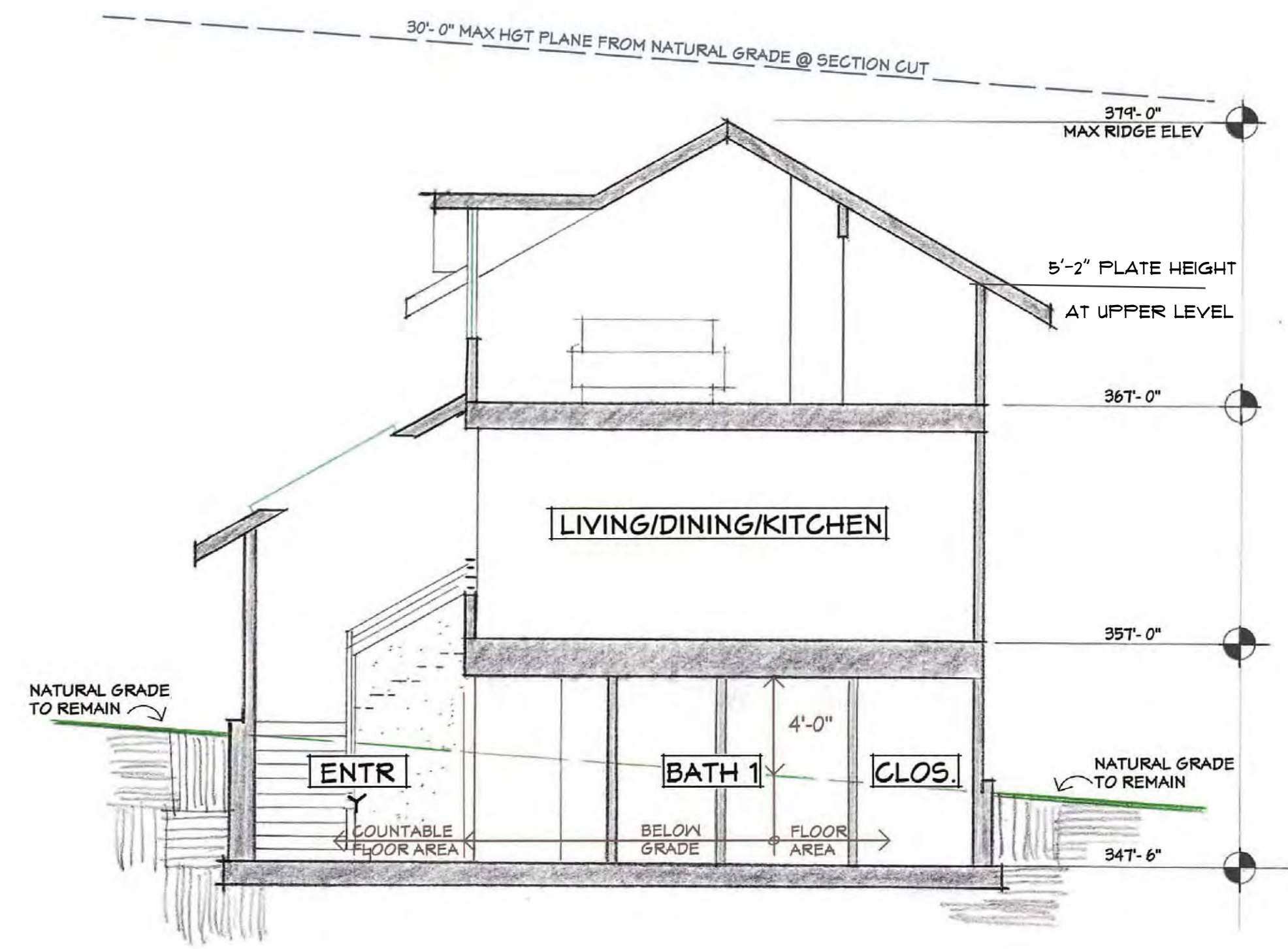
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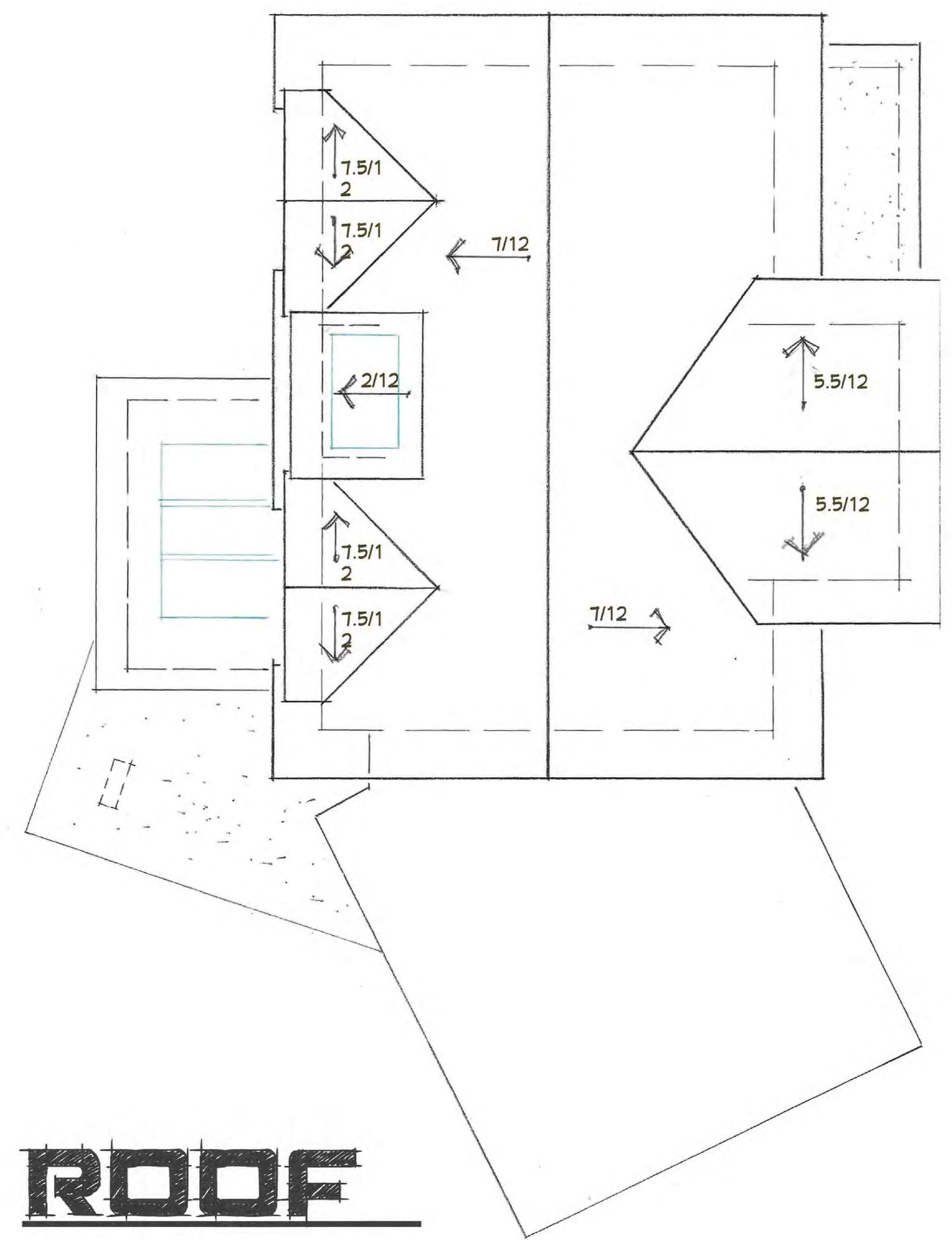
SECTION A-A

3/16" = 1'-0"



SECTION B-B

3/16" = 1'-0"



ROOF

1/4" = 1'-0"

Print date :
10.03.24
10.01.24
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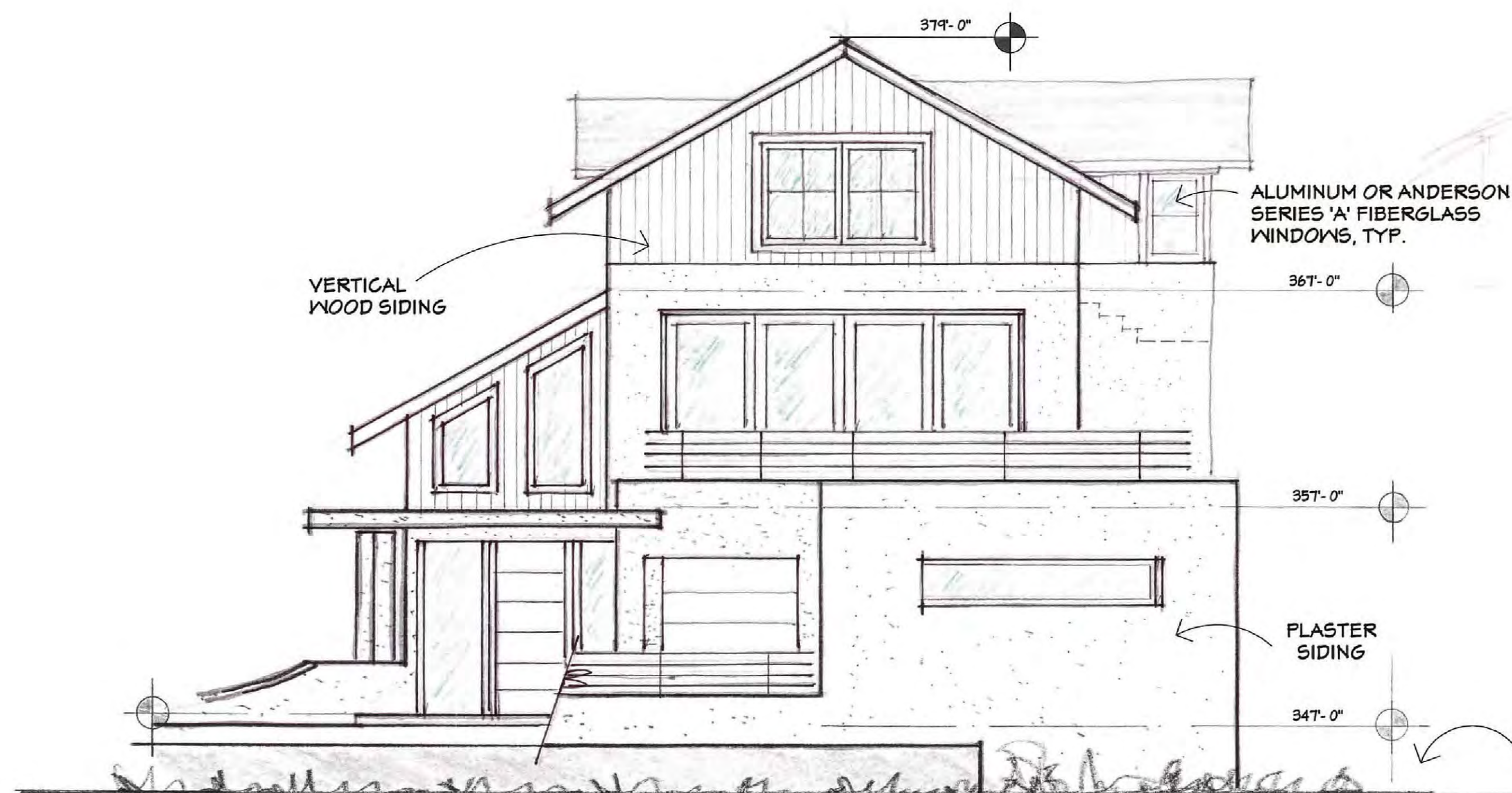
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PRICING SET
CONST. SET

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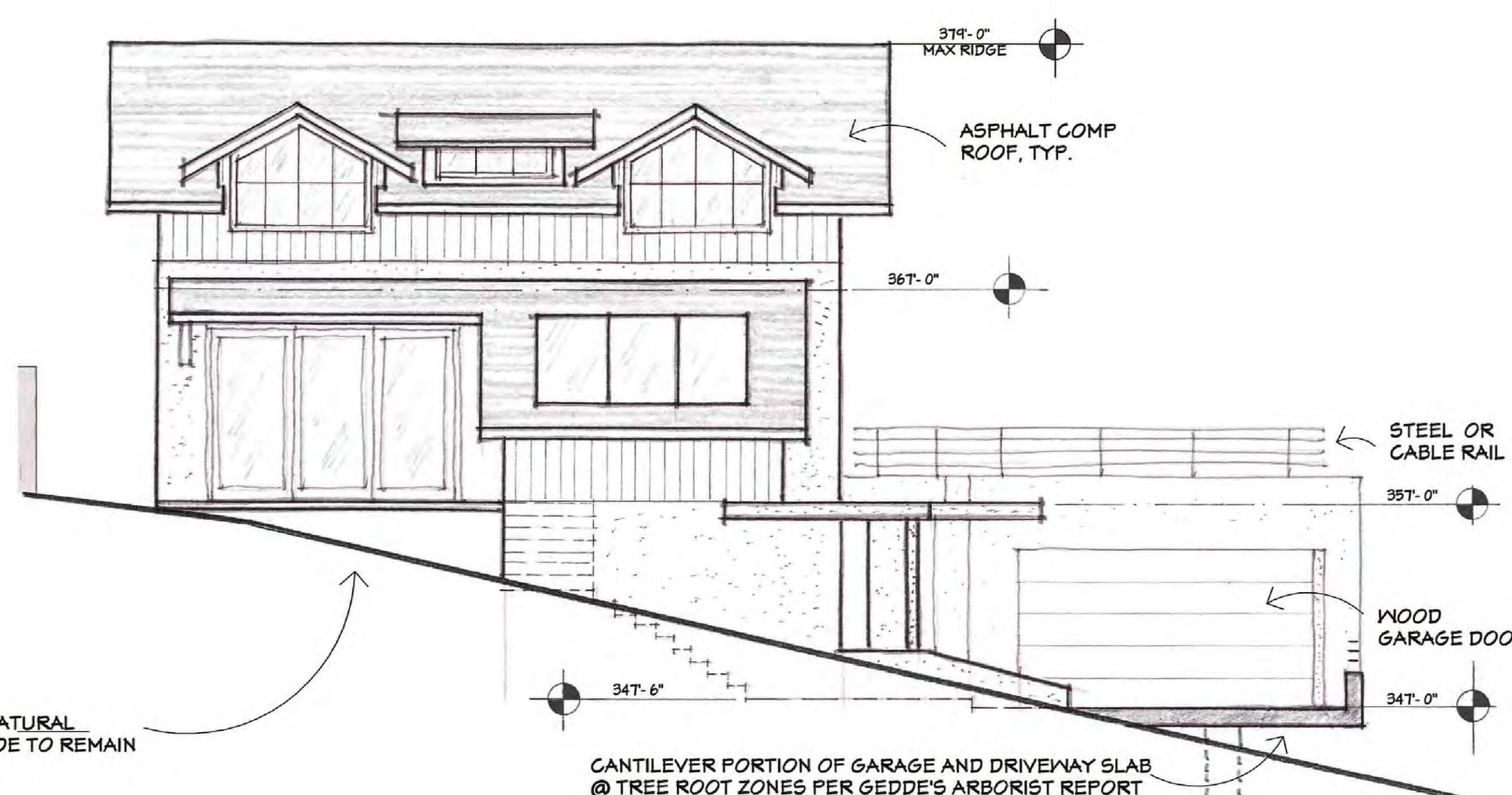
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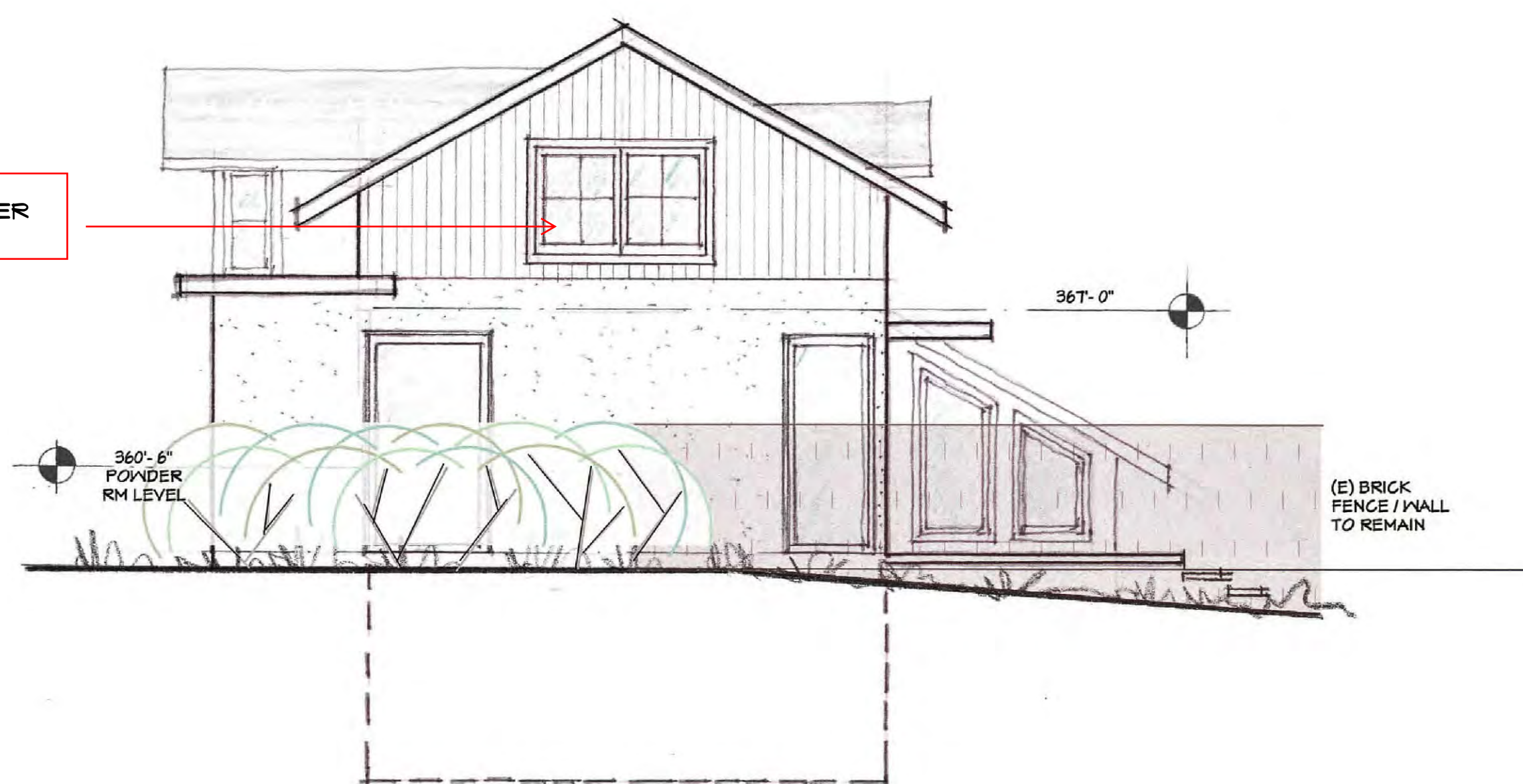


EAST



SOUTH

THIS WINDOW TO BE OBSCURE GLASS PER HOA.



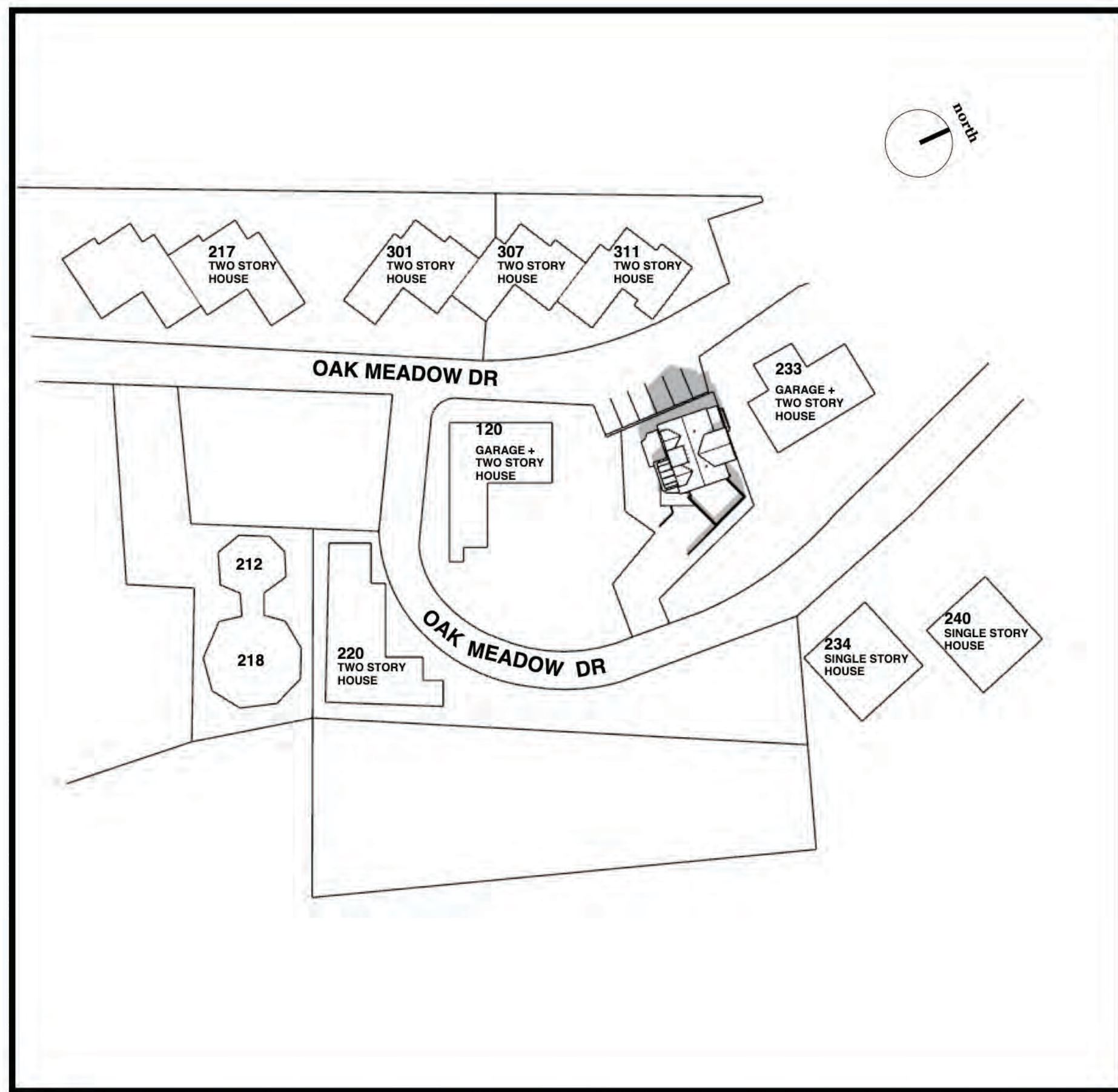
WEST



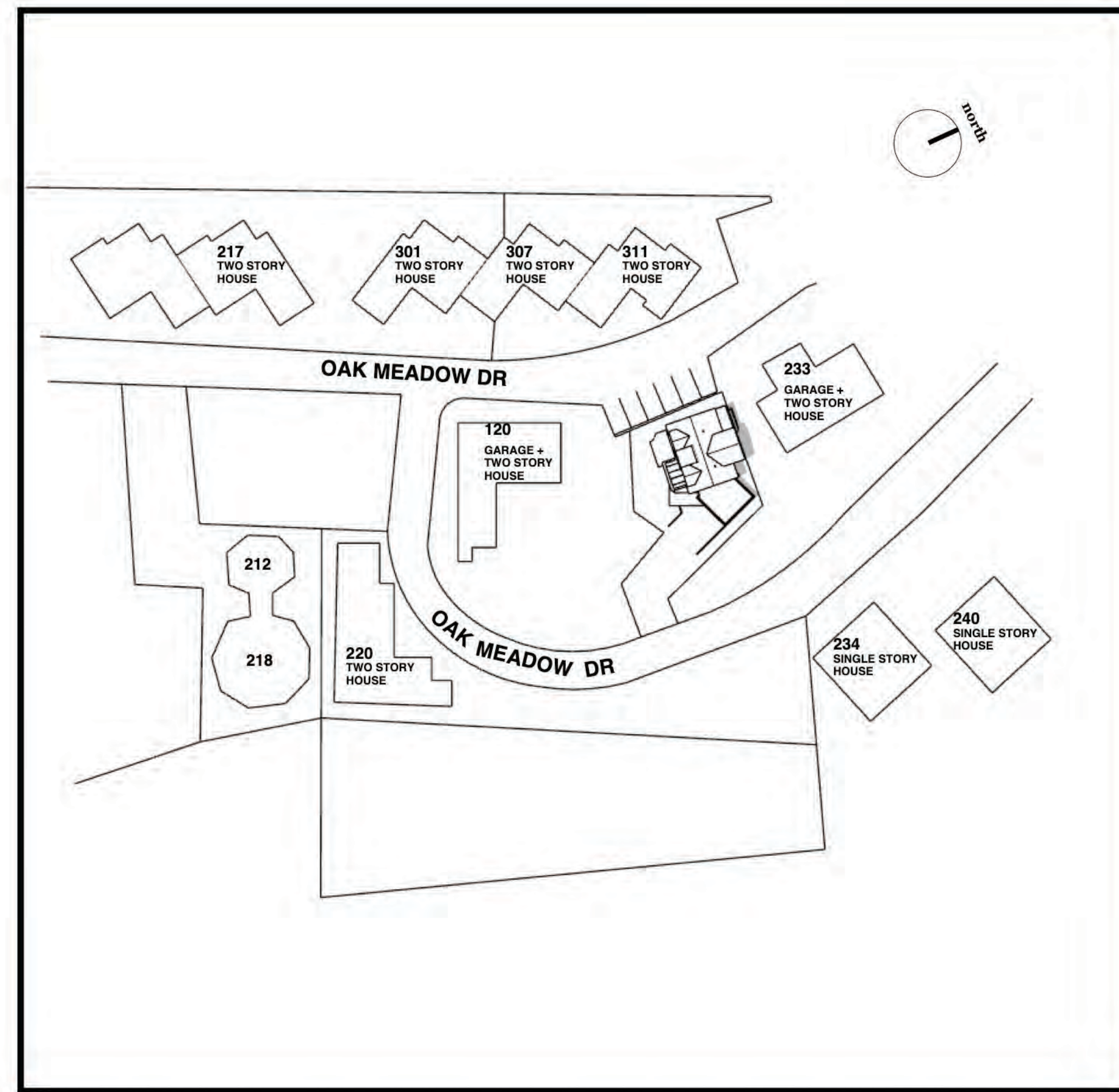
NORTH

ELEVATIONS

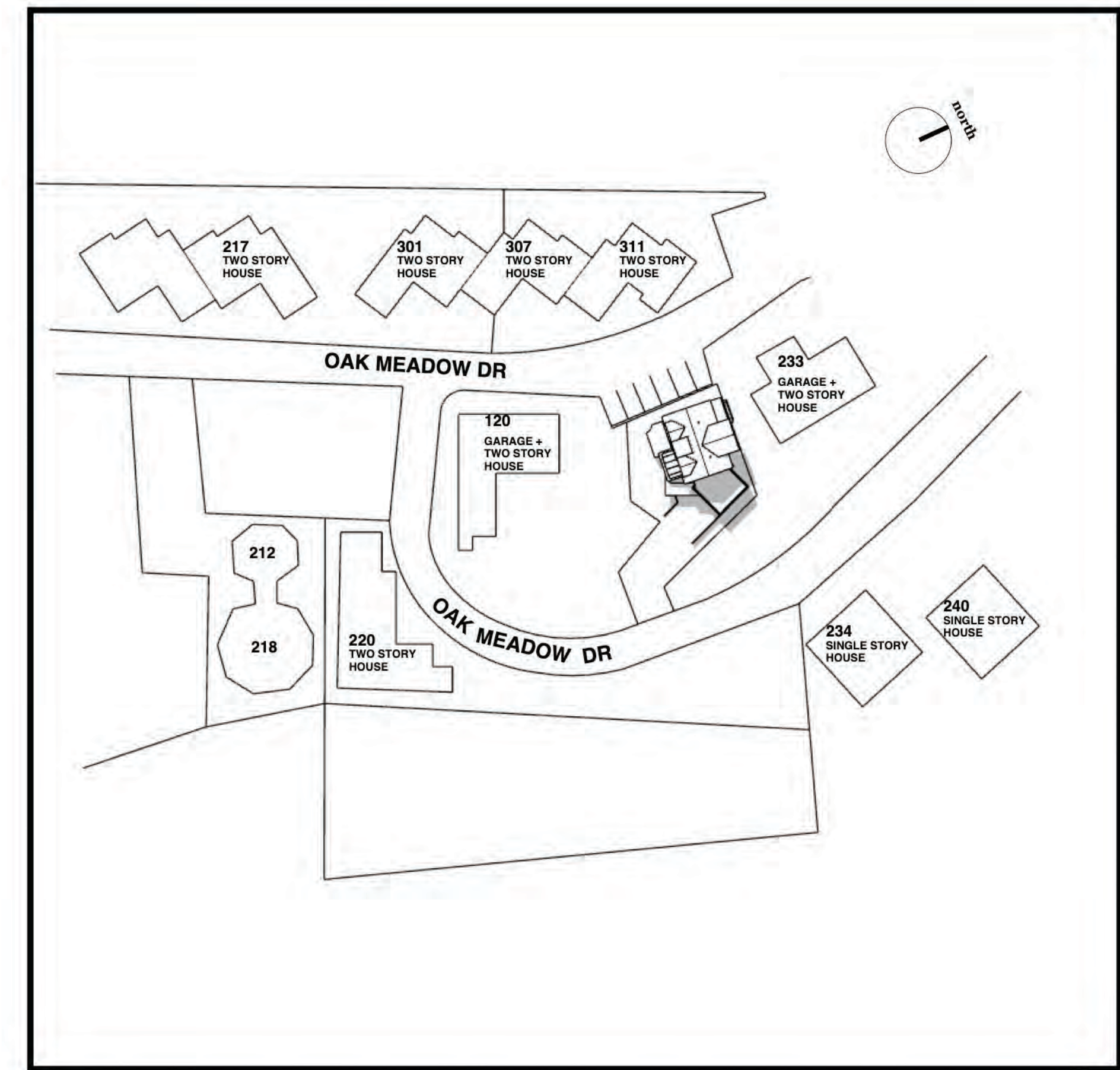
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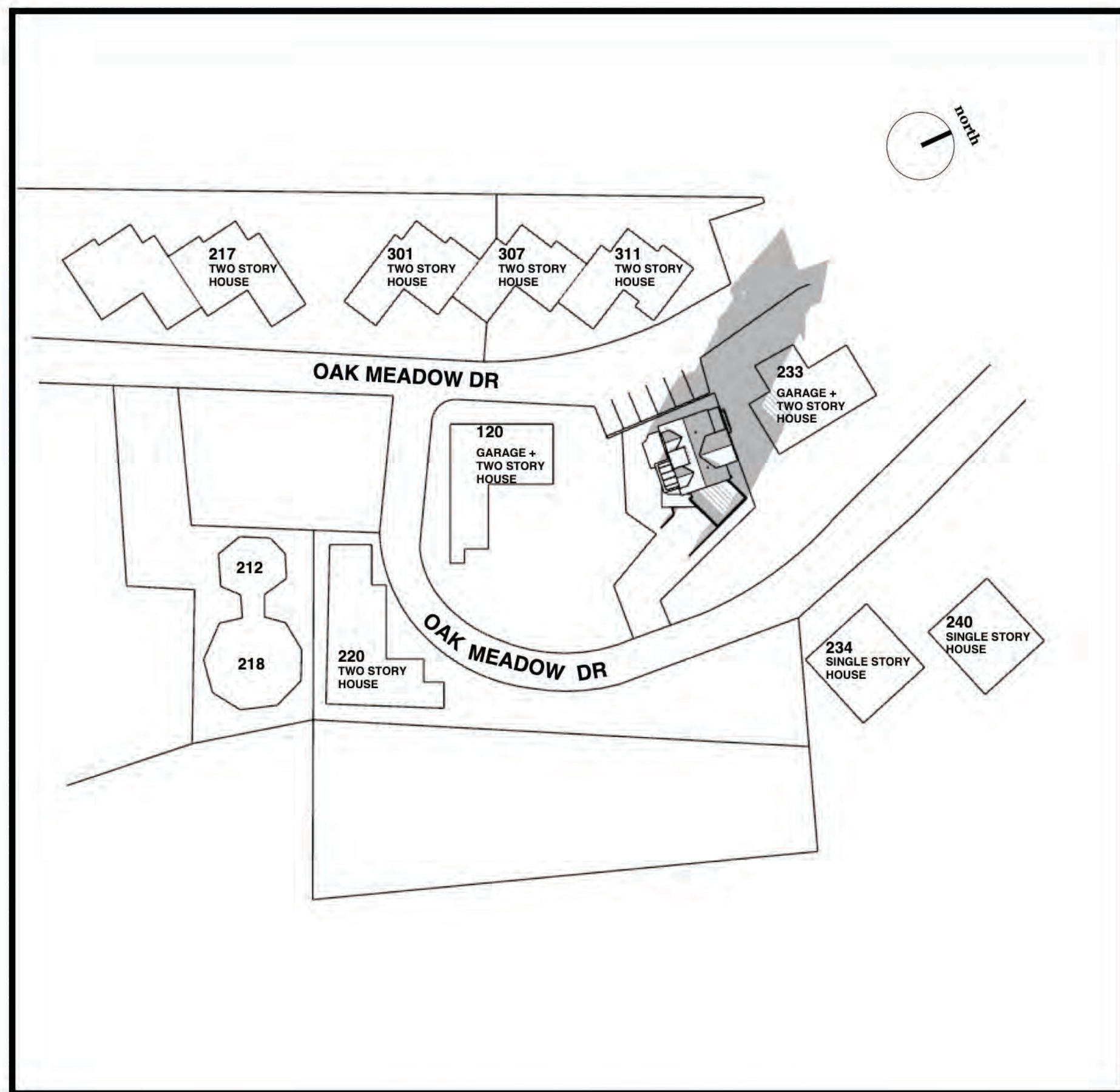
JUNE 21 @ 9AM



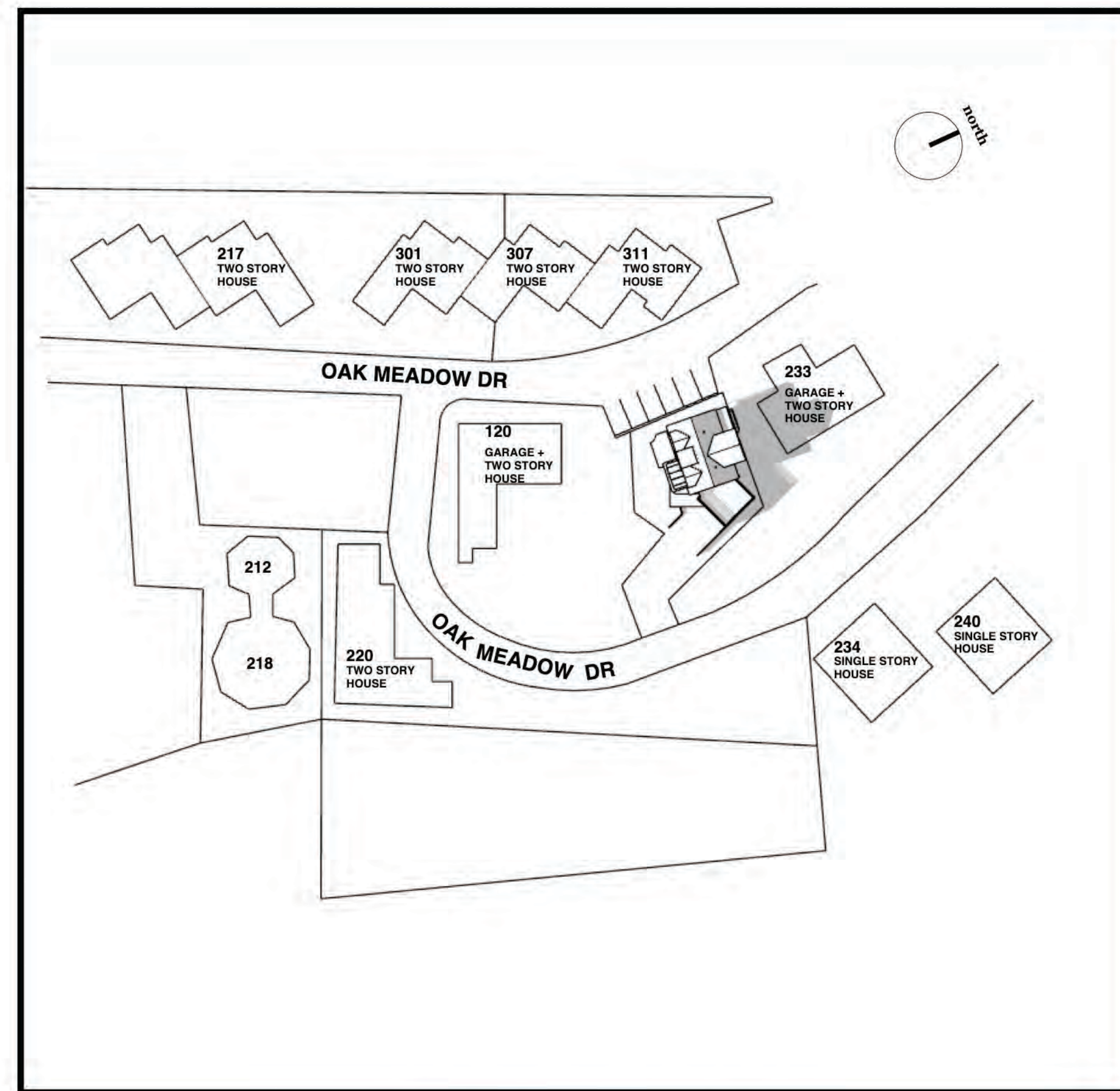
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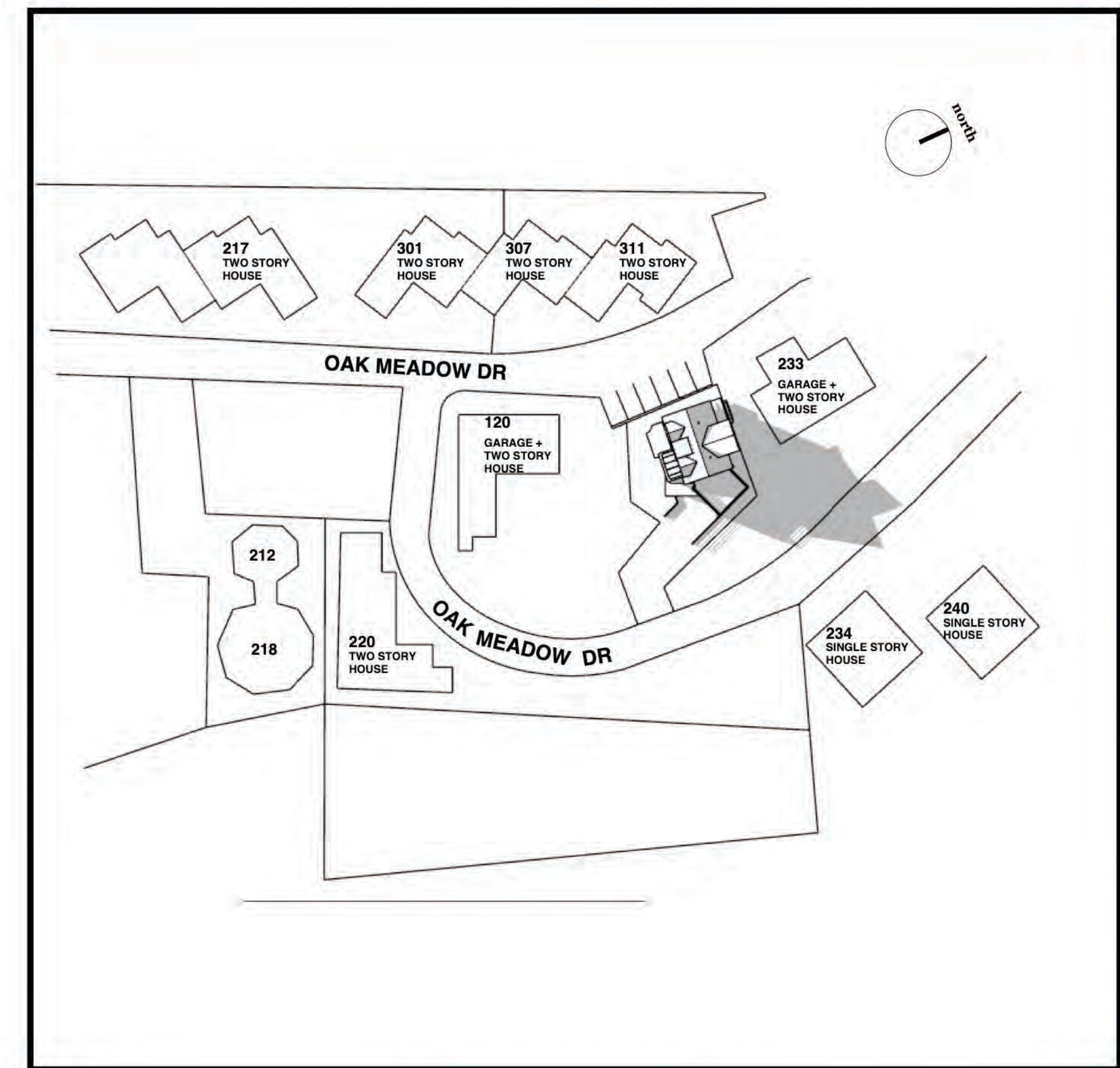
JUNE 21 @ 3PM



DEC 21 @ 9AM



DEC 21 @ 12PM



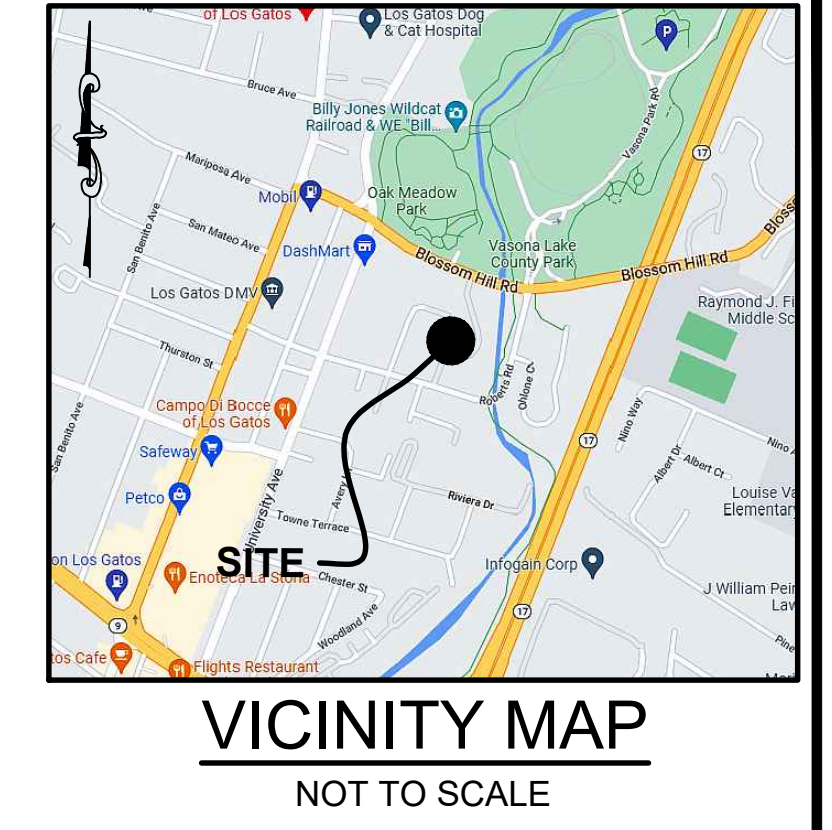
DEC 21 @ 3PM

SHADOW STUDY

NOT TO SCALE

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LEGEND	EXISTING	PROPOSED
PROPERTY LINE	---	---
ADJACENT PROPERTY LINE	---	---
STREET CENTER LINE	---	---
BUILDING SETBACK LINES	---	---
EASEMENT	---	---
ROAD/PAVEMENT	---	---
CURB	---	---
CURB AND GUTTER	---	---
CONCRETE	---	---
CONTOUR MAJOR	530	530
CONTOUR MINOR	534	534
BLOCK RETAINING WALL	---	---
ROCK RETAINING WALL	---	---
DRIVEWAY	---	---
BUILDING	---	---
AC BERM	---	---
SANITARY SEWER LINE	SS	SS
ELECTRIC LINE	E	E
GAS LINE	G	G
JOINT TRENCH	JT	JT
STORM DRAIN LINE	---	---
WATER LINE	W	W
OVERHEAD WIRE	OH	OH
EARTHEN SWALE	---	---



TENTATIVE MAP
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

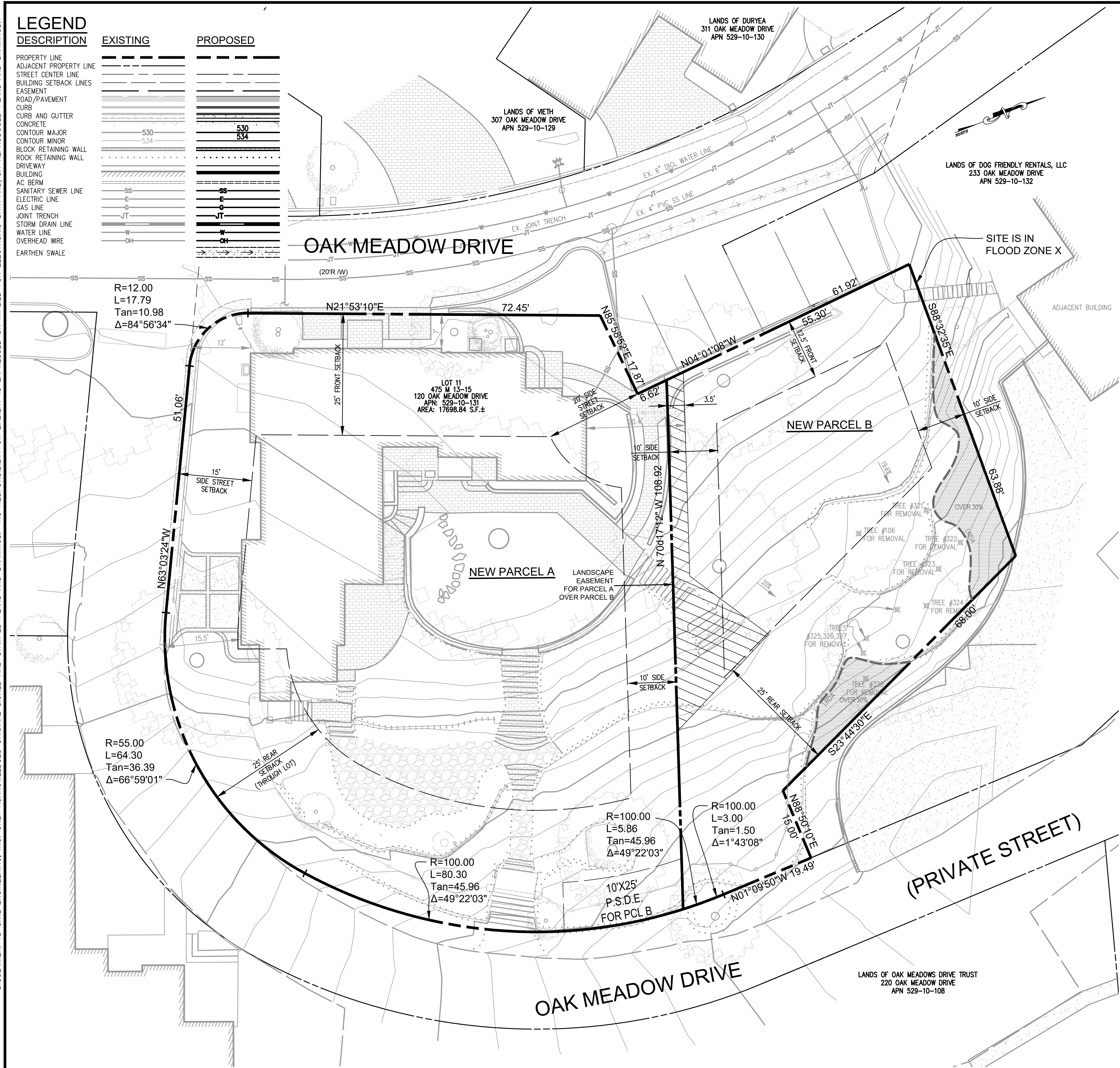
LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

NO.	DATE	BY	REVISIONS
6	8-17-23		
5			
4			
3			
2			
1			

DATE: 8-17-23
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO.
C-1
 OF 4 SHEETS
 JOB NO.
20-207

TS CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 PH: 408.452.9300
 FAX: 408.837.7550
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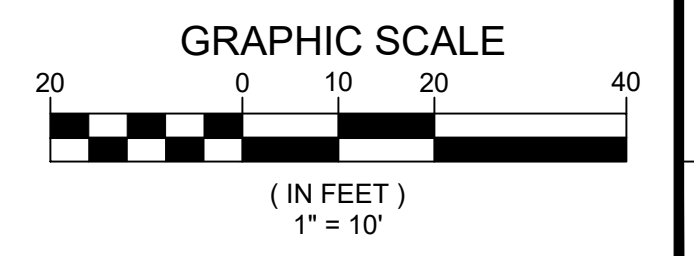
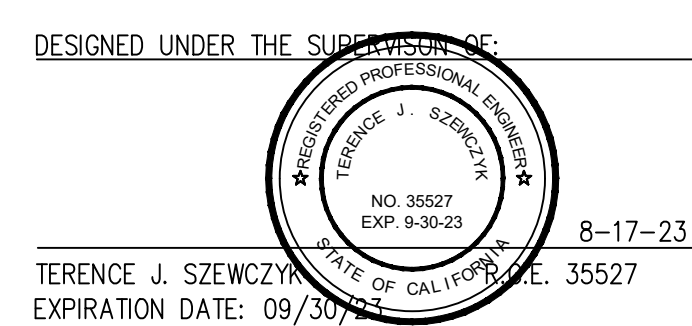


PROJECT DATA

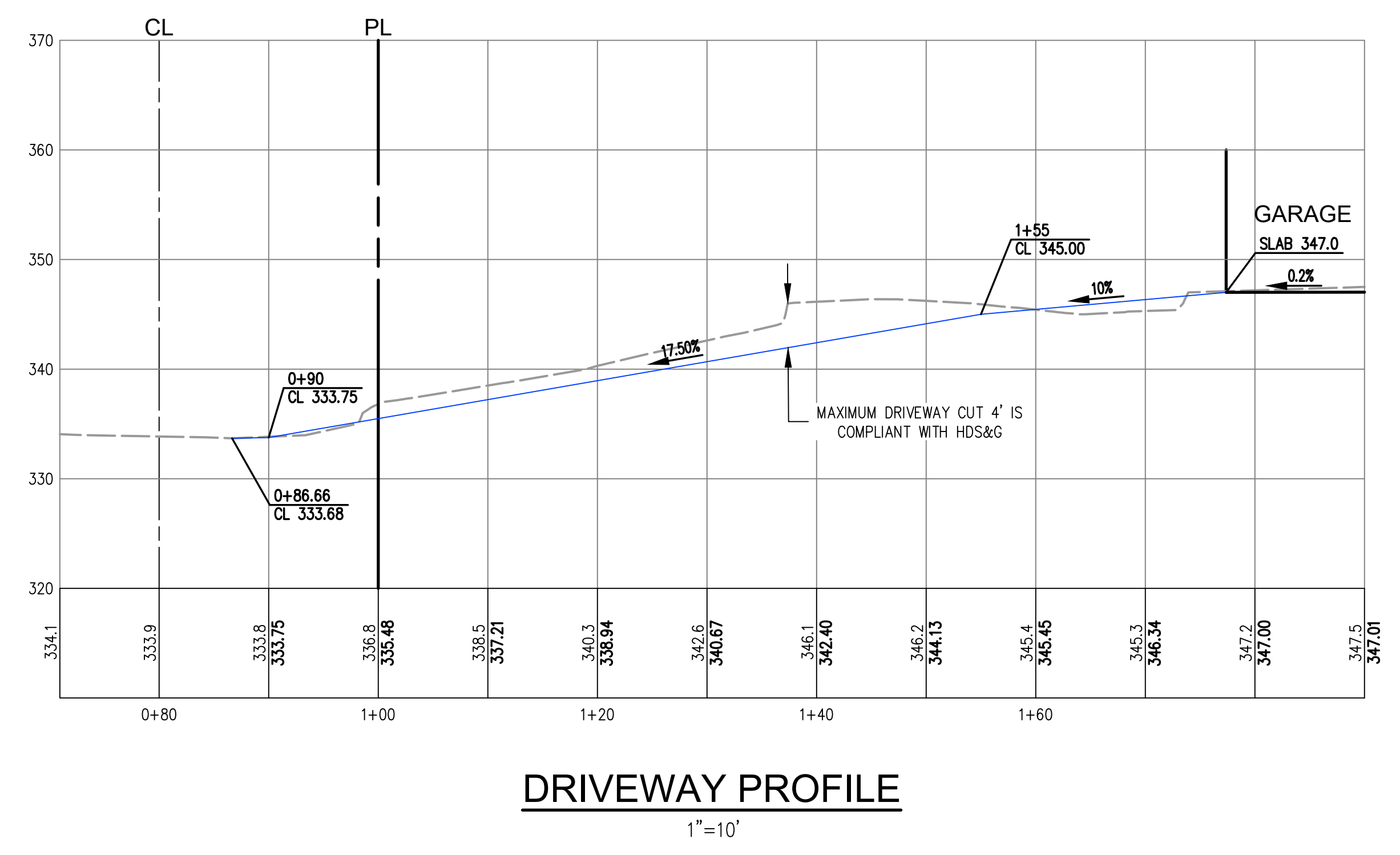
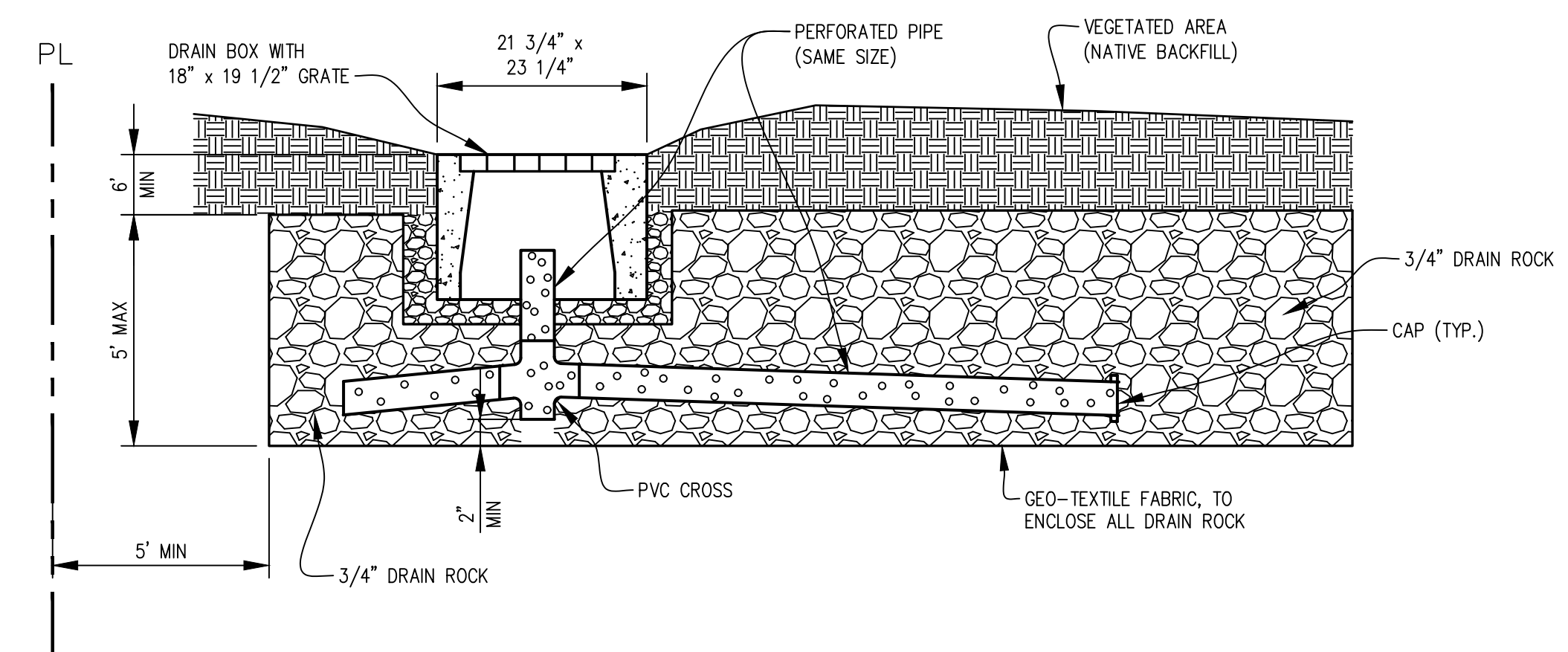
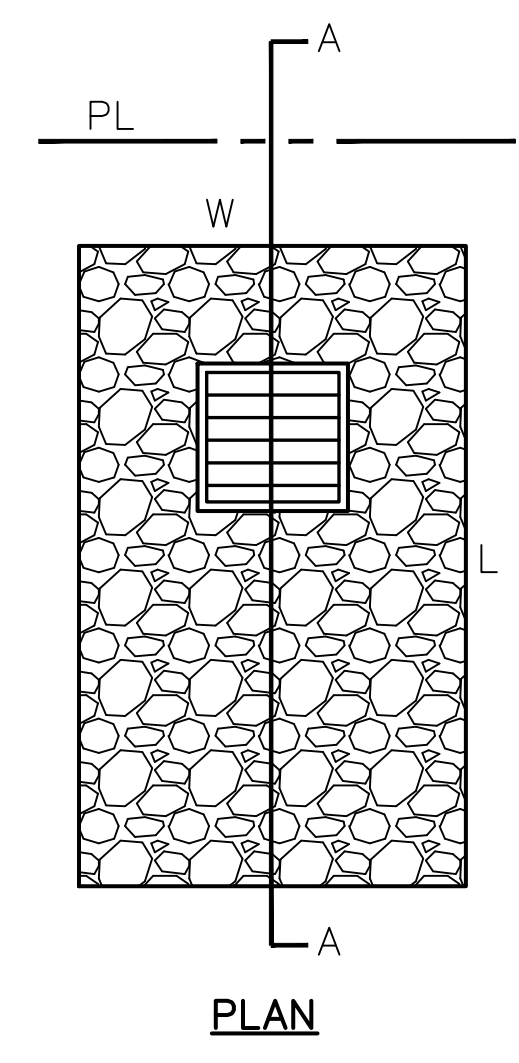
TRACT NAME: MCFARLAND FAMILY LOT SPIT
 GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
 ZONING DESIGNATION: O-PD (OFFICE W/ PLANNED DEVELOPMENT OVERLAY)
 APPLICABLE PLANS AND STANDARDS: O-PD ZONING ORDINANCE NO. 1412 RESIDENTIAL DESIGN GUIDELINES LOT OVER 10% HILLSIDE STANDARDS FOR LRDA, GRADING DRAINAGE, DRIVEWAYS & PARKING, GEOLOGIC SAFETY & RETAINING WALLS
 PARCEL SIZE: 17,699 SF (0.41 ACRES)
 LEGAL DESCRIPTION: TRACT 6737- REGENCY COURT; LOT 11 BOOK 475 MAPS 13-15
 APN: 529-10-131
 AVERAGE SLOPE: PARCEL A: S= 11%
 PARCEL B: S= 18%
 EXISTING RESIDENCE: 3,621 SF
 EXISTING GARAGE: 520 SF
 NEW PARCEL A: 11,906 SF (0.273 AC)
 NEW PARCEL B: 5,793 SF (0.133 AC)
 NEW RESIDENCE: APPROX. 1,946 SF
 CIVIL ENGINEER: TERENCE J. SZEWczyk
 TS/CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 (408) 452-9300 EXT 220
 PROPERTY OWNERS: MARTY AND PENNY MCFARLAND
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 PROPOSED LOTS: 2
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 WATER SUPPLY: SAN JOSE WATER CO.
 SEWAGE DISPOSAL: WEST VALLEY SANITARY DISTRICT
 TELEPHONE: AT&T
 GAS & ELECTRIC: PG&E
 CABLE TV: FRONTIER CABLE
 FEMA Flood Zone: X (100%)

	EXISTING PARCEL	PROPOSED PARCEL A	PROPOSED PARCEL B
ZONING	O-PD	O-PD	O-PD
REQUIRED LOT AREA	8,000 SF	8,000 SF	8,000 SF
GROSS LOT AREA	17,699 SF	11,906 SF	5,793 SF *
AVERAGE SLOPE	15.1%	11.0%	18.0%
NET LOT AREA	14,159 SF	10,477 SF	4,287 SF
MAX. LOT COVERAGE (40%)	7,080 SF	4,762 SF	2,317 SF
(P) LOT COVERAGE	4,800 SF	4,800 SF	2,470 SF *
MAX. FAR/FLOOR AREA	3,972 SF	0.31 3,248 SF RESIDENCE 891 SF GARAGE	0.36 1,543 SF RESIDENCE 400 SF GARAGE
(P) FAR/FLOOR AREA	0.20 3,621 SF RESIDENCE 520 SF GARAGE	0.346 3,621 SF RESIDENCE * 520 SF GARAGE	0.37 1,946 SF RESIDENCE * 467 SF GARAGE *
SETBACKS (THROUGH LOT, 0 ZONE)			
FRONT (25FT)	7	7	7.25 *
REAR (25FT)	30	30	7 *
SIDE (10FT)	>30	20.4	3 *
STREET SIDE (15FT)	12	15.5	N/A

* INDICATES A DEVIATION FROM THE UNDERLYING OFFICE ZONING REGULATIONS AND WOULD BE IDENTIFIED AS SPECIFIC PERFORMANCE STANDARDS IN ANY REVISED PD ORDINANCE.

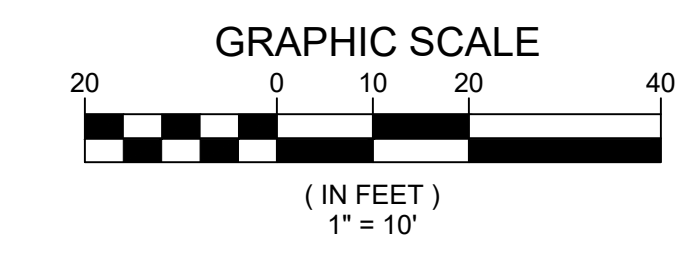


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 TERENCE J. SZCWCYN
 EXPIRATION DATE: 09/30/23



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 FAX: 408.837.7550

LANDS OF MCFARLAND
 120 OAK MEADOW DRIVE
 MINOR SUBDIVISION AND
 PD ZONING AMENDMENT

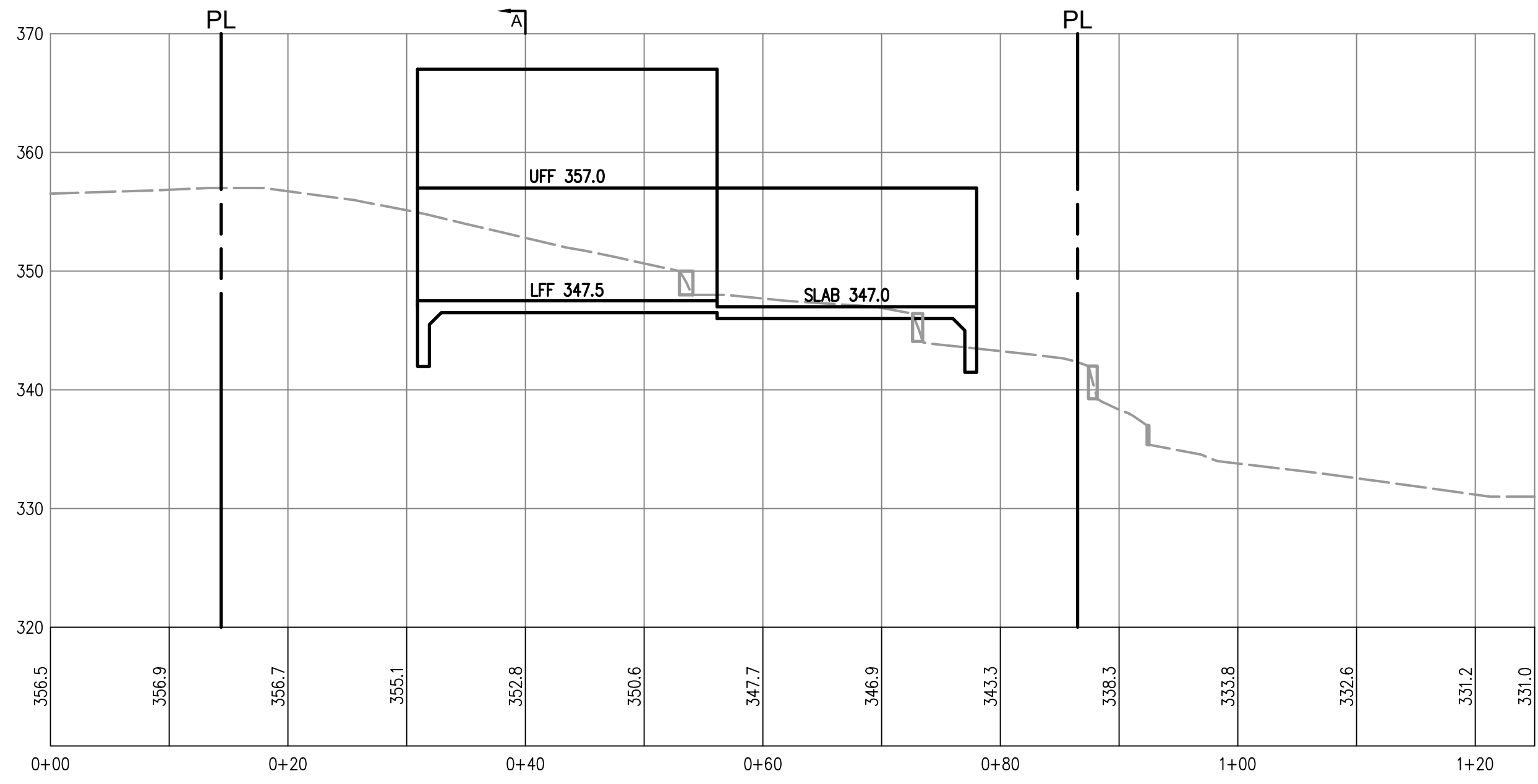
DRIVEWAY PROFILE
 120 OAK MEADOW DRIVE
 LOS GATOS, CA 95032
 APN 529-10-131

NO.	DATE	REVISIONS	BY
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5			
4			
3			
2			
1			

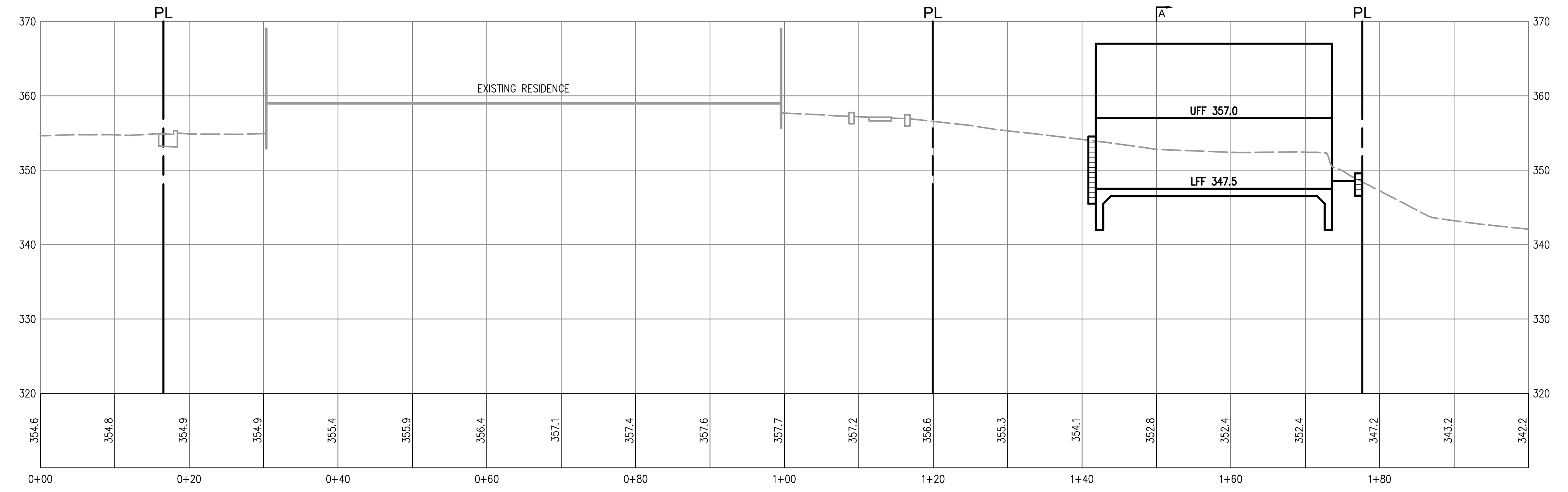
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 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO.
C-3
 OF 4 SHEETS
 JOB NO.
 20-207

08/17/2023 3:31pm - P:\CAD HERO\1047-TS CIVIL ENGINEERING\PROJECT\20-207-mcfarland-120-oak-meadows-drive\DWG\20-207-C3 DRIVEWAY PROFILE.dwg - C3

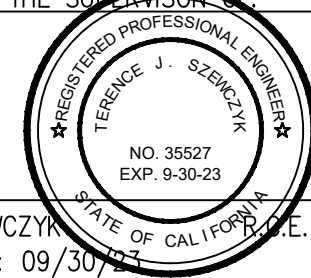
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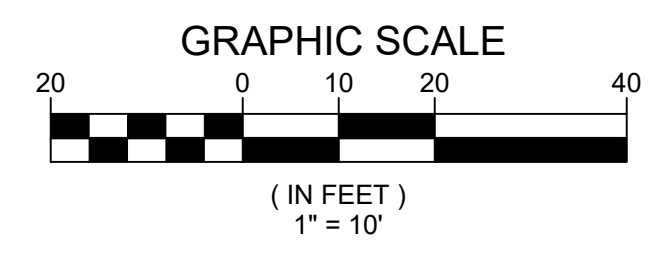


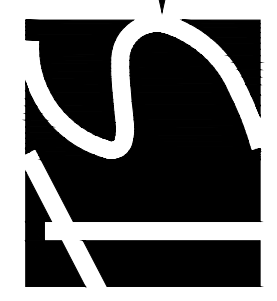
SECTION A-A
1"=10'



SECTION B-B
1"=10'

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 TERENCE J. SZCWCYNY
 EXPIRATION DATE: 09/30/23



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LANDS OF MCFARLAND 120 OAK MEADOW DRIVE MINOR SUBDIVISION AND PD ZONING AMENDMENT																																						
SITE CROSS SECTIONS 120 OAK MEADOW DRIVE LOS GATOS, CA 95032 APN 529-10-131																																						
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A P P E A R A N C E S:

Los Gatos Planning Commissioners:
Emily Thomas, Vice Chair
Jeffrey Barnett
Susan Burnett
Melanie Hanssen

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin
(619) 541-3405

P R O C E E D I N G S :

1
2
3 VICE CHAIR THOMAS: We will now move to the
4 public hearing portion. The first item on our Public
5 Hearings agenda is Item 3, which is requesting approval for
6 modification of Planned Development Ordinance 1412,
7 subdivision of one lot into two lots, construction of a
8 single-family residence, and site work requiring a Grading
9 Permit on property zoned O:PD. Located at 120 Oak Meadow
10 Drive, APN 529-10-131, Subdivision Application M-20-011,
11 Planned Development Application PD-20-002, Architecture and
12 Site Application S-22-021. Categorically exempt pursuant to
13 CEQA Guidelines Section 15315: Minor Land Divisions, 15303:
14 New Construction, and 15304: Minor Alterations to Land.
15 Property owner: Marty and Penny McFarland. Applicants:
16 Terence J Szewczyk (M-20-011 and PD-20-002) and Jay Plett,
17 Architect (S-22-021). Project Planner is Mr. Mullin.

18
19 First, by a show of hands, Commissioners, can I
20 see all those who have visited the property? Are there any
21 disclosures? Seeing none, Mr. Mullin, will you be giving
22 the Staff Report tonight?

23 SEAN MULLIN: Yes, thank you, Vice Chair, and
24 good evening.

25

1 The request before you this evening is for
2 modification to an existing Planned Development Overlay
3 Zone that would allow subdivision of one lot into two lots
4 and construction of a new single-family residence.

5 On January 24th of this year the Planning
6 Commission received the Staff Report, Applicant's
7 presentation, and public comments. Included in the public
8 comments was testimony from a neighbor and a board member
9 of the Regency Court HOA who indicated that the HOA
10 maintained architectural control over the subject property
11 and that this architectural review had not taken place.
12 After discussing the matter, the Commission voted to
13 continue consideration of this item to a date uncertain to
14 allow the Applicant sufficient time to complete
15 coordination with the HOA.
16

17 Following the July meeting the Applicant and the
18 HOA met and reached agreement on the project as provided in
19 the letters attached to your Staff Report. The HOA's
20 approval of the project included several conditions
21 enforceable by the HOA, including requiring the second-
22 story windows on the west elevation to utilize obscured
23 glass; restricting the current and future owners from
24 removing or modifying the existing brick wall along the
25 west property line, and that this wall is to be extended to

1 the north using the same vertical siding as is included on
2 the proposed second story of the residence; and several
3 conditions related to construction activities, garbage
4 collection, access, road maintenance, and costs related to
5 updating the CC&Rs are also included.

6 The Applicant has agreed to these conditions and
7 provided revised plans responding to the conditions. Noted
8 in the revised plans are some of the physical changes to
9 the residence, obscured glass on the second story, and
10 notes regarding access and extending the wall.

12 To refresh the Commission on the proposal for
13 your consideration, the Applicant is requesting approval to
14 modify PD Ordinance 1412 to allow subdivision of the
15 subject property into two lots, and the construction of a
16 new two-story single-family residence. Parcel A would
17 include the existing residence, and Parcel B would be
18 developed with a new residence.

19 The requested modifications to the PD include
20 performance standards affecting both parcels to allow
21 deviations from the underlying Office zone requirements,
22 and applicable sections of the Hillside Development
23 Standards and Guidelines as detailed in the July 24th Staff
24 Report.
25

1 If the Commission finds merit with the proposed
2 project, Staff recommends taking the actions included on
3 page 4 and 5 of tonight's Staff Report, and to forward the
4 PD, Subdivision, and Architecture and Site Applications to
5 the Town Council with a recommendation of approval.

6 This concludes Staff's presentation and we are
7 available to answer any questions.

8 VICE CHAIR THOMAS: Thank you. Do any
9 Commissioners have questions for Staff at this point? Yes,
10 Commissioner Hanssen.

11 COMMISSIONER HANSSEN: It was mentioned in the
12 Staff Report that the conditions that came from the HOA
13 were included as Conditions of Approval that would be
14 monitored by the Town, and if I recall correctly from our
15 last meeting I think our Town Attorney had said that the
16 Town has no authority over a matter that relates to HOAs,
17 although I guess you can consider this like a neighborhood
18 compatibility issue. My question is, is it legally
19 appropriate to have those as Conditions of Approval?
20

21 ATTORNEY WHELAN: Good question. The only
22 elements that have been incorporated into the planning
23 approval are the physical changes. There is information in
24 the packet that talks about the property owner promising to
25 pay the HOA for the cost of amending the CC&R agreement,

1 and that agreement has not been included in the approval
2 that is before the Planning Commission, so only the
3 physical changes to the structure are reflected in what the
4 Planning Commission is being asked to approve.

5 COMMISSIONER HANSSEN: Are the conditions clearly
6 objective in that if our Town Staff said that it was
7 completed and the HOA did not.

8 ATTORNEY WHELAN: I think there are physical
9 things that can easily be verified, but I'll defer to Mr.
10 Mullin.
11

12 SEAN MULLIN: Thank you. If we walk through the
13 conditions—which I will do, because trying to keep things
14 moving this evening—you'd notice that the building has been
15 updated to note that there is obscured glass. There are
16 some notes on here about extending the wall. These are the
17 physical changes to the property. There are also noted on
18 here about construction access and future access, access
19 restrictions on one of the property lines, and garbage
20 collection. Those types of things are noted on the plans
21 and any approval of the project tonight would carry those,
22 because the Applicant has included those with their plans.
23

24 The conditions of the HOA that Staff could
25 recommend not including have to do with the private party
agreement, such as cost sharing or cost responsibility for

1 updating the CC&Rs; that's not something that the Town
2 would historically get involved in.

3 COMMISSIONER HANSSEN: Okay, thank you.

4 VICE CHAIR THOMAS: Are there any additional
5 questions for Staff? Seeing none, I will now open the floor
6 to public comment. First, would the Applicant like to
7 provide an opening statement to be five minutes?

8 JAY PLETT: Good evening, Commission Members. Jay
9 Plett Architecture, 16 Linden Avenue.

10 We believe that the project has been very well
11 designed through much time with the Planning Department and
12 Fire Department. It respects the native trees and mature
13 oaks that are there. As a matter of fact, the house was
14 intentionally designed around the trees and their
15 preservation.

16 Marty McFarland and I met with the HOA members in
17 my office and came to the agreement of the debris fence and
18 the obscured window, and they were fine. We resubmitted our
19 plans to them and they consented that they agreed with
20 these changes, and they submitted an email to Mr. Mullin to
21 that effect.

22 VICE CHAIR THOMAS: Thank you. Would anyone else
23 from your team like to speak tonight?
24
25

1 DIRECTOR PAULSON: Mr. Szewczyk has his hand
2 raised, Jay, so I don't know if he wants to speak as well,
3 but I'm going to allow him to speak. Mr. Szewczyk, if you
4 have anything additional, go ahead and speak.

5 TERENCE SZEWCZYK: No, I don't. Thank you.

6 VICE CHAIR THOMAS: Thank you. Before you leave,
7 are there any questions for the Applicant? Okay, thank you.

8 Is there anyone from the public wishing to speak
9 on this item, or anyone on Zoom? I don't have any cards.

10 DIRECTOR PAULSON: No one with their hand raised
11 on Zoom.

12 VICE CHAIR THOMAS: So, are we still sure that
13 there are no questions for the Applicant? You have another
14 three minutes if you need to say anything else. You're
15 good? Okay. Are there any questions for the Applicant at
16 this point before I close the public portion? Okay.

17 I will now close the public comment portion and
18 look for discussion or a motion from the Commission.
19 Commissioner Burnett.

20 COMMISSIONER BURNETT: Yes, after reviewing the
21 information given to us from Staff and the response from
22 the architect, homeowners, and developers, it seems that
23 the request that the suggestions we had at the last
24 Planning Commission meeting were met, and that with the
25

1 architect's letter description of what will be followed up
2 on and carried through on the project, it seems that all
3 the questions we had regarding the project were answered.
4 From my perspective, I think that you met all the requests
5 that we had and so I feel that I would vote for moving
6 forward and approving your application.

7 VICE CHAIR THOMAS: Commissioner Barnett.

8 COMMISSIONER BARNETT: I just wanted to point out
9 that although the physical requirements by the HOA had
10 (inaudible) amended plans that there is the intention to
11 have a CC&R amendment so that the CC&Rs apply to the newly
12 created lot, and that that issue is apparently not going to
13 be decided tonight as part of the approval. I think that's
14 okay, but it troubles me a little bit, for example, if the
15 CC&R amendment were not approved, what would happen then?
16 Unlikely, perhaps, but possible.

17
18 ATTORNEY WHELAN: Alternatively, the Commission
19 could continue this item until the CC&Rs have been amended.

20 DIRECTOR PAULSON: I'll just offer from a
21 historical perspective, the Planning Commission never sees
22 CC&Rs, which are handled after the approval is done, so
23 those modifications would also be handled by Staff; they
24 wouldn't come back before a deciding body.

25 COMMISSIONER BARNETT: Thank you for that.

LOS GATOS PLANNING COMMISSION 12/11/2024,
Item #3, 120 Oak Meadow Drive

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VICE CHAIR THOMAS: Commissioner Hanssen.

COMMISSIONER HANSSEN: If I recall from the last meeting, we had reviewed the elements in the requested variances that would be required from our code to make this Planned Development Ordinance a reality, and that the only issue was the HOA coming up at the last minute and saying we have... And even though we aren't accountable to the HOA as a body, being the Town, they seem to have met the requirement. They met with them and they have an agreement, so I think we could move forward. And as Staff pointed out, we would have no jurisdiction over those private agreements anyway, so that, like I was saying earlier, I think the obscured window and the fence are planning issues, so I'm comfortable with this application.

VICE CHAIR THOMAS: Thank you. Commissioner Barnett.

COMMISSIONER BARNETT: I have a proposed motion, if the Vice Chair agrees. I'll do my best to present that.

I move to recommend approval by the Town Council of the application requesting approval for modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a new two-story single-family residences, and site work requiring a Grading Permit on property zoned O:PD located at 120 Oak Meadow Drive, APN

1 529-10-131, Subdivision Application M-20-11, Planned
2 Development Application PD-20-002, and Architecture and
3 Site Application S-22-021. Categorically exempt pursuant to
4 CEQA Guidelines 15315, Minor Land Divisions, and New
5 Construction in 15304 as well.

6 I can make each of the findings as set forth in
7 pages 3 and 4 of the Staff Report, which are pages 97-98 of
8 the package, including the revised development plans
9 included in Exhibit 21 and the approvals included in
10 Exhibit 4. I think that's it, unless Staff has proposed
11 additions.
12

13 VICE CHAIR THOMAS: Do I have a second?
14 Commissioner Hanssen.

15 COMMISSIONER HANSSSEN: I second the motion.

16 VICE CHAIR THOMAS: Any discussion? Seeing none,
17 by a show of hands, all those in favor of the motion,
18 please raise your hands. It passes unanimously, 4-0. Thank
19 you.

20 Staff, are there any appeal rights, or no,
21 because this is just a recommendation to Council?

22 SEAN MULLIN: Since this is a recommendation,
23 there are no appeal rights.
24

25 VICE CHAIR THOMAS: Thank you.

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 15

ITEM NO. 15.

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements, Pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment. Town Code Amendment Application A-24-008. **Project Location: Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," of the Town Code to Amend Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements.

RECOMMENDATION:

Introduce an ordinance (Attachment 5) amending Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements, pursuant to Implementation Program AQ of the 2023-2031 Housing Element.

BACKGROUND:

Implementation Program AQ of the Housing Element requires amendments to Chapter 29 (Zoning Regulations) of the Town Code to comply with state law and to ensure that there are adequate sites available to accommodate the identified sites in the Sites Inventory (Attachment 3). The proposed amendments, as specified in Implementation Program AQ, include:

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

PAGE 2 OF 4

SUBJECT: Zoning Code Amendments, Implementation Program AQ

DATE: January 16, 2025

1. Amend the Zoning Code to include a Housing Element Overlay Zone (HEOZ) to apply to the sites included in the Site Inventory to modify the development standards (i.e., density, lot coverage, FAR, height) on those sites. The Town will commit to monitoring and evaluating the HEOZ development standards and complete the first evaluation of said standards by December 2026 and then annually thereafter, including outreach to the development community, and making adjustments as necessary. If it is determined that adjustments are needed, they will be completed within six months of the annual evaluation. The amended HEOZ Ordinance is projected to be adopted by the Town Council in March of 2024.
2. Clarify the text of the non-residential zones regarding housing.
3. Rezone the Caltrans Right-of-Way Site E3 from R:1:8 to R-M. Take additional steps to make the site available for residential development, including decertification, by the end of 2026. If by 2027 the site has not progressed to be available for residential development in the planning period, identify and add additional sites, if necessary, by 2028.
4. Amend the Accessory Dwelling Unit Ordinance (ADU).
5. Amend the Density Bonus Ordinance.
6. Amend the Architecture and Site considerations for a multi-family and mixed-use project to make them objective and provide certainty in outcomes.
7. Amend the Architecture and Site findings for a multi-family and mixed-use project to make them objective and provide certainty in the outcomes of the application review. Specifically, address Finding (4) relating to site layout and Finding (6) relating to the exterior architectural design of buildings and structures. These findings can be considered subjective and open to interpretation.
8. Amend the Conditional Use Permit findings for a multi-family and mixed-use project to make them objective and provide certainty in the outcomes of the application review. Specifically, address Finding (1) relating to the use of the property as desirable to the public convenience and Finding (2) relating to the integrity and character of the zone. These findings can be considered subjective and open to interpretation.
9. Amend the Zoning Code to clarify that the Town will comply with Section 65852.3 of the Government Code to allow the installation of manufactured homes.
10. Amend the Zoning Code to align the private open space and the community recreation space requirements for a multi-family and condominium project with the Objective Design Standards.
11. Amend the Zoning Code to align parking requirements for a multi-family and condominium project with the preparation of the Objective Design Standards.

DISCUSSION:

Items #1, #3, and #4 of Implementation Program AQ have been completed as they were all introduced by the Town Council on November 7, 2023, and adopted on November 21, 2023. In October of 2024, the Governor signed additional housing bills regarding ADU and Junior ADU regulations that went into effect on January 1, 2025. As a result, further amendments to the Town's ADU Ordinance (Item #4) are expected to be considered by the Planning Commission with a recommendation to the Town Council in early 2025.

PAGE 3 OF 4

SUBJECT: Zoning Code Amendments, Implementation Program AQ

DATE: January 16, 2025

Item #2 will be addressed through Implementation AB and is tentatively expected to be considered by the Planning Commission with a recommendation to the Town Council in 2025.

Item #5, a Zoning Code amendment to amend the Density Bonus Ordinance was introduced by the Town Council on December 3, 2024, and adopted on December 17, 2024.

Item #11 was erroneously included in Program AQ as the Town's Objective Design Standards does not contain parking requirements for multi-family and condominium projects. Reductions in parking standards required through Implementation Program AA of the 2023-2031 Housing Element will be considered in a separate Zoning Code amendment item on tonight's Town Council agenda.

Items #2 and #4 through #11 of Implementation Program AQ require amendments to Chapter 29 (Zoning Regulations) of the Town Code that are effective townwide and are not limited to the Sites Inventory of the 2023-2031 Housing Element.

Below is a summary of the amendments to Chapter 29 (Zoning Regulations) of the Town Code for the Town Council's consideration as required by Implementation Program AQ (Attachment 3):

- Modify the Architecture and Site findings to make them objective, specifically, Finding (4) relating to the site layout and Finding (6) related to the architectural design of the building (29.20.150, Items #6 and #7);
- Modify the Conditional Use Permit findings to make them objective, specifically, Finding (1) relating to the desirableness of the project to the public convenience or welfare and Finding (2) related to the integrity and character of the zone (29.20.190, Item #8);
- Modify the definition of a dwelling, single-family, by adding that the definition also includes manufactured homes pursuant to Section 65852.3 of the Government Code (29.10.020, Item #9); and
- Modify the private open space and community recreation open space requirements for a multi-family and condominium project to align with the Objective Design Standards (29.10.065 and 29.40.660, Item #10).

On December 10, 2024, the Planning Commission unanimously voted to recommend to the Town Council approval of the amendments to Chapter 29 (Zoning Regulations) (Attachments 1 and 2).

CONCLUSION:

If the Town Council introduces the proposed ordinance, it (Attachment 5) will be placed on the February 4, 2025, Town Council agenda for adoption and the ordinance will take effect 30 days after adoption.

PAGE 4 OF 4

SUBJECT: Zoning Code Amendments, Implementation Program AQ

DATE: January 16, 2025

COORDINATION:

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

FISCAL IMPACT:

Adoption of this ordinance does not impact the Town's budget and is required under Program AQ of the 2023-2031 Housing Element.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not significantly affect the physical environment in that it will make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

Attachments:

1. December 11, 2024, Planning Commission Staff Report, with Exhibits 1 through 2
2. December 11, 2024, Planning Commission Verbatim Minutes
3. Implementation Program AQ
4. Redline Town Code
5. Draft Ordinance



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/11/2024

ITEM NO: 5

ITEM NO. 15.

DATE: December 6, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements, Pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that it Will not Impact the Environment. Town Code Amendment Application A-24-008.
Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements, pursuant to Implementation Program AQ of the 2023-2031 Housing Element.

CEQA:

The proposed amendments are exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

PAGE 2 of 5

SUBJECT: Zoning Code Amendments, Implementation Program AQ/A-24-008

DATE: December 6, 2024

FINDINGS:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

Implementation Program AQ of the Housing Element requires amendments to Chapter 29 (Zoning Regulations) of the Town Code to comply with state law and to ensure that there are adequate sites available to accommodate the identified sites in the Sites Inventory. The proposed amendments include:

1. Amend the Zoning Code to include a Housing Element Overlay Zone (HEOZ) to apply to the sites included in the Site Inventory to modify the development standards (i.e., density, lot coverage, FAR, height) on those sites. The Town will commit to monitoring and evaluating the HEOZ development standards and complete first evaluation of said standards by December 2026 and then annually thereafter, including outreach with the development community, and making adjustments as necessary. If it is determined that adjustments are needed, they will be completed within six months of the annual evaluation. The amended HEOZ Ordinance is projected to be adopted by the Town Council in March of 2024.
2. Clarify the text of the non-residential zones regarding housing.
3. Rezone the Caltrans Right-of-Way Site E3 from R:1:8 to R-M. Take additional steps to make the site available for residential development, including decertification, by the end of 2026. If by 2027 the site has not progressed to be available for residential development in the planning period, identify and add additional sites, if necessary, by 2028.
4. Amend the Accessory Dwelling Unit Ordinance (ADU).
5. Amend the Density Bonus Ordinance.
6. Amend the Architecture and Site considerations for a multi-family and mixed-use project to make them objective and provide certainty in outcomes.
7. Amend the Architecture and Site findings for a multi-family and mixed-use project to make them objective and provide certainty in outcomes of the application review. Specifically, address Finding (4) relating to site layout and Finding (6) relating to the exterior architectural design of buildings and structures. These findings can be considered subjective and open to interpretation.
8. Amend the Conditional Use Permit findings for a multi-family and mixed-use project to make them objective and provide certainty in outcomes of the application review. Specifically, address Finding (1) relating to use of the property as desirable to the public convenience and Finding (2) relating to the integrity and character of the zone. These findings can be considered subjective and open to interpretation.
9. Amend the Zoning Code to clarify that the Town will comply with Section 65852.3 of the Government Code to allow the installation of manufactured homes.

PAGE 3 of 5

SUBJECT: Zoning Code Amendments, Implementation Program AQ/A-24-008

DATE: December 6, 2024

10. Amend the Zoning Code to align the private open space and the community recreation space requirements for a multi-family and condominium project with the Objective Design Standards.
11. Amend the Zoning Code to align parking requirements for a multi-family and condominium project with the preparation of the Objective Design Standards.

DISCUSSION:

Items #1, #3, and #4 of Implementation Program AQ have been completed as they were all introduced by the Town Council on November 7, 2023, and adopted on November 21, 2023. In October of 2024, the Governor signed additional housing bills regarding ADUs and Junior ADU regulations that will take effect on January 1, 2025. As a result, further amendments to the Town's ADU Ordinance (Item #4) is expected to be considered by the Planning Commission in early 2025.

Item #2 will be addressed through Implementation AB and is tentatively expected to be considered by the Planning Commission in early 2025.

Item #5, a Zoning Code amendment was introduced by the Town Council on December 3, 2024.

Item #11 was inadvertently included in Program AQ as the Town's Objective Design Standards does not contain parking requirements for multi-family and condominium projects. Reductions in parking standards required through Implementation Program AA of the 2023-2031 Housing Element will be considered in a separate Zoning Code amendment item on tonight's Planning Commission agenda.

Below is a summary of the amendments to Chapter 29 (Zoning Regulations) of the Town Code as required by Implementation Program AQ (Exhibit 2):

- Modify the Architecture and Site findings to make them objective, specifically, Finding (4) relating to the site layout and Finding (6) related to architectural design of the building [29.20.150, Items #6 and #7];
- Modify the Conditional Use Permit findings to make them objective, specifically, Finding (1) relating to the desirableness of the project to the public convenience or welfare and Finding (2) related to the integrity and character of the zone [29.20.190, Item #8];
- Modify the definition of a dwelling, single-family by adding that the definition also includes manufactured homes pursuant to Section 65852.3 of the Government Code [29.10.020, Item #9]; and
- Modify the private open space and community recreation open space requirements for a multi-family and condominium project to align with the Objective Design Standards [29.10.065 and 29.40.660, Item #10].

PAGE 4 of 5

SUBJECT: Zoning Code Amendments, Implementation Program AQ/A-24-008

DATE: December 6, 2024

CEQA DETERMINATION:

The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

CONCLUSION:

A. Summary

The Draft Ordinance aligns the Town's regulations with State law and responds to Implementation Program AQ of the 2023-2031 Housing Element.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the Draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments to the Town Code are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance with modifications; or
2. Continue the matter to a date certain with specific direction.

PAGE 5 of 5

SUBJECT: Zoning Code Amendments, Implementation Program AQ/A-24-008

DATE: December 6, 2024

ITEM NO. 15.

COORDINATION:

This report was coordinated with the Town Attorney's office.

EXHIBITS:

1. Required Findings
2. Draft Ordinance

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PLANNING COMMISSION – December 11, 2024
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-24-008

Forward a Recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Considerations for an Architecture and Site Application, Findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space Requirements, Pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that it Will not Impact the Environment. Town Code Amendment Application A-24-008. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements are consistent with the General Plan.

EXHIBIT 1

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Sec. 29.10.020. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

...

Dwelling, single-family means a detached building containing but one (1) kitchen and designed and used to house not more than one (1) family, including domestic employees of such family ~~– and manufactured homes pursuant to Section 65852.3 of the Government Code.~~

...

Sec. 29.10.065. Recreational open space for residential condominiums.

The following standards apply to all residential condominiums in all zones. Higher standards may be imposed during the zoning approval process when the welfare of the occupants requires.

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of ~~two hundred one hundred and twenty (200 120)~~ square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have ~~one hundred twenty sixty (120 60)~~ square feet of outdoor usable open space in the form of a balcony. ~~Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions.~~ For purposes of this section, a multiple floor unit with the lower floor on the ground level ~~can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony, is treated as a ground floor unit. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. The minimum horizontal dimension for a patio is ten (10) feet and for a balcony is six (6) feet.~~ Private open space shall be suitably screened for privacy of the occupant. Location and screening is subject to review by the deciding body.
- (2) *Community recreation space.* ~~The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature. In addition to the private open space required by part (1), there shall be a total community recreation area of at least one hundred (100) square feet for each dwelling unit. This area is in addition to that required for yards. The deciding body shall determine whether the location and amount of community recreation space and facilities provided are appropriate for the anticipated residents of the project.~~
- i. ~~Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.~~
 - ii. ~~Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.~~
 - iii. ~~A project with four or fewer residential units is exempt from community recreation space requirements.~~

...

Sec. 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

...

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the ~~character of the~~ neighborhood; and the appearance ~~and harmony~~ of the buildings with adjacent development. Buildings ~~shall should~~ strengthen the form of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

...

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape, and exterior construction and design of buildings and structures as such factors relate to the existing and future ~~character of the~~ neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings, and other details.

...

Sec. 29.20.190. Findings and decision.

- (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:
- (1) The proposed uses of the property are essential ~~or desirable~~ to the public convenience or welfare;
 - (2) The proposed uses will not impair the existing uses ~~integrity and character~~ of the zone;

...

Sec. 29.40.660. Recreational open space for multiple-family dwellings.

~~For multiple-family dwellings other than residential condominiums there shall be a total open space area of two hundred (200) square feet for each dwelling unit, usable for outdoor activities. This area is in addition to required yards, is a minimum requirement, shall be composed of private area, community areas or both, and may be in the form of balconies or decks, all as determined by the deciding body. Any areas intended to serve as private open space shall be screened for privacy of the occupant as required by the deciding body.~~

The following standards apply to multiple-family dwellings other than residential condominiums.

- (1) Private open space. Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provide each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible

from the residential unit. Private open space shall be suitably screened for privacy of the occupant. Location and screening is subject to review by the deciding body.

- (2) Community recreation space. The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
- i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or fewer residential units is exempt from community recreation space requirements.

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A P P E A R A N C E S:

Los Gatos Planning Commissioners:
Steve Raspe, Chair
Emily Thomas, Vice Chair
Jeffrey Barnett
Susan Burnett
Melanie Hanssen

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin
(619) 541-3405

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
Application, Conditional Use Permit, Manufactured
Housing, Private Open Space, Community Recreation Space

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P R O C E E D I N G S :

VICE CHAIR THOMAS: We will be moving on to Item 5 on our agenda, which is to forward a recommendation to the Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site Application, findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space requirements pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this ordinance is exempt pursuant to CEQA, Section 15601(b)(3), in that it can be seen with certainty that it will not impact the environment. Town Code Amendment Application A-24-008, and the project location is Town Wide.

Ms. Shoopman has the Staff Report, I believe.

JOCELYN SHOOPMAN: Yes, thank you. Good evening. Before the Planning Commission this evening for consideration is Implementation Program AQ of the Town's Housing Element, which requires various amendments to Chapter 29 of the Town Code. The draft ordinance with the proposed amendments can be viewed in Exhibit 2.

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5, Amendments to Town Code re: Architecture and Site Application, Conditional Use Permit, Manufactured Housing, Private Open Space, Community Recreation Space

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Program AQ includes 11 items, of which three have already been completed. One is pending adoption by the Town Council at their next meeting on December 17th, and two will be addressed through other implementation programs.

The draft ordinance before you this evening focuses on the remaining items, which include amendments to the considerations for an Architecture and Site Application with specific modifications to Findings 4 and 6, as direction by HCD; amendments to the findings for a Conditional Use Permit with specific modifications to Findings 1 and 2, as directed by HCD; an amendment to the definition of a single-family dwelling by adding that the definition also includes manufactured homes pursuant to Section 65852.3 of the Government Code; and lastly, amendments to the private open space and the community recreation space requirements for both a multi-family and condominium project to align them with the requirements provided in the Objective Design Standards.

In April, the Town will report completion of and progress made on this and other implementation programs to HCD to demonstrate compliance with the Town's certified Housing Element.

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 This concludes Staff's presentation, but I am
2 available for any questions.

3 VICE CHAIR THOMAS: Thank you, Ms. Shoopman. Do
4 any members of the Commission have questions for Staff
5 before we open for public comment? Yes, Commissioner
6 Burnett.

7 COMMISSIONER BURNETT: Yes, question for Staff.
8 So, again, is this only to the site inventory, these
9 amendments?
10

11 JOCELYN SHOOPMAN: No, these amendments are Town
12 wide; they're not limited to the sites inventory.

13 COMMISSIONER BURNETT: I see, and when it was
14 mentioned in the Staff Report that the amendments to
15 Chapter 29 of the Town Code are consistent with the General
16 Plan, I did not find that in the General Plan. Where are
17 these amendments in Chapter 29 consistent in the General
18 Plan?

19 DIRECTOR PAULSON: From Staff's perspective, they
20 are not in the General Plan, they are in the Zoning Code,
21 but the Zoning Code is consistent with the General Plan,
22 and so these modifications to existing findings from our
23 perspective are also in conformance with the General Plan.
24

25
LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 COMMISSIONER BURNETT: So, you're saying the
2 amendments to Chapter 29 of the Town Code are consistent
3 with the General Plan?

4 DIRECTOR PAULSON: Yes, because they have to be.
5 We don't have a choice. Every Zoning Code amendment has to
6 be consistent with the General Plan; it's a requirement of
7 State law.

8 COMMISSIONER BURNETT: But where in the General
9 Plan is this mentioned?

10 DIRECTOR PAULSON: It is not. The findings are
11 not mentioned in the General Plan. The Zoning Code is
12 implementing the General Plan, but they don't have the same
13 specific language or topics in an identical form across any
14 of a number of topics.

15 COMMISSIONER BURNETT: That's very interesting.
16 Thank you.

17 VICE CHAIR THOMAS: Commissioner Hanssen.

18 COMMISSIONER HANSSEN: I just have a clarifying
19 question for Staff. You mentioned the 11 items, and then
20 there is well not this one, but then one is going to be...
21 So, would it be correct to say—I'm on page 145 at the
22 bottom—those are the things that we need to forward a
23 recommendation on? I'm just trying to figure out a right
24
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 way to characterize the 11 items. Everything but one, two,
2 three, four, five. Do you see where I'm going? Help us to
3 figure out how to present this thing.

4 DIRECTOR PAULSON: The last item, the attachment,
5 I think it's probably Exhibit 2, contains the amendments,
6 that's what you're forwarding, so that only encompasses the
7 items that are specifically being addressed tonight. That's
8 the simplest way to make sure that you capture what we're
9 looking at, but if there are modifications as you go
10 through your discussion on the items before you this
11 evening, then again, as was done before, there could be
12 requested recommendations to the Town Council for
13 amendments or otherwise.

15 COMMISSIONER HANSSEN: So, another way to say
16 this then would be in Exhibit 2, anything that's in red is
17 what we are forwarding for recommendation versus trying to
18 extract it from the overall implementation program.

19 DIRECTOR PAULSON: That's correct.

20 COMMISSIONER HANSSEN: Okay, thank you.

21 VICE CHAIR THOMAS: Any other questions for
22 Staff? I will now open the public comment, and I don't have
23 any speaker cards. Are there any hands raised on Zoom for
24 Item 5?
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 DIRECTOR PAULSON: There is no one on Zoom.

2 VICE CHAIR THOMAS: Thank you. I will now close
3 the public comment period and open it up for discussion.
4 I'm looking for discussion, a motion from the Commission,
5 or additional questions for Staff. Commissioner Barnett.

6 COMMISSIONER BARNETT: I don't have any problem
7 with the language in the proposed amendments in Attachment
8 2 to the Staff Report, and I could make an effort at
9 providing a motion for consideration by the Planning
10 Commission.

11 VICE CHAIR THOMAS: Yes, but can I just clarify
12 something with Staff before you go ahead and make that
13 motion?
14

15 COMMISSIONER BARNETT: Please.

16 VICE CHAIR THOMAS: Thank you. If we forward this
17 recommendation as is to Town Council and it's adopted,
18 there is just one outstanding item that will be covered by
19 an overlap with a different implementation program?

20 JOCELYN SHOOPMAN: Yes, that's correct. There is
21 a component of Program AQ, which is talking about
22 nonresidential housing, and we are proposing to have that
23 addressed through a separate implementation program that
24 the Commission will be seeing in the springtime.
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 VICE CHAIR THOMAS: Great. So, that's the most
2 efficient way it sounds like for the Town to deal with
3 that, so that's lovely. Thank you.

4 Commissioner Barnett, if you would like to make
5 your motion. Oh, no, Commissioner Burnett has another
6 question.

7 COMMISSIONER BURNETT: Section 29.20.150,
8 Considerations in Review of Applications, we're looking at
9 #4, Consideration Relating to Site Layout. Removing some of
10 the verbiage there, I'm wondering why?
11

12 JOCELYN SHOOPMAN: Thank you for that question.
13 This is specific language that the Town received from the
14 HCD that we needed to remove.

15 COMMISSIONER BURNETT: Character of the
16 neighborhood? Is that because it's subjective, or they want
17 to have the objective?

18 JOCELYN SHOOPMAN: Yes. HCD provided these
19 strikeouts removing the subjective terms from the findings.

20 COMMISSIONER BURNETT: But if you look at the
21 description, it always goes back to the General Plan. If
22 you look at the description found over and over again, this
23 was the way our Town is described. It's not so much
24

25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 subjective, it's a description. So, why can't we leave that
2 kind of wording in? Harmony?

3 JOCELYN SHOOPMAN: Thanks for that question.
4 These are subjective terms that the Town was directed by
5 HCD to remove. If you look at Program AQ it makes reference
6 to providing more certainty in the outcomes, and so these
7 are subjective terms the HCD deemed should be removed as
8 they are not objective.

9 COMMISSIONER BURNETT: Okay, again, but we're
10 talking about Town wide now. It doesn't bother me if it's
11 for new projects and new sites, but now we're talking about
12 Town wide that we have to be removing these kinds of terms:
13 character, desirable.

14 DIRECTOR PAULSON: Yes, again, I know there has
15 been a lot of discussion in the past about the small-town
16 character and look and feel and all the subjective
17 language. That again, as Ms. Shoopman mentioned, is
18 specifically what was requested to be removed by the State
19 as our implementation program. So that's, again, why it's
20 before the Planning Commission.

21 COMMISSIONER BURNETT: But, again, I'm not trying
22 to be argumentative here, but we're only talking about our
23
24

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LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 Housing Element, which only pertains, as far as I can look
2 at it, as sites.

3 DIRECTOR PAULSON: No. I'll try to be clear. The
4 housing implementation programs do not apply only to the
5 housing sites. They apply to all housing in the entire
6 town, existing and proposed moving forward. A
7 misunderstanding, maybe, that you have is that the
8 implementation programs only apply to the site. They do
9 not. The sites are their own separate element of the
10 Housing Element, but these implementation programs apply
11 Town wide.
12

13 COMMISSIONER BURNETT: But developers or builders
14 can choose whether they want to go on the fast track, which
15 means they use the Objective Standard guidelines, or they
16 can choose to go through our architectural design and have
17 a more subjective review, so how can you make a blanket
18 statement like that when there can be two different tracks
19 you follow? If you follow a track that isn't using
20 Objective Standards, then you would be able to use the
21 subjective and you could use character, and you could use
22 (inaudible).
23

24 DIRECTOR PAULSON: I'll start, and maybe the Town
25 Attorney will have some additional comments.

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 We're taking all the projects, whether they're
2 going through what you described as the subjective track or
3 the objective track.

4 COMMISSIONER BURNETT: Right.

5 DIRECTOR PAULSON: We're asking for all the same
6 things in both processes. The difference is that in the
7 objective track we can't require the applicants to make
8 those changes, even if we request them, whereas in the
9 subjective side we can compel more of those. Like with
10 single-family home, even the projects that are SB 330 are
11 going to Larry Cannon. He's providing recommendations, but
12 folks are choosing how many, or if any, of those they are
13 interested in making given that we can only hold them to
14 the Objective Standards.
15

16 So, nothing is going to change with the process,
17 it's just some of the language. Again, it's from the
18 State's perception that these subjective findings or
19 considerations, again, are an obstacle, a barrier, to
20 housing.
21

22 So far, it hasn't changed how Staff is processing
23 either of those types of projects. We're processing the
24 same exact way; we just in some cases can compel folks to
25 do things, in other cases we cannot.

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 COMMISSIONER BURNETT: Okay, thank you.

2 VICE CHAIR THOMAS: Any additional questions or
3 comments? Are we ready for a motion?

4 COMMISSIONER BARNETT: I'll present a motion.

5 VICE CHAIR THOMAS: Thank you.

6 COMMISSIONER BARNETT: On Item 5 on the calendar
7 tonight, I move to forward a recommendation to the Town
8 Council on amendments to Chapter 29 (Zoning Regulations) to
9 the Town Code regarding considerations for an Architecture
10 and Site Application, findings for a Conditional Use
11 Permit, Manufactured Housing, and Private Open Space and
12 Community Recreation Space requirements pursuant to
13 Implementation Program AQ of the 2023-2031 Housing Element.
14 Adoption of this ordinance is exempt pursuant to CEQA,
15 Section 15061(b) (3), in that it can be seen with certainty
16 that it will not impact the environment. Town Code
17 Amendment Application A-24-008. I can make the findings for
18 CEQA on page 149 of the Staff Report as well as the
19 findings for the General Plan.
20

21 VICE CHAIR THOMAS: Commissioner Hanssen.

22 COMMISSIONER HANSSEN: I'll second the motion.
23
24
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 VICE CHAIR THOMAS: Just to clarify, the Maker of
2 the Motion, that includes the language of the proposed
3 ordinance? That was included in it?

4 COMMISSIONER BARNETT: Yes, that's included.

5 VICE CHAIR THOMAS: Okay, thank you. Is there any
6 discussion? Commissioner Burnett.

7 COMMISSIONER BURNETT: Yes, discussion. I will
8 vote in favor of it to the Town Council, but I would like
9 to add that I have my trepidations about these amendments,
10 and I would hope the Town Council would look clearly at
11 them and make sure that we are on the right track.

12 VICE CHAIR THOMAS: Any other comments? Seeing
13 none, by a show of hands, all those in favor of the motion,
14 please raise your hand. The motion passes unanimously.

15 (END)

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Programs													
<p>Health and Safety Code Section 17000, et seq.).</p> <ul style="list-style-type: none"> ■ Allow for group homes of seven and more by right in residential districts, and to conform with HCD’s Group Home Technical Advisory (Dec 2022). ■ Modify the language of Municipal Code Section 29.10.530(a) to remove finding number 5 of the mandatory criteria for granting a reasonable accommodation request. <p>In addition, the Town will prioritize special needs housing by allowing for reduced processing times and streamlined procedures for applicable zoning/land use applications. Include preferential handling of special needs populations in management plans and regulatory agreements of funded projects.</p>													
<p>AQ</p> <p>Zoning Code Amendments Amend the Zoning Code to comply with State law and ensure adequate sites are available to accommodate the identified sites in the Sites Inventory. These Code revisions include:</p> <ul style="list-style-type: none"> ■ Amend the Zoning Code to include a Housing Element Overlay Zone (HEOZ) to apply to the sites included in the Site Inventory to modify the development standards (i.e., density, lot coverage, FAR, height) on those sites. The Town will commit to monitoring and evaluating the HEOZ development standards and complete first evaluation of said standards by December 2026 and then annually thereafter, including outreach with the development community, and making adjustments as necessary. If it is determined that adjustments are needed, they will be completed within six months of the annual evaluation. The amended HEOZ Ordinance is projected to be adopted by the Town Council in March of 2024. ■ Clarify the text of the non-residential zones regarding housing. ■ Rezone the Caltrans Right-of-Way – Site E3 from R:1:8 to R-M. Take additionally steps to make the site available for residential development, including decertification, by the end of 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="background-color: #d9e1f2;">Implementation</th> </tr> <tr> <td>HE-1.1 Adequate Sites HE-1.2 Multi-family Housing Densities HE-2.11 Smart Growth</td> </tr> <tr> <th style="background-color: #d9e1f2;">Responsible Department/Review Authority</th> </tr> <tr> <td>Community Development Department</td> </tr> <tr> <th style="background-color: #d9e1f2;">Timeframe</th> </tr> <tr> <td>Complete rezonings by January 31, 2024, and monitoring and evaluation of the HEOZ developments standards by December 2026.</td> </tr> <tr> <th style="background-color: #d9e1f2;">Funding Source</th> </tr> <tr> <td>General Plan Update Fund</td> </tr> <tr> <th style="background-color: #d9e1f2;">Quantified Objective</th> </tr> <tr> <td>Amend the Zoning Code consistent with the Housing Element timing</td> </tr> <tr> <th style="background-color: #d9e1f2;">Performance Metric(s)</th> </tr> <tr> <td>Number of affordable homeownership units entitled and numbers of units entitled for moderate, low, and very-low households and adopt the Zoning Code amendments</td> </tr> </table>	Implementation	HE-1.1 Adequate Sites HE-1.2 Multi-family Housing Densities HE-2.11 Smart Growth	Responsible Department/Review Authority	Community Development Department	Timeframe	Complete rezonings by January 31, 2024, and monitoring and evaluation of the HEOZ developments standards by December 2026.	Funding Source	General Plan Update Fund	Quantified Objective	Amend the Zoning Code consistent with the Housing Element timing	Performance Metric(s)	Number of affordable homeownership units entitled and numbers of units entitled for moderate, low, and very-low households and adopt the Zoning Code amendments
Implementation													
HE-1.1 Adequate Sites HE-1.2 Multi-family Housing Densities HE-2.11 Smart Growth													
Responsible Department/Review Authority													
Community Development Department													
Timeframe													
Complete rezonings by January 31, 2024, and monitoring and evaluation of the HEOZ developments standards by December 2026.													
Funding Source													
General Plan Update Fund													
Quantified Objective													
Amend the Zoning Code consistent with the Housing Element timing													
Performance Metric(s)													
Number of affordable homeownership units entitled and numbers of units entitled for moderate, low, and very-low households and adopt the Zoning Code amendments													

10. Housing Element

Programs

2026. If by 2027 the site has not progressed to be available for residential development in the planning period, identify and add additional sites, if necessary, by 2028.

- Amend the Accessory Dwelling Unit Ordinance.
- Amend the Density Bonus Ordinance.
- Amend the Architecture and Site considerations for a multi-family and mixed-use project to make them objective and provide certainty in outcomes.
- Amend the Architecture and Site findings for a multi-family and mixed-use project to make them objective and provide certainty in outcomes of the application review. Specifically, address Finding (4) relating to site layout and Finding (6) relating to the exterior architectural design of buildings and structures. These findings can be considered subjective and open to interpretation.
- Amend the Conditional Use Permit findings for a multi-family and mixed-use project to make them objective and provide certainty in outcomes of the application review. Specifically, address Finding (1) relating to use of the property as desirable to the public convenience and Finding (2) relating to the integrity and character of the zone. These findings can be considered subjective and open to interpretation.
- Amend the Zoning Code to clarify that the Town will comply with Section 65852.3 of the Government Code to allow the installation of manufactured homes.
- Amend the Zoning Code to align the private open space and the community recreation space requirements for a multi-family and condominium project with the Objective Design Standards.
- Amend the Zoning Code to align parking requirements for a multi-family and condominium project with the preparation of the Objective Design Standards.

Sec. 29.10.020. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

...

Dwelling, single-family means a detached building containing but one (1) kitchen and designed and used to house not more than one (1) family, including domestic employees of such family ~~– and manufactured homes pursuant to Section 65852.3 of the Government Code.~~

...

Sec. 29.10.065. Recreational open space for residential condominiums.

The following standards apply to all residential condominiums in all zones. Higher standards may be imposed during the zoning approval process when the welfare of the occupants requires.

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of ~~two hundred one hundred and twenty (200 120)~~ square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have ~~one hundred twenty sixty (120 60)~~ square feet of outdoor usable open space in the form of a balcony. ~~Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions.~~ For purposes of this section, a multiple floor unit with the lower floor on the ground level ~~can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony.~~ ~~is treated as a ground floor unit. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. The minimum horizontal dimension for a patio is ten (10) feet and for a balcony is six (6) feet.~~ Private open space shall be suitably screened for the privacy of the occupant. Location and screening are subject to review by the deciding body.
- (2) *Community recreation space.* ~~The minimum dimensions are 10 feet by 6 feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature. In addition to the private open space required by part (1), there shall be a total community recreation area of at least one hundred (100) square feet for each dwelling unit. This area is in addition to that required for yards. The deciding body shall determine whether the location and amount of community recreation space and facilities provided are appropriate for the anticipated residents of the project.~~
- i. ~~Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.~~
 - ii. ~~Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.~~
 - iii. ~~A project with four or fewer residential units is exempt from community recreation space requirements.~~

...

Sec. 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

...

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the ~~character of the~~ neighborhood; and the appearance ~~and harmony~~ of the buildings with adjacent development. Buildings ~~shall should~~ strengthen the form of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

...

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape, and exterior construction and design of buildings and structures as such factors relate to the existing and future ~~character of the~~ neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings, and other details.

...

Sec. 29.20.190. Findings and decision.

- (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:

- (1) The proposed uses of the property are essential ~~or desirable~~ to the public convenience or welfare;
- (2) The proposed uses will not impair the existing uses ~~integrity and character~~ of the zone;

...

Sec. 29.40.660. Recreational open space for multiple-family dwellings.

~~For multiple-family dwellings other than residential condominiums there shall be a total open space area of two hundred (200) square feet for each dwelling unit, usable for outdoor activities. This area is in addition to required yards, is a minimum requirement, shall be composed of private area, community areas or both, and may be in the form of balconies or decks, all as determined by the deciding body. Any areas intended to serve as private open space shall be screened for privacy of the occupant as required by the deciding body.~~

The following standards apply to multiple-family dwellings other than residential condominiums.

- (1) Private open space. Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible

from the residential unit. Private open space shall be suitably screened for the privacy of the occupant. Location and screening are subject to review by the deciding body.

- (2) Community recreation space. The minimum dimensions are 10 feet by 6 feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
- i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or fewer residential units is exempt from community recreation space requirements.

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE TO AMEND CONSIDERATIONS FOR AN ARCHITECTURE AND SITE APPLICATION, FINDINGS FOR A CONDITIONAL USE PERMIT, MANUFACTURED HOUSING, AND PRIVATE OPEN SPACE AND COMMUNITY RECREATION SPACE REQUIREMENTS.

WHEREAS, the 2023-2031 Housing Element, which was adopted on June 4, 2024, and subsequently found in compliance with housing element law on July 10, 2024, by the California Department of Housing and Community Development, provides that the Town will amend Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements;

WHEREAS, on December 10, 2024, the Planning Commission reviewed the proposed amendments to Chapter 29 (Zoning Regulations) of the Town Code, found that the proposed amendments are consistent with the goals and policies of the Town’s General Plan, and recommended adoption of the proposed amendments by the Town Council;

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

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

SECTION I. Incorporation of Recitals.

The Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. In Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," the definition of "Dwelling, single-family" is amended to read as follows:

Dwelling, single-family means a detached building containing but one (1) kitchen and designed and used to house not more than one (1) family, including domestic employees of such family, and manufactured homes pursuant to Section 65852.3 of the Government Code.

SECTION III. Section 29.10.065 "Recreational open space for residential condominiums," of Chapter 29, "Zoning Regulations," is amended to read as follows:

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each

dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Private open space shall be suitably screened for the privacy of the occupant. Location and screening are subject to review by the deciding body.

- (2) *Community recreation space.* The minimum dimensions are 10 feet by 6 feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis. Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.
- i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
 - ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
 - iii. A project with four or fewer residential units is exempt from community recreation space requirements.

SECTION IV. Subsection (4) of Section 29.20.150 “Considerations in review of applications,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the neighborhood; and the appearance of the buildings with adjacent development. Buildings shall strengthen the form of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

SECTION V. Subsection (6) of Section 29.20.150, “Considerations in review of applications,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape, and exterior construction and design of buildings

and structures as such factors relate to the existing and future neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings, and other details.

SECTION VI. Subsection (a) of Section 29.20.190, “Findings and decision,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:
- (1) The proposed uses of the property are essential to the public convenience or welfare;
 - (2) The proposed uses will not impair the existing uses of the zone;
 - (3) The proposed uses would not be detrimental to public health, safety or general welfare; and
 - (4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter; and
 - (5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

SECTION VII. Section 29.40.660, “Recreational open space for multiple-family dwellings,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (1) *Private open space.* Each ground floor dwelling unit shall have a minimum of one hundred and twenty (120) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. Each dwelling unit above the ground floor shall have sixty (60) square feet of outdoor usable open space in the form of a balcony. Where multiple balconies are provided for a single unit, the 60-square foot minimum can be an aggregate of all balconies, provided each balcony meets the requirements for minimum horizontal dimensions. For purposes of this section, a multiple floor unit with the lower floor on the ground level can choose to either provide 120 square feet of open space in the form of a single enclosed patio or deck or provide 60 square feet of open space in the form of a balcony. The minimum horizontal dimension is six feet in any direction. The minimum vertical clearance required is eight feet. Private recreation space shall be directly accessible from the residential unit. Private open space shall be suitably screened for the privacy of the occupant. Location and screening is subject to review by the deciding body.
- (2) *Community recreation space.* The minimum dimensions are 10 feet by six feet. A minimum of 60 percent of the community recreation space shall be open to the sky and free of permanent solid-roofed weather protection structures. Community recreation space shall provide shading for a minimum of 15 percent of the community recreation space by either trees or structures, such as awnings, canopies, umbrellas, or a trellis.

Tree shading shall be calculated by using the diameter of the tree crown at 15 years maturity. Shading from other built structures shall be calculated by using the surface area of the overhead feature.

- i. Community recreation space shall be provided in Residential Mixed-Use developments at a minimum of 100 square feet per residential unit plus a minimum of two percent of the non-residential square footage.
- ii. Community recreation space shall be provided in multi-family residential development projects at a minimum of 100 square feet per residential unit.
- iii. A project with four or fewer residential units is exempt from community recreation space requirements.

SECTION VIII. Severability.

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

SECTION IX. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that it will not significantly affect the physical environment in that it will make minor changes to the regulations applicable to considerations for an Architecture and Site application, findings for a Conditional Use Permit, manufactured housing, and private open space and community recreation space requirements.

SECTION X. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION XI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 21st day of January 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of ____ 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

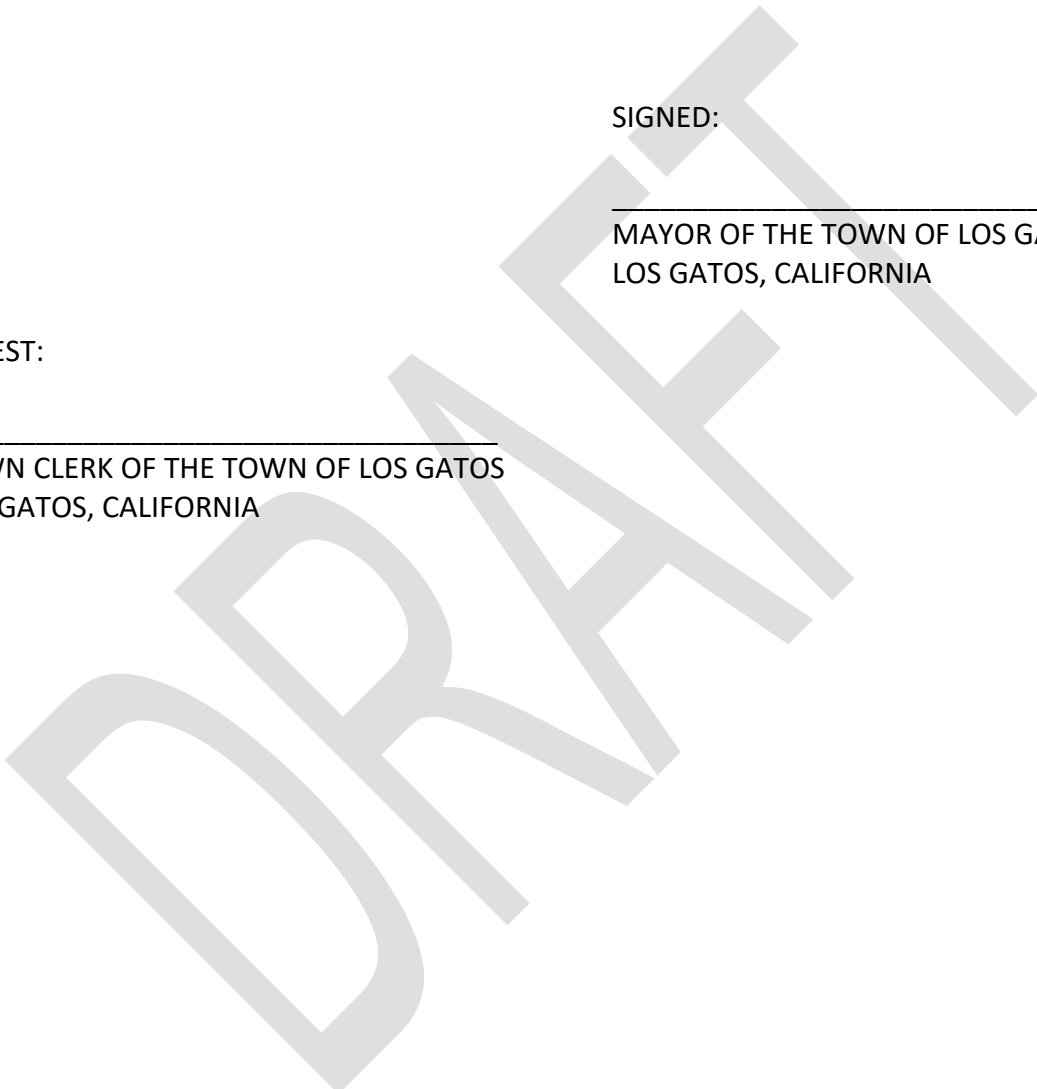
ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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



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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 16

ITEM NO. 16.

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Parking Standards Pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment. Town Code Amendment Application A-24-009. **Project Location: Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning Regulations," of the Town Code Regarding Parking Standards, Pursuant to Implementation Program AA of the 2023-2031 Housing Element.

RECOMMENDATION:

Introduce an ordinance (Attachment 5) amending Chapter 29 (Zoning Regulations) of the Town Code regarding parking standards pursuant to Implementation Program AA of the 2023-2031 Housing Element.

BACKGROUND:

Implementation Program AA of the Housing Element requires that the Town initiate a study and outreach, including developers, to make specific updates that would reduce parking standards in the Town by taking the following actions:

1. Align parking requirements with the preparation of Objective Design Standards (ODS).
2. Reduce parking requirements near transit.
3. Remove guest parking requirements for all residential and mixed-use projects in all zones.
4. Allow parking to be unbundled from residential units.

PREPARED BY: Sean Mullin, AICP
Planning Manager

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

SUBJECT: Zoning Code Amendments, Implementation Program AA

DATE: January 16, 2025

On December 11, 2024, the Planning Commission voted (3-1) to recommend to the Town Council approval of the amendments to Chapter 29 (Zoning Regulations) regarding Parking Standards with an additional recommendation that a clearer definition of *transit stop* be incorporated into the Town Code (Attachments 1 and 2). As discussed below, the term *public transportation* has been incorporated into Item #3 in response to the recommendation of the Planning Commission.

DISCUSSION:

The following items included in Program AA have been forwarded to the Town Council ahead of completing the study and outreach process due to their relative simplicity and in an effort to continue making progress on the Implementation Programs included in the 2023-2031 Housing Element. Staff anticipates returning with additional Town Code amendments related to parking standards in Spring 2025.

Item #1

Item #1 requires that the Town's parking requirements align with the preparation of the ODS. This item was developed with the assumption that the ODS, which was still being developed at the time, would include parking requirements stipulating the quantity of parking required for qualifying projects. During the development of the ODS document, it was determined that the existing parking requirements included in the Town Code were objective and it was not necessary to repeat these requirements in the ODS document. Therefore, no parking requirements were included in the final ODS and no action is needed by the Town to complete Item #1.

Item #2

Item #2 requires that the Town reduce parking requirements near transit. The Town Code currently requires multi-family developments to provide one and one-half parking spaces per dwelling unit, plus one additional guest parking space per unit. Since the term "transit" is ambiguous and open to interpretation, the following provides several defined terms in state law and the Town Code related to transit in the context of parking requirements.

State law primarily relies on two definitions when addressing parking requirements near transit: a *major transit stop*; and a *high-quality transit corridor*.

Public Resources Code Section 21064.3 defines a *major transit stop* as a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.

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SUBJECT: Zoning Code Amendments, Implementation Program AA

DATE: January 16, 2025

- (c) The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.
- (d) A site in an urbanized area that is served by an on-demand transit service at least 12 hours each day, seven days per week.

Public Resources Code 21155 defines a *high-quality transit corridor* as a corridor with fixed route bus service with service intervals no longer than 20 minutes during peak commute hours.

State Density Bonus Law allows the following parking ratios by-right:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: one and one-half onsite parking spaces.
- (C) Four and more bedrooms: two and one-half onsite parking spaces.

Density Bonus Law allows for further parking ratio reductions for specific scenarios when a development is located within one-half mile of a *major transit stop*.

The Town's ADU ordinance eliminates additional parking requirements for ADUs located within one-half mile walking distance of *public transit*, consistent with CA Government Code Section 65852.2 (d). The Town's ADU ordinance defines *public transit* as a location, such as a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. This provision of the ADU ordinance applies to those areas of the Town within one-half mile walking distance of the three VTA bus routes currently serving the Town.

The Town's SB 9 ordinance eliminates parking requirements for units located within one-half mile walking distance of a *major transit stop*, *high-quality transit corridor*, or where there is a designated parking area for one or more car-share vehicles within one block of the parcel. As noted below, there are no *major transit stops* in the Town and only a limited area of the Town within one-half mile of a *high-quality transit corridor*.

Based on an analysis of VTA's system map (Attachment 1, Exhibit 3) and frequency tables (Attachment 1, Exhibit 4), there are no *major transit stops* within Town boundaries or within one-half mile of the Town boundary. Portions of Bascom Avenue and Samaritan Drive meet the definition of a *high-quality transit corridor*, as they are served by VTA bus Route 61 having a peak service interval of 15 minutes. The other two VTA routes serving the Town have peak service intervals of 30 minutes (Route 27) and 60 minutes (Route 37) and would not qualify as *high-quality transit corridors*.

To implement Item #2, staff recommends that Town Code Section 29.10.150 (c)(3) be amended to reduce the parking requirements for multi-family residential developments and mixed-use developments that include a multi-family residential component from one and one-half parking spaces per dwelling unit to one parking space per dwelling unit when the

parcel is located within one-half mile walking distance of *public transportation*, which would be defined as a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3. Staff recommends using *public transportation, as defined*, to ensure that residents of multi-family dwellings where parking requirements would be reduced through this Ordinance will have access to adequate transit options.

- (3) Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone. One and one-half (1½) times the number of living units in such dwellings, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of public transportation shall provide one (1) parking space per dwelling unit. For the purposes of this subsection, public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.

Item #3

Item #3 requires that the guest parking requirements for all residential and mixed-use developments included in the Town Code be eliminated. Currently, in addition to other parking requirements, the Town Code requires one visitor parking space for each residential unit other than a detached single-family or two-family dwelling throughout the Town. The Town Code does not require guest parking for single-family and two-family dwellings. The proposed amendments to the Town Code would eliminate the guest parking requirements contained in Town Code Section 29.10.150 (b) and (c) for multi-family developments. This item of Implementation Program AA requires amendments to Chapter 29 (Zoning Regulations) of the Town Code for multi-family developments townwide and are not limited to the Sites Inventory sites of the 2023-2031 Housing Element.

- (b) ~~Parking requirements for downtown. In addition to other parking requirements, one (1) visitor parking space for each residential unit other than detached single family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~ The parking requirements for various uses in the downtown are as follows:
- (c) ~~Outside downtown parking requirements.~~ The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. ~~In addition to other parking requirements, one (1) visitor parking space for each residential unit other than a detached single family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~

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SUBJECT: Zoning Code Amendments, Implementation Program AA

DATE: January 16, 2025

Item #4

Item #4 requires that the Town allow parking to be unbundled from residential units. California Civil Code § 1947.1 defines “unbundled parking” as the practice of selling or leasing parking spaces separate from the lease of the residential property. Staff is currently studying existing state laws and programs in other municipalities regarding unbundled parking to determine an appropriate approach for the Town. Staff anticipates returning to the Planning Commission and Town Council with amendments to the Town Code regarding unbundled parking in Spring 2025.

Additional Code Amendments for Parking

In addition to the items above, staff has included the following clean-up amendments to the parking division of the Town Code:

- Reintroduce the following parking requirements in Section 29.10.150 (b) that were erroneously removed through a Town Code amendment related to economic vitality completed in 2023.
 - (3) Theaters. One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).
- Remove language from Section 29.10.150 (c)(6), parking requirements for hospitals, that is unrelated to parking requirements for hospitals.
 - (6) Hospitals. One and one-half (1½) parking spaces for each bed. ~~For uses not specifically listed in this subsection the requirements shall be as set forth in subsection 29.10.150(c).~~

CONCLUSION:

If the Town Council introduces the proposed ordinance (Attachment 5), it will be placed on the February 4, 2025, Town Council agenda for adoption and the ordinance will take effect 30 days after adoption.

COORDINATION:

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

SUBJECT: Zoning Code Amendments, Implementation Program AA

DATE: January 16, 2025

FISCAL IMPACT:

Adoption of this ordinance does not impact the Town's budget and is required under Program AA of the 2023-2031 Housing Element.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not significantly affect the physical environment in that it will make modifications to parking standards.

ATTACHMENTS:

1. December 11, 2024, Planning Commission Staff Report, with Exhibits 1 through 4
2. December 11, 2024, Planning Commission Verbatim Minutes
3. Implementation Program AA
4. Redline Town Code
5. Draft Ordinance



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

ITEM NO. 16.

MEETING DATE: 12/11/2024

ITEM NO: 4

DATE: December 6, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Parking Standards, Pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it can be Seen with Certainty that it will not Impact the Environment. Town Code Amendment Application A-24-009.
Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an Ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding parking standards, pursuant to Implementation Program AA of the 2023-2031 Housing Element.

CEQA:

The proposed amendments are exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking standards.

FINDINGS:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3); and
- The proposed amendments to Chapter 29 of the Town Code are consistent with the General Plan.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director and Town Attorney

SUBJECT: Parking Standards Code Amendments, Implementation Program AA/A-24-009

DATE: December 6, 2024

BACKGROUND:

Implementation Program AA of the Housing Element requires that the Town initiate a study and outreach, including developers, to make specific updates that would reduce parking standards in the Town by taking the following actions:

1. Align parking requirements with the preparation of Objective Design Standards (ODS).
2. Reduce parking requirements near transit.
3. Remove guest parking requirements for all residential and mixed-use projects in all zones.
4. Allow parking to be unbundled from residential units.

DISCUSSION:

Staff has initiated the study and outreach process included in Program AA. The following items included in Program AA have been forwarded to the Planning Commission ahead of completing the study and outreach process due to their relative simplicity and in an effort to continue to make progress on the Implementation Programs included in the 2023-2031 Housing Element. Staff anticipates returning with additional Town Code amendments related to parking in Spring 2025.

Item #1

Item #1 requires that the Town's parking requirements align with preparation of the ODS. This item was developed with the assumption that the ODS, which were still being developed at the time, would include parking requirements stipulating the quantity of parking required for qualifying projects. During development of the ODS document, it was determined that the existing parking requirements included in the Town Code were objective and it was not necessary to repeat these requirements in the ODS document. Therefore, no parking requirements were included in the final ODS and no action is needed by the Town to complete Item #1.

Item #2

Item #2 requires that the Town reduce parking requirements near transit. The Town Code currently requires multi-family developments to provide one and one-half parking spaces per dwelling unit. Since the term "transit" is ambiguous and open to interpretation, the following provides several defined terms in state law and the Town Code related to transit in the context of parking requirements.

State law primarily relies on two definitions when addressing parking requirements near transit: *major transit stop*; and *high-quality transit corridor*.

Public Resources Code Section 21064.3 defines a *major transit stop* as a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.
- (d) A site in an urbanized area that is served by an on-demand transit service at least 12 hours each day, seven days per week.

Public Resources Code 21155 defines a *high-quality transit corridor* as a corridor with fixed route bus service with service intervals no longer than 20 minutes during peak commute hours.

The State Density Bonus Law allows the following parking ratios by-right:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: one and one-half onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

Density Bonus Law allows for further parking ratio reductions for specific scenarios when a development is located within one-half mile of a *major transit stop*.

The Town's ADU ordinance, which is consistent with state law, eliminates additional parking requirements for ADUs located within one-half mile walking distance of *public transit*, interpreted to mean any transit stop, regardless of service intervals. This provision of the ADU ordinance applies to those areas of Town within one-half mile walking distance of the three VTA bus routes currently serving the Town.

The Town's SB 9 ordinance, which is consistent with state law, eliminates parking requirements for units located within one-half mile walking distance of a *major transit stop*, *high-quality transit corridor*, or where there is a designated parking area for one or more car-share vehicles within one block of the parcel. As noted above, there are no *major transit stops* in the Town and only a limited area of the Town within one-half mile of a *high-quality transit corridor*.

Based on an analysis of VTA's system map (Exhibit 3) and frequency tables (Exhibit 4), there are no *major transit stops* within Town boundaries or within one-half mile of the Town boundary. Portions of Bascom Avenue and Samaritan Drive meet the definition of *high-quality transit corridor*, as they are served by VTA bus Route 61 having a peak service interval of 15 minutes. The other two VTA routes serving the Town have peak service intervals of 30 minutes (Route 27) and 60 minutes (Route 37) and would not qualify as *high-quality transit corridors*.

PAGE 4 of 6

SUBJECT: Parking Standards Code Amendments, Implementation Program AA/A-24-009

DATE: December 6, 2024

To implement Item #2, staff recommends that the Town Code Section 29.10.150 (c)(3) be amended to reduce the parking requirements for multi-family residential developments and mixed-use developments that include a multi-family residential component from one and one-half parking spaces per dwelling unit to one parking space per dwelling unit when the parcel is located within one-half mile of a *transit stop*. Staff recommends using *transit stop* to ensure that the intended impact of Item #2 is met. If the Town Code were amended to reduce parking standards near *major transit stops* and/or *high-quality transit corridors*, the change would have little impact and may not satisfy the intent of this implementation program.

- (3) Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone. One and one-half (1½) times the number of living units in such dwellings, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of a transit stop shall provide one (1) parking space per dwelling unit.

Item #3

Item #3 requires that the guest parking requirements included in the Town Code be eliminated. Currently, in addition to other parking requirements, the Town Code requires one visitor parking space for each residential unit other than a detached single-family or two-family dwelling throughout the Town. The proposed amendments to the Town Code would eliminate the guest parking requirements contained in Town Code Section 29.10.150 (b) and (c).

- (b) ~~*Parking requirements for downtown. In addition to other parking requirements, one (1) visitor parking space for each residential unit other than detached single-family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).*~~ The parking requirement for various uses in the downtown are as follows:
- (c) ~~*Outside downtown parking requirements. The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. In addition to other parking requirements, one (1) visitor parking space for each residential unit other than a detached single-family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).*~~

Item #4

Item #4 requires that the Town allow parking to be unbundled from residential units. California Civil Code § 1947.1 defines “unbundled parking” as the practice of selling or leasing parking

PAGE 5 of 6

SUBJECT: Parking Standards Code Amendments, Implementation Program AA/A-24-009

DATE: December 6, 2024

spaces separate from the lease of the residential property. Staff is currently studying existing state law and programs in other municipalities regarding unbundled parking to determine an appropriate approach for the Town. Staff anticipates returning to the Planning Commission with amendments to the Town Code regarding unbundled parking in Spring 2025.

Additional Code Amendments for Parking

In addition to the items above, staff has included the following clean up amendments to the parking division of the Town Code:

- Reintroduce the following parking requirements in Section 29.10.150 (b) that were erroneously removed through a Town Code amendment related to economic vitality completed in 2023.
 - (3) Theaters. One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).
- Remove language from 29.10.150 (c)(6) parking requirements for hospitals, that is unrelated to parking requirements for hospitals.
 - (6) Hospitals. One and one-half (1½) parking spaces for each bed. ~~For uses not specifically listed in this subsection the requirements shall be as set forth in subsection 29.10.150(c).~~

CEQA DETERMINATION:

The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking regulations.

CONCLUSION:

A. Summary

The proposed amendments to the Town Code related to parking respond to Implementation Program AA of the 2023-2031 Housing Element.

SUBJECT: Parking Standards Code Amendments, Implementation Program AA/A-24-009

DATE: December 6, 2024

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the proposed amendments in taking the following actions:

1. Make the finding that the proposed amendments to the Town Code are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking regulations (Exhibit 1);
2. Make the required finding that the proposed amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the proposed amendments to the Town Code with modifications; or
2. Continue the matter to a date certain with specific direction.

COORDINATION:

This report was coordinated with the Town Attorney's office.

EXHIBITS:

1. Required Findings
2. Proposed amendments to the Town Code
3. VTA System Map excerpt
4. VTA Frequency Chart

PLANNING COMMISSION – December 11, 2024
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-24-009

Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Parking Standards, Pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it can be Seen with Certainty that it will not Impact the Environment. Town Code Amendment Application A-24-009. Project Location: Town Wide. Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking standards.

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding parking standards are consistent with the General Plan.

EXHIBIT 1

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DIVISION 4. PARKING

...

Sec. 29.10.150. Number of off-street spaces required.

- (a) *Intent.* The regulations contained in this section are intended to ensure the provision of a sufficient number of off-street parking spaces privately and publicly owned and operated to satisfy needs generated by permissible uses.
- (b) *Parking requirements for downtown.* ~~In addition to other parking requirements, one (1) visitor parking space for each residential unit other than detached single-family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~ The parking requirement for various uses in the downtown are as follows:
- (1) Retail and commercial stores shops, personal service businesses, specialty food retail, restaurants, bars, nightclubs, and tap/tasting rooms. One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (2) Business and professional offices, retail banks, financial and investment services, insurance companies, social service agencies and studios. One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - (3) Theaters. One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).
- (c) *Outside downtown parking requirements.* The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. ~~In addition to other parking requirements, one (1) visitor parking space for each residential unit other than a detached single-family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~
- (1) *Single-family, residential condominiums and two-family dwellings.* Two (2) parking spaces for each living unit.
 - (2) *Reserved.*
 - (3) *Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone.* One and one-half (1½) times the number of living units in such dwellings, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of a transit stop shall provide one (1) parking space per dwelling unit.
 - (4) *Hotels, motels and auto courts.* One (1) parking space for each guest room or suite, plus one (1) parking space for each employee.
 - (5) *Lodginghouses, boardinghouses.* One (1) parking space for each two (2) beds in such building, plus one (1) parking space for each employee.
 - (6) *Hospitals.* One and one-half (1½) parking spaces for each bed. ~~For uses not specifically listed in this subsection the requirements shall be as set forth in subsection 29.10.150(c).~~

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Campbell

Winchester

West Valley College
Transit Center

West Valley College

Monte Sereno

Los Gatos

Amtrak
Highway 17 Express
HWY17
to Santa Cruz

EXHIBIT 3

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FREQUENCY CHART

OCTOBER 28, 2024

ITEM NO. 16.

Light Rail	MON-FRI Hours	FREQUENCY			SAT Hours	FREQUENCY		SUN/HOL Hours	FREQUENCY	
		Commute	Mid-Day	Night		Day	Night		Day	Night
B BLUE LINE Baypointe-Santa Teresa	5:00am-12:00mid	15	15	30-45	5:30am-12:00mid	30	30-45	5:30am-12:00mid	30	30-45
G GREEN LINE Winchester-Old Ironsides	5:00am-12:00mid	15	15	30	6:00am-12:00mid	30	30	6:00am-12:00mid	30	30
O ORANGE LINE Alum Rock-Mountain View	5:00am-12:00mid	15	15	30-45	6:00am-12:00mid	30	30-45	6:00am-12:00mid	30	30-45

Routes 200-203 provide late-night bus service to replace some light rail trips.

Rapid Bus

	MON-FRI Hours	FREQUENCY			SAT Hours	FREQUENCY		SUN/HOL Hours	FREQUENCY	
		Commute	Mid-Day	Night		Day	Night		Day	Night
500 Diridon Station-Berryessa BART	5:00am-2:00am	10	10	10-40	5:30am-2:00am	20	20-40	7:30am-2:00am	20	20-40
522 El Camino-Alum Rock	5:00am-11:00pm	15	15	20	6:00am-11:00pm	15	15-20	6:00am-10:30pm	15	15-20
523 Stevens Creek-Sunnyvale	5:30am-11:00pm	20	20	30	6:30am-11:00pm	20	30	7:00am-10:00pm	20	30
568 Gilroy-Diridon Station	5:00am-7:30pm	30	30	30						

Frequent Bus

	MON-FRI Hours	FREQUENCY			SAT Hours	FREQUENCY		SUN/HOL Hours	FREQUENCY	
		Commute	Mid-Day	Night		Day	Night		Day	Night
22 El Camino-Alum Rock	4:30am-2:00am	15	15	20-60	4:30am-2:00am	15	20-60	4:30am-2:00am	15	20-60
23 Stevens Creek-Alum Rock	5:00am-1:00am	15	15	15-60	6:00am-1:00am	15	15-60	6:00am-1:00am	15	15-60
25 Story-Willow <i>west of Bascom</i>	5:30am-12:00mid	12	12	20-60	6:00am-12:00mid	15	20-60	6:00am-11:30pm	15	30-60
	6:00am-10:30pm	24	24	60	7:00am-9:00pm	30	60	7:00am-8:00pm	30	60
26 Tully <i>West Valley College</i>	5:30am-12:00mid	15	15	20-60	6:30am-12:00mid	20	30-60	6:30am-11:00pm	20	30-60
	7:00am-10:00pm	30	30	60						
57 Bowers-Saratoga	5:00am-10:30pm	15	15	30-60	6:30am-10:30pm	30	45-60	6:30am-9:30pm	30	60
60 Winchester-Brokaw	5:30am-12:00mid	15	15	20-30	5:30am-12:00mid	20	20-30	5:30am-12:00mid	20	20-30
61 Taylor-Bascom <i>south of Bascom & Union</i>	5:30am-12:00mid	15	15	30	6:30am-12:00mid	30	30	6:30am-11:00pm	30	30
	5:30am-12:00mid	30	30	60	6:30am-12:00mid	60	60	8:00am-8:30pm	60	60
64A McKee-Lincoln	5:30am-12:00mid	30	30	30-60	6:30am-12:00mid	30	30-60	7:00am-11:00pm	30	30-60
64B McKee-Meridian	6:00am-10:00pm	30	30	60	8:00am-7:00pm	60		9:00am-5:30pm	60	
66 Oakland-Monterey-Snell	5:00am-12:00mid	15	15	20-60	5:30am-12:00mid	20	20-60	5:30am-11:30pm	20	30-60
68 Monterey	4:30am-12:30am	15	15	30-60	5:30am-12:30am	20	30-60	5:30am-12:30am	20	30-60
70 Jackson <i>north of Berryessa BART Station</i>	5:30am-12:00mid	15	15	20-30	6:30am-12:00mid	20	20-60	6:30am-11:00pm	20	20-60
	6:00am-10:30pm	30	30	30-60	6:30am-9:30pm	40	60	7:00am-9:00pm	40	60
71 Piedmont-White	5:30am-12:00mid	15	15	30-60	6:30am-12:00mid	20	30-60	7:00am-11:00pm	30	60
72 McLaughlin	5:30am-12:00mid	15	15	20-60	6:00am-12:00mid	20	20-60	6:30am-11:30pm	30	30-60
73 Senter	5:30am-11:30pm	15	15	20-60	6:30am-11:30pm	20	20-60	6:30am-11:00pm	30	30-60
77 King-Lundy	5:30am-12:00mid	15	15	20-60	6:30am-12:00mid	20	30-60	6:30am-11:00pm	30	30-60

Local Bus

	MON-FRI Hours	FREQUENCY			SAT Hours	FREQUENCY		SUN/HOL Hours	FREQUENCY	
		Commute	Mid-Day	Night		Day	Night		Day	Night
20 Sunnyvale-Milpitas	6:00am-8:30pm	30	30	30						
21 Middlefield	6:00am-9:30pm	30	30	60	8:00am-9:00pm	45	60	8:30am-7:30pm	60	60
27 Blossom Hill-Los Gatos	5:30am-10:00pm	30	30	45-60	7:00am-9:30pm	40	60	8:00am-8:30pm	60	60
31 Evergreen College	6:30am-10:00pm	30	30	60	8:30am-5:30pm	45				
37 Hillsdale-Hacienda-Pollard	6:00am-6:30pm	60	60							
39 Quimby-San Felipe	6:30am-8:30pm	60	60	60	9:00am-6:00pm	60		9:00am-6:00pm	60	
40 Foothill College-North Bayshore	6:30am-10:00pm	30	30	30-50	8:30am-7:00pm	35		9:00am-7:00pm	45	
42 Capitol-Evergreen	6:00am-6:30pm	60	60							
44 McCarthy	6:00am-9:00pm	30	30	30-60	7:30am-8:00pm	40	60	8:30am-6:30pm	60	
47 Calaveras	6:00am-9:00pm	30	30	30-60	8:00am-8:30pm	40	60	8:00am-7:00pm	60	
51 Grant-Moffett <i>south of De Anza</i>	6:00am-7:30pm	30	30	30						
	6:00am-7:30pm	60	60	60						
52 Foothill College-Mountain View	7:00am-7:00pm	30	30							
53 Homestead-Sunnyvale	6:30am-7:30pm	30	30	60						
55 Sunnyvale-Saratoga	5:30am-10:00pm	30	30	60	7:30am-8:30pm	30	30-60	8:00am-8:30pm	30	30-60
56 Wolfe-Hamilton	5:30am-10:00pm	30	30	30-60	7:00am-10:30pm	30	30-60	8:00am-9:00pm	30	30-60
59 Monroe-Alviso	6:00am-10:00pm	30	30	45-60	8:00am-7:30pm	45	60	8:30am-7:00pm	45	
83 Almaden	6:30am-9:00pm	60	60	60						
84 Gilroy-Arroyo	8:00am-6:30pm	60	60		9:30am-5:30pm	60		9:30am-5:30pm	60	
85 Gilroy-West	6:30am-7:30pm	60	60	60	9:00am-5:30pm	60		9:00am-5:30pm	60	
86 Gilroy-Gavilan College	7:00am-9:30pm	30	30	60						
87 Morgan Hill	commute hours	60								
89 California	6:30am-6:00pm	20-40	40							
SCVMC SCVMC-Diridon Station	commute hours	7 am trips / 10 pm trips								

Express Bus

	MON-FRI	FREQUENCY
101 Camden & Hwy 85-Palo Alto	commute hours	2 trips in each direction
102 Santa Teresa-Palo Alto	commute hours	5 trips in each direction
103 Eastridge-Palo Alto	commute hours	3 trips in each direction
104 Milpitas BART-Palo Alto	commute hours	2 trips in each direction
105 Gilroy-Lockheed Martin	commute hours	3 trips in each direction

School-Oriented Routes

Routes 246, 247, 255, 256, 270, 287 and 288 provide school-oriented trips in various parts of the VTA service area. School routes are open to the public and subject to adjustment or cancellation based on school calendars.

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A P P E A R A N C E S:

Los Gatos Planning Commissioners:
Emily Thomas, Vice Chair
Jeffrey Barnett
Susan Burnett
Melanie Hanssen

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

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P R O C E E D I N G S :

VICE CHAIR THOMAS: The next item on the agenda is Item 4. This is to forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding parking standards, pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this ordinance is exempt pursuant to CEQA Section 15061(b)(3) in that it can be seen with certainty that it will not impact the environment. Town Code Amendment Application A-24-009. Project Location is Town Wide, and the Applicant is the Town of Los Gatos.

I believe, Mr. Mullin, you'll be providing the Staff Report. Thank you.

SEAN MULLIN: Yes, thank you, Vice Chair. Before you this evening is consideration of Town Code amendments required for the Housing Element Implementation Program AA regarding reduced parking requirements.

Program AA requires that the Town initiate a study and outreach and make specific updates that would reduce parking standards of the Town by aligning parking requirements with the preparation of the Objective Design Standards by reducing parking requirements near transit, by removing guest parking requirements for all residential and

1 mixed-use projects in all zones, and by allowing parking to
2 be unbundled from residential units.

3 For Item 1, no action is needed (inaudible) the
4 Town since the final Objective Design Standards document
5 did not include parking standards.

6 For Item 4 regarding unbundled parking, Staff is
7 currently studying existing state law and programs in other
8 municipalities and anticipates returning to the Planning
9 Commission with amendments to the Town Code in spring of
10 next year.

11 The Staff Report details the proposed changes to
12 the Town Code for implementation of Item 2 for reduced
13 parking near transit, and Item 3, removing guest parking
14 requirements throughout the Town.

15 Additional code amendments for parking are also
16 included in the draft amendments to reintroduce parking
17 requirements that were erroneously removed during a
18 previous code update and remove some other language for
19 clarity.
20

21 In April the Town will be reporting progress made
22 on this and other implementation programs to HCD to
23 demonstrate compliance with the certified Housing Element.
24

25 This concludes Staff's presentation and we are
available for any questions.

1 VICE CHAIR THOMAS: Thank you. Are there any
2 questions for Staff at this time? Commissioner Hanssen.

3 COMMISSIONER HANSSEN: Because there are multiple
4 items in here, and some of them are not for action, we're
5 making a recommendation to the Council on the specific
6 items that we need to that are mentioned in the Staff
7 Report, or do we need to itemize them in any motion we
8 would make?

9
10 SEAN MULLIN: Thank you for that question. I
11 think you can go either way. I think if there is consensus
12 with the draft amendments as proposed by Staff, then a
13 single motion could carry the recommendation forward. If
14 there are significant changes or recommendations to be
15 made, it's the option of the Planning Commission and the
16 Vice Chair to go item-by-item.

17 COMMISSIONER HANSSEN: Okay, thank you.

18 VICE CHAIR THOMAS: Commissioner Burnett, and
19 then Commissioner Barnett.

20 COMMISSIONER BURNETT: Thank you. A question for
21 Staff. This only pertains to sites on our Housing Element,
22 correct?

23 SEAN MULLIN: Thank you for that question. No,
24 this would pertain to the Town for the effected parcels,
25 not just the HEOZ sites.

1 COMMISSIONER BURNETT: So, it would be Town wide?

2 SEAN MULLIN: It would Town wide in that some of
3 these would relate to parcels and their proximity to
4 transit stops in one instance, and then Town wide for
5 removal of the guest parking requirement for multi-family
6 housing.

7 COMMISSIONER BURNETT: In single-family
8 districts, R-1?

9 SEAN MULLIN: It's more about the use, because
10 the parking code applies regardless of the zoning, so if
11 you had, let's say, a nonconforming multi-family
12 development in an R-1:8 district, which is not where our
13 multi-family project would be permitted, then the guest
14 parking requirements would be removed; I'm using that as an
15 example.
16

17 COMMISSIONER BURNETT: Okay, thank you.

18 VICE CHAIR THOMAS: Commissioner Barnett.

19 COMMISSIONER BARNETT: Thank you. Mr. Mullin or
20 other members of the Staff, if the Town Council agreed with
21 the recommendations by the Planning Commission to approve
22 the changes, would all the Implementation AA be included,
23 except for Item 4 on bundling?
24

25 SEAN MULLIN: Thank you for that question. That's
correct. The unbundled parking is not part of the draft

1 amendments before you tonight, but Staff anticipates
2 returning with those in the spring. Item 1, there is no
3 action needed, since the Objective Design Standards
4 document, which was under development at the time of the
5 Housing Element draft, ended up not including parking
6 standards, so we'd just be looking at Items 2 and 3, and
7 then the additional code cleanup items that aren't related
8 to the program.

9
10 COMMISSIONER BARNETT: A follow-up.
11 Implementation Program AA has quite a number of items in
12 it, and what I was trying to figure out is whether all of
13 those intended implementation items are being addressed by
14 this amendment, except for Item 4.

15 SEAN MULLIN: Thank you for that. It would be
16 Items 2 and 3 that it would be addressed through tonight's
17 proposed amendments.

18 COMMISSIONER BARNETT: Items 2 and 3 only. Thank
19 you.

20 VICE CHAIR THOMAS: Any other questions for
21 Staff? I did have one question. Mr. Mullin, could you just
22 explain why we're seeing some of these implementation
23 programs right now in a context for it about next steps
24 with regard to the Housing Element?
25

1 SEAN MULLIN: Sure, thank you for that question.
2 I can start, and someone else can jump in if there is more
3 information needed.

4 As part of the adopted Housing Element, as you
5 may be aware and for the public's knowledge, there were a
6 number of implementation programs that the Town included in
7 our certified Housing Element. Most of them have a timeline
8 and the Town is busy working on making progress on those
9 implementation programs. It intends to provide a progress
10 report to HCD in April of this year and then continuing
11 progress reports following up to show whether we've
12 completed programs. Or in this case, we'd be making
13 progress on a program and come back with further progress
14 later on, but it's all in an effort to adhere to the
15 Housing Element and maintain its certification.

17 VICE CHAIR THOMAS: Great, thank you.
18 Commissioner Burnett.

19 COMMISSIONER BURNETT: Thank you. These changes,
20 they will become part of our Objective Design Standards?
21 Because going through the standards we have now, this is
22 not addressed.

23 SEAN MULLIN: Thank you for that question. The
24 Objective Design Standards do not include any quantitative
25 parking requirements, such as number of spaces per square

1 footage or space for use. The amendments in front of you
2 tonight would be included in the parking division of
3 Chapter 29, which is the Zoning Code.

4 COMMISSIONER BURNETT: Because it was mentioned
5 that it would align parking requirements with the... When we
6 add to our Objective Design Standards, it will become part
7 of that in some way though, right?

8 SEAN MULLIN: To clarify, because it does get a
9 little bit confusing on the timing admittedly, when these
10 implementation programs were being considered and drafted
11 by the Council and the Planning Commission, at the same
12 time and on a separate track the Objective Design Standards
13 document was in development.
14

15 As part of development of Program AA in its draft
16 form, the implementation program wanted to make sure that
17 any parking standards that would end up in the Objective
18 Design Standards align with the Town Code. The finished
19 product of the Objective Design Standards does not include
20 parking requirements, such as quantity. There are some
21 things about treating parking lots, but that's a separate
22 issue; this is about parking quantity requirements, so
23 there is no action needed on Item 1, because of the timing
24 of when the design standards were being drafted and when
25 the program was being drafted.

1 COMMISSIONER BURNETT: Okay, thank you.

2 VICE CHAIR THOMAS: Commissioner Hanssen.

3 COMMISSIONER HANSSEN: I just had a comment. It
4 was my recollection, since I was one of the people that
5 worked on the Objective Design Standards, at least version
6 one, that when we went through everything if it was already
7 objective in our code, we opted not to duplicate it in the
8 Objective Design Standards, because then you have an
9 updating issue if you're ever going to change anything.
10 That is why you wouldn't necessarily need to put this in
11 the Objective Design Standards, because we already have it
12 in our code. If that's not right, please correct me.

14 SEAN MULLIN: Thank you for that. I worked on the
15 Objective Design Standards and I remember those
16 conversations and agree with that.

17 VICE CHAIR THOMAS: Okay, great. Thank you. Any
18 other questions? We will now open the floor to public
19 comment. Is there anyone in the public that wants to speak?
20 Through Zoom?

21 DIRECTOR PAULSON: Through the Chair, there are
22 no hands raised on Zoom.

23 VICE CHAIR THOMAS: Okay, thank you. I will close
24 the public comment portion of the evening and look for
25 discussion and possibly a motion. Commissioner Burnett.

1 COMMISSIONER BURNETT: I think this item, I'm
2 having problems with the parking issues. Why are we
3 removing guest parking requirements in all areas? I'm just
4 wondering why are we needing to do that?

5 SEAN MULLIN: Thank you for that question. I can
6 start, and someone can jump in if they have other
7 information. I think the intent was to remove barriers to
8 creating housing; that was part of the driving force of the
9 Housing Element and through guidance through HCD, so the
10 guest parking may have been identified as a barrier to
11 creating additional housing on parcels, or new housing in
12 multi-family developments, to clarify that.

14 DIRECTOR PAULSON: I'll just add, thank you,
15 through the Chair, all of these implementation programs,
16 many of them were requirements of HCD for us to get
17 certification, and to Mr. Mullin's point, they're looking
18 to remove as many barriers as possible across the State,
19 and the Town included, and parking is often a barrier
20 because it is so expensive to create, and so that's one
21 that's in many housing elements across the State.

22 COMMISSIONER BURNETT: To continue, and that
23 includes housing that is already in our environment and in
24 our different zones?
25

1 DIRECTOR PAULSON: For a little bit more
2 clarification, I think you asked a question before about
3 single-family homes. Those are required guest parking. Only
4 multi-family rentals currently require guest parking, and
5 that's up to one space per unit.

6 We have other documents, like the North Forty
7 Specific Plan, which requires, I think, a half-space per
8 guests. That's ultimately something that we might have to
9 modify as well. It also has requirements based on the
10 number of bedrooms.

11 There is also reduced parking in State law
12 through State Density Bonus statute, so what we're seeing
13 is with the environment that we have with current State
14 law, through State Density Bonus folks are requesting
15 waivers anyway to be even less than one in some cases, so
16 that's not something we're ultimately going to be able to
17 enforce moving forward.

18 This really is, again, something the State is
19 requiring through the Housing Element. If we choose not to
20 do that, then there may be consequences down the line with
21 this or any of the other items that we bring forward.

22 COMMISSIONER BURNETT: Is this for new
23 development, new mixed-use, new homes?
24
25

1 DIRECTOR PAULSON: Yes, new multi-family projects
2 or mixed-use projects going forward would not be required
3 to do guest parking.

4 COMMISSIONER BURNETT: So, this is moving
5 forward?

6 DIRECTOR PAULSON: It is moving forward. Will we
7 see existing developments request maybe additional
8 development and remove some of that parking? That's
9 possible. We haven't seen that, and we have enough on our
10 plates with the new projects that are currently in the
11 pipeline.
12

13 COMMISSIONER BURNETT: Okay, thank you.

14 VICE CHAIR THOMAS: Yes, Commissioner Barnett.

15 COMMISSIONER BARNETT: For Mr. Mullin or Staff, I
16 understood that the implementation program is to satisfy
17 the requirements of HCD. How were the particular details
18 and formulas established to try to achieve that goal of
19 approval in April?

20 SEAN MULLIN: Thank you for that question. I'd
21 ask a clarifying question specific to the changes in the
22 ordinance, in the draft amendments?

23 COMMISSIONER BARNETT: Yes.

24 SEAN MULLIN: Like how did Staff determine..
25

1 COMMISSIONER BARNETT: What the new formulas
2 would be.

3 SEAN MULLIN: Removing the guest parking
4 requirement is pretty binary, it's pretty straightforward;
5 we needed to remove it.

6 The reduced parking near transit was a balancing
7 act, and it's laid out in your Staff Report, but looking at
8 what's required in other ordinances. I looked at the ADU
9 Ordinance and the SB 9 Ordinance. The requirements for
10 reduced parking and density bonus law, and so on, so we
11 looked at these things, we looked at other communities
12 similar to ours in Santa Clara County and tried to strike a
13 balance between the needs of the community but also being
14 responsive to HCD's requirement that we reduce parking near
15 transit.
16

17 And to the transit point, there are so many
18 different... It's an ambiguous term that's included in the
19 Housing Element, and so that was an evaluation of, again,
20 where is it going to be effective and responsive to HCD's
21 requirements to reduce parking near transit?
22

23 What is in front of you tonight would reduce
24 parking within a half mile of a transit stops, or bus
25 stops, for a multi-family development, let me be clear
about that, and that's a half mile walking distance.

1 DIRECTOR PAULSON: Just to add also, Commissioner
2 Barnett, for instance, our current requirement is one-and-
3 a-half for those types of units, so we could have gone to
4 1.25 or 1.15, or some other number in between one and one-
5 and-a-half, but that's not typical across jurisdictions, so
6 I think that was another point, why we kind of landed
7 there.

8 COMMISSIONER BARNETT: Thank you for both of
9 those comments. Very helpful.

10 VICE CHAIR THOMAS: I have one question about as
11 you were looking at some of the other jurisdictions,
12 especially in the Bay Area, are some fully eliminating
13 parking requirements?
14

15 SEAN MULLIN: Thank you for that question. You'll
16 see that I can't remember the jurisdictions offhand, but
17 there are some typically in bigger cities with more dense
18 development. A lot of those programs that remove parking
19 tag onto other strategies as well, so transit, where you
20 see more frequent transit, high-quality transit corridors,
21 it might tie to those sorts of things.

22 The approach here was to recognize the level of
23 transit we have in our community, which is pretty low-
24 frequency, low-headway, and also recognize that we're only
25 reducing it by a half parking space per unit, and when you

1 combine that with the reduction in the guest parking it was
2 about that balance and not over-reducing too far so that
3 there is still some parking required onsite.

4 With all that said, as Director Paulson
5 mentioned, there are other strategies through State laws to
6 reduce further, and in some cases ignore the Town's
7 requirements.

8 VICE CHAIR THOMAS: Thank you. I would just like
9 to make a comment, I think, about this, if we're ready for
10 some discussion on it.

11 I recognize that we don't have a lot of options
12 for transit, unfortunately, in Los Gatos, but something
13 that VTA has said many times about the light rail, we can't
14 build the light rail all the way to Los Gatos if we don't
15 have housing and people living there that would use it, and
16 so I think this is a way that we start to get there with
17 these reducing parking minimums.

18 We know that we've seen many applications, just
19 in my time on the Planning Commission, where parking can be
20 a limiting factor for some of these developers, however,
21 because we *don't* have all of those options with all of this
22 transit, and it's not really realistic for most people to
23 live without a car that live in Los Gatos and are of
24 working age and commuting outside of our community.
25

1 There is still an incentive for parking spots. I
2 don't think that we're at a place where people are just
3 going to want no parking, so I see this as quite a good
4 balance, but I am curious what my other fellow
5 commissioners think. Commissioner Hanssen.

6 COMMISSIONER HANSSEN: Since I was on the Housing
7 Element Advisory Board as the chair, we heard over and over
8 again during the process of developing the Housing Element
9 that parking requirements, as mentioned by our Community
10 Development Director, are an impediment to building new
11 housing. We had testimony from a number of developers that
12 develop here in some of the study sessions that we had, and
13 it goes further than that.

14 Jurisdictions that have certified housing
15 elements that opt not to follow through on their programs
16 that facilitate that housing can have their certification
17 removed, so this isn't a decision that we can opt not to
18 make. I think there are good questions, but this is the
19 direction that the State is going, and whether it applies
20 to the sites that are in the Housing Element or the entire
21 Town, while it could ultimately become burdensome, I think
22 the developers have to be sensible when they're building
23 housing that it's going to work for the people that are
24 going to be renting or procuring that housing.
25

1 VICE CHAIR THOMAS: Commissioner Burnett.

2 COMMISSIONER BURNETT: I have a question for the
3 Vice Chair. You mentioned that it was a nice balance. Could
4 you expound on that a little bit, what you mean by that?

5 VICE CHAIR THOMAS: I think that before the one-
6 and-a-half down to one, for example, we could be going
7 further than that. I mean, hopefully this is enough for HCD
8 to show that we're making progress towards removing
9 parking. As a barrier to build housing we could be going
10 further, but I also understand that right now we live in a
11 space that people need to have cars, because we don't have
12 the transit available, so that's what I meant.
13

14 But I was also on the Housing Element Advisory
15 Board and at those study sessions where developer after
16 developer wanted the parking minimums to go away, for all
17 development, not just for housing, for commercial
18 development, for all these things. To redevelop and
19 encourage redevelopment along Los Gatos Boulevard it was
20 asked for, so I think that this is something that meets
21 some of those needs of the developers that the Town at some
22 point is having to partner with in order to make progress
23 on our Housing Element goals.
24

25 COMMISSIONER BURNETT: Thank you for that. And I
understand for developers and new development coming in,

1 when I asked the question whether this is Town wide, I'm
2 concerned about what we have in place now, and the
3 neighborhoods we have in place now. Are their parking rules
4 going to change? Are their guest parking needs, or are
5 those going to be taken away, or how is it going to impact
6 what is in our town now versus new development? That's
7 where I'm getting confused here.

8 DIRECTOR PAULSON: I think that's obviously a
9 challenge, and as I tried to explain earlier, we don't know
10 if some of our existing multi-family, for instance, is
11 going to request I have the density to add three more
12 units, I'm going to remove X number of parking spaces and
13 add those, and it complies with your new Town Code. We
14 don't know whether or not that's going to be an issue
15 moving forward and how frequent that may or may not be.

17 I know there were early discussions of other
18 potential strategies, because obviously even just the SB
19 330 applications we currently have, not to mention the
20 existing multi-family, there is that potential with just
21 the sheer number of units and the amount of parking being
22 provided that there probably could be collateral impacts to
23 other public parking that currently exists that is not
24 regulated, so that's a strategy I think that will be
25

1 evaluated moving forward, but again, there's nothing really
2 concrete yet.

3 COMMISSIONER BURNETT: To follow-up, why can't we
4 just limit it to what is before us with our site inventory?
5 Then if the need comes for more housing and we have to
6 rezone areas, then we would make a new amendment to the
7 Zoning Code.

8 DIRECTOR PAULSON: Because HCD required us to
9 remove all required guest parking from our Zoning Code.
10 That's why we're doing it. They didn't say remove it or
11 your sites, because other sites may be redeveloped too.
12 Again, they're interested in removing barriers to have as
13 much housing built all over California as possible, and so,
14 again, this is not an uncommon request.

15 COMMISSIONER BURNETT: Guest parking even in
16 areas that aren't going to be part of the Housing Element?
17

18 DIRECTOR PAULSON: Yes, absolutely. Because
19 they're not just interested in housing element sites,
20 they're interested in every site.

21 COMMISSIONER BURNETT: Thank you.

22 VICE CHAIR THOMAS: Commissioner Barnett.

23 COMMISSIONER BARNETT: I wanted to bring up that
24 I had an exchange of emails with Mr. Mullin today because I
25 questioned the definition of "transit stop" in the proposed

1 new language, and I know there are a couple of terms you
2 looked at. Help me with the two terms. Major transit stop?

3 SEAN MULLIN: There's a "high-quality transit
4 corridor," and a "major transit stop." Those are defined
5 terms in State law in different statutes and are used
6 throughout different State law and in some of our
7 ordinances, specifically SB 9. The proposal here is for
8 transit stops, so that would be equated to a bus stop in
9 this town. As the area of a high-quality transit... We don't
10 have any bus stops by definition, so that's ruled out.

11
12 The high-quality transit corridor that we do have
13 is very limited. It's out near Good Samaritan, and in that
14 balance again of being responsive to HCD's requirements to
15 reduce parking near transit versus looking at how the
16 impacts would be distributed through the Town, the decision
17 was made to pursue bus stops, or in this case called
18 transit stops, so a half-mile walking (inaudible) transit
19 stops. We've only got, I think, three bus lines that serve
20 the Town in different locations, but two of them are just
21 on the edge and one runs through the Town.

22 COMMISSIONER BARNETT: Okay, thank you. To my
23 fellow commissioners, I would suggest as part of the motion
24 approving this matter that we make a suggestion for Staff
25

1 to possibly propose a definition for "transit stop" for
2 consideration by the Town Council. It's a new term.

3 VICE CHAIR THOMAS: Okay, thank you. I think that
4 that's a good idea; I support that. Is that something that
5 will be easy for Staff to do when it presents to Council?

6 SEAN MULLIN: Yes.

7 VICE CHAIR THOMAS: Okay, thank you. Any other
8 questions?

9 COMMISSIONER BARNETT: I'm sorry; I had two more.

10 VICE CHAIR THOMAS: Oh, yes, go for it.

11 COMMISSIONER BARNETT: On page 132, Item 3(c),
12 there's just a reference to "downtown" and I thought it
13 might be changed to the "downtown zone," because Town Code
14 29-40 and following use that term. That would be a
15 suggestion for a change to the proposed language.

16 The last one is—I hope I got this right—the
17 proposed language refers to parking for theaters, and it
18 says, "One parking space for each 300 square feet of gross
19 floor area," and my question is what about the Los Gatos
20 Theater?
21 Theater?

22 SEAN MULLIN: Thank you for that question. Item 3
23 and then below it, Item 4.

24 Item 3 was in the code until sometime last year,
25 and it was mistakenly removed through a code update that

1 had to do with economic vitality. It was not proposed to be
2 removed, it just got caught by our codifier and
3 unfortunately got pulled out by the way that the ordinance
4 was written. This isn't a new requirement for the Town. All
5 we're doing here is reinstating it in the downtown area, so
6 Item 3 would fall under the downtown area.

7
8 Item 4 is moving some language to where it
9 belongs that was included with the hospital requirement for
10 parking for many years for some reason, so this is just
11 cleanup; there's no new requirements here.

12 DIRECTOR PAULSON: Through the Chair, there is a
13 little nuance with the downtown versus the C-2, for
14 instance. The downtown is actually from a parking
15 perspective broader; it actually goes into the C-1. We have
16 a map where it's actually broader than just the C-2
17 district, so that's why it is referenced currently and
18 proposed to be moving forward as downtown.

19 COMMISSIONER BARNETT: Okay, so I'll withdraw the
20 suggestion of changing that language. But does the Los
21 Gatos Theater comply in terms of current parking
22 regulations?

23 SEAN MULLIN: I don't have that information in
24 front of me. It's also in the Parking Assessment District,
25 which further complicates things, to answer on the fly. But

1 it's an existing condition, and if it didn't comply, then
2 it's existing nonconforming.

3 COMMISSIONER BARNETT: That makes sense.

4 VICE CHAIR THOMAS: Thank you for clarifying
5 about the parking for the downtown area, because we do want
6 that language to be consistent throughout. Are there any
7 other questions? Commissioner Hanssen.

8 COMMISSIONER HANSSEN: Are we ready to make a
9 motion, or are there more questions?
10

11 VICE CHAIR THOMAS: I just have one more comment.

12 COMMISSIONER HANSSEN: Go ahead.

13 VICE CHAIR THOMAS: Thank you. I just want to say
14 that as someone that was on the Housing Element Advisory
15 Board and worked very hard both on that and on the Planning
16 Commission to get a certified Housing Element passed and
17 adopted in Town, I feel like it's really important for us
18 to continue to push forward with the implementation
19 programs that are considered lower hanging fruit.

20 It does specifically say that with some of these
21 implementation programs that were adopted with the Housing
22 Element there are going to be some requirements and
23 language that people might have issues with or question,
24 but it's already part of the Town's Housing Element, and so
25

1 we're going to have to continue forward with them; we can't
2 go back and undo.

3 I think the risk of getting it decertified is
4 something that we really don't want to do, so focusing on
5 the stuff we have control over, moving forward, and just
6 getting the easier code amendments and updates that don't
7 cost as much money and time or energy by Staff pushed
8 forward through Town Council, I think, is going to be
9 really important moving forward, so I just want to thank
10 everyone that has worked hard on all of this stuff.

11
12 Now, are we ready for a motion? Commissioner
13 Hanssen? I think because we just have that one minor
14 addition, we can do everything in one. Okay, perfect.
15 Commissioner Burnett.

16 COMMISSIONER BURNETT: This is further comment
17 here. The programs under AA, which is what we're
18 discussing, say, "Remove guest parking requirements for all
19 residential and mixed-use projects in all zones," and as
20 Director Paulson had said, this is an HCD requirement. It
21 would be nice to also include in the Staff Report where you
22 can find that HCD requirement, because in reading the
23 materials I never came across that specific language that
24 we had to remove.
25

1 DIRECTOR PAULSON: Thank you, Commissioner
2 Burnett. I think that's actually the specific language of
3 the implementation program, the four topics that are listed
4 in the Staff Report. I would just look to Mr. Mullin to nod
5 his head and agree with that, but that is the specific
6 language in the implementation program, and that's what
7 we're trying to bring forward with all of these.

8
9 I think to the Vice Chair's point, there are
10 going to be a number of these topics that folks have had
11 concern with, are going to continue to have concern with,
12 but the reality is that if the Town decides—ultimately most
13 of this stuff will end up with the Council—to adopt an
14 implementation the HCD doesn't agree with, worst-case
15 scenario, as was mentioned by Commissioner Hanssen, we
16 could be decertified. There are steps in between that where
17 we probably would be allowed to discuss rectifying that,
18 but nevertheless, that is the potential worst-case
19 scenario. That's going to be challenging moving forward
20 with a lot of this stuff, and so that is something to keep
21 in mind.

22 COMMISSIONER BURNETT: Okay, thank you for that.

23 VICE CHAIR THOMAS: Commissioner Hanssen.

24 COMMISSIONER HANSEN: I'd like to make a motion
25 that we forward a recommendation to the Town Council to

1 move forward on parts of Implementation Program AA,
2 including reducing parking requirements near transit and
3 removing guest parking requirements for all residential and
4 mixed-use projects in all zones, as well as some additional
5 cleaning up items in our general Parking Code, and those
6 are the items that we can forward on for recommendation at
7 this time.

8 VICE CHAIR THOMAS: Is there a second? Director
9 Paulson?

10 DIRECTOR PAULSON: Just for the record, that's in
11 accordance with the findings as illustrated in the Staff
12 Report, and the code amendments in Exhibit 2, just for
13 extra clarification.

14 COMMISSIONER HANSSEN: Yes, and that there is no
15 impact per CEQA.

16 VICE CHAIR THOMAS: Can I get a second?
17 Commissioner Barnett.

18 COMMISSIONER BARNETT: Yes, second the motion.

19 VICE CHAIR THOMAS: Thank you. Any discussion?

20 SEAN MULLIN: Through the Vice Chair. There was
21 some consensus about the definition, but that was not
22 included in the motion, just for clarification.

23 COMMISSIONER HANSSEN: I would be happy to amend
24 the motion to say that we should have a clear definition of
25

1 a "transit stop" incorporated as we forward this along and
2 put it in our code.

3 COMMISSIONER BARNETT: Seconder agrees.

4 VICE CHAIR THOMAS: Any discussion? Seeing none,
5 by a show of hands, all those in favor of the motion,
6 please raise your hand. And the motion passes 3-1 with
7 Commissioner Burnett dissenting.

8 Appeal rights, again, because this is a
9 recommendation.

10 SEAN MULLIN: That's correct, this is a
11 recommendation to the Council, so it's not subject to
12 appeal.

13 VICE CHAIR THOMAS: Okay, thank you.

14 (END)

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Programs		
	<ul style="list-style-type: none"> Make referrals to non-profit service providers with rental assistance or rental voucher programs such as West Valley Community Services and the Housing Authority of Santa Clara County. 	
Y	<p>Supportive Services for the Homeless</p> <p>Continue to support community and nonprofit organizations that provide supportive services for homeless persons in Los Gatos in part by continuing to fund the Town's annual grant and disseminating opportunities for other agency funding to West Valley Community Services (WVCS), in order to support its Comprehensive Emergency Assistance Program (CEAP).</p> <p>Continue to work with and fund local nonprofits, and to collaborate with local homeless service providers to provide information on homeless needs in the Town.</p>	Implementation
		HE-2.3 Mixed-Use Development HE-2.8 Equal Housing and Special Needs
		Responsible Department/Review Authority
		Town Manager
		Timeframe
		Ongoing and annual effort
		Funding Source
		Town of Los Gatos
		Quantified Objective
		Continue the Town's support to provide funds to WVCS for homeless persons services
		Performance Metric(s)
The number of Town residents assisted through WVCS		
Z	<p>Stabilize Rents</p> <p>Study and implement recommendations with regard to the Town's Rental Dispute Mediation and Arbitration Ordinance 2128 to help further stabilize rents for long-term residents.</p>	Implementation
		HE-2.3 Mixed-Use Development HE-2.4 Rental Housing HE-6.6 Rental Dispute Mediation and Arbitration Ordinance
		Responsible Department/Review Authority
		Community Development Department
		Timeframe
		Complete study by January 2025 and implement Municipal Code changes by June 2025
		Funding Source
		Below Market Price Housing In-lieu Fees
		Quantified Objective
		Implement improvement opportunities for the Rental Dispute Mediation and Arbitration Ordinance
		Performance Metric(s)
Measure the number of disputes resolved versus unresolved		
AA	<p>Reduce Parking Standards</p> <p>Initiate a study and outreach, including developers to make specific updates that</p>	Implementation
		HE-2.7 Senior Housing HE-2.8 Equal Housing and Special Needs HE-3.1 Regulatory Incentives for Affordable Housing

10. Housing Element

Programs	
<p>would result amendments to the Municipal Code, as follows :</p> <ul style="list-style-type: none"> Align parking requirements with the preparation of Objective Design Standards. Reduce parking requirements near transit. Remove guest parking requirements for all residential and mixed-use projects in all zones. Allow parking to be unbundled from residential units. 	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Complete study by January 2025 and implement Town Code changes by June 2025
	Funding Source
	None required
	Quantified Objective
	Zoning Code amendment to reduce parking standards
	Performance Metric(s)
	Zoning Code amendment
<p>AB Allow for 100 Percent Affordable Residential Development in Mixed-Use General Plan Designations</p> <p>Amend the General Plan and the Municipal Code to allow for 100 percent affordable residential development without the requirement of commercial uses.</p>	Implementation
	HE-3.1 Regulatory Incentives for Affordable Housing
	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Implement General Plan and Municipal Code changes by June 2024
	Funding Source
	None required
	Quantified Objective
	Amend the General Plan and Zoning Code to allow for 100 percent affordable housing development in Mixed-Use General Plan designations
Performance Metric(s)	
Measure the number of mixed-use units entitled annually	
<p>AC SB 35 Process Improvements</p> <p>Develop an SB 35 checklist and written procedures for processing SB 35 applications to ensure efficient and complete application processing.</p>	Implementation
	HE-3.3 Efficient Development Processing HE-3.1 Regulatory Incentives for Affordable Housing
	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Implement by December 2023
	Funding Source
	Staff Time
Quantified Objective	

Sec. 29.10.150. Number of off-street spaces required.

- (a) *Intent.* The regulations contained in this section are intended to ensure the provision of a sufficient number of off-street parking spaces privately and publicly owned and operated to satisfy needs generated by permissible uses.
- (b) *Parking requirements for downtown.* ~~In addition to other parking requirements, one (1) visitor parking space for each residential unit other than detached single-family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~ The parking requirement for various uses in the downtown are as follows:
- (1) *Retail and commercial stores, shops, personal service businesses, specialty food retail, restaurants, bars, nightclubs, and tap/tasting rooms.* One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (2) *Business and professional offices, retail banks, financial and investment services, insurance companies, social service agencies, and studios.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - (3) *Theaters.* One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).
- (c) *Outside downtown parking requirements.* The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. ~~In addition to other parking requirements, one (1) visitor parking space for each residential unit other than a detached single-family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).~~
- (1) *Single-family, residential condominiums and two-family dwellings.* Two (2) parking spaces for each living unit.
 - (2) *Reserved.*
 - (3) *Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone.* One and one-half (1½) times the number of living units in such dwellings, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of public transportation shall provide one (1) parking space per dwelling unit. For the purposes of this subsection, public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.
 - (4) *Hotels, motels and auto courts.* One (1) parking space for each guest room or suite, plus one (1) parking space for each employee.
 - (5) *Lodginghouses, boardinghouses.* One (1) parking space for each two (2) beds in such building, plus one (1) parking space for each employee.
 - (6) *Hospitals.* One and one-half (1½) parking spaces for each bed. ~~For uses not specifically listed in this subsection the requirements shall be as set forth in subsection 29.10.150(c).~~

...

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING PARKING STANDARDS, PURSUANT TO IMPLEMENTATION PROGRAM AA OF THE 2023-2031 HOUSING ELEMENT

WHEREAS, the 2023-2031 Housing Element, which was adopted on June 4, 2024, and subsequently found in compliance with housing element law on July 10, 2024, by the California Department of Housing and Community Development, provides that the Town will amend Chapter 29 (Zoning Regulations) of the Town Code regarding parking standards;

WHEREAS, on December 10, 2024, the Planning Commission reviewed the proposed amendments to Chapter 29 (Zoning Regulations) of the Town Code, found that the proposed amendments are consistent with the goals and policies of the Town's General Plan, and recommended adoption of the proposed amendments by the Town Council;

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

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

SECTION I. Incorporation of Recitals.

The Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. Subsection (b) of Section 29.10.150, "Number of off-street spaces required," of Chapter 29, "Zoning Regulations," is amended to read as follows:

- (b) *Parking requirements for downtown.* The parking requirements for various uses in the downtown are as follows:
- (1) *Retail and commercial stores, shops, personal service businesses, specialty food retail, restaurants, bars, nightclubs, and tap/tasting rooms.* One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (2) *Business and professional offices, retail banks, financial and investment services, insurance companies, social service agencies, and studios.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - (3) *Theaters.* One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).

SECTION III. Subsection (c) of Section 29.10.150, “Outside downtown parking requirements,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (c) *Outside downtown parking requirements.* The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses.

SECTION IV. Subsection (c)(3) of Section 29.10.150, “Outside downtown parking requirements,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (3) *Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone.* One and one-half (1½) times the number of living units in such dwellings, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of public transportation shall provide one (1) parking space per dwelling unit. For the purposes of this subsection, public transportation means a high-quality transit corridor, as defined in subdivision (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3.

SECTION V. Subsection (c)(6) of Section 29.10.150, “Outside downtown parking requirements,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (6) *Hospitals.* One and one-half (1½) parking spaces for each bed.

SECTION VI. Severability.

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

SECTION VII. California Environmental Quality Act (CEQA).

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that it will not significantly affect the physical environment in that it will modifications to parking standards.

SECTION VIII. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION IX. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 21st day of January 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of ____ 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 17

ITEM NO. 17.

DATE: January 8, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Receive the Information Provided in the Police Services Report: July – December 2024

RECOMMENDATION:

Staff recommends that the Town Council review and acknowledge this bi-annual report, highlighting the significant accomplishments and ongoing efforts of the Los Gatos-Monte Sereno Police Department (LGMSPD) during the reporting period. This report further outlines future priorities and fiscal needs to ensure continued excellence in public safety services.

BACKGROUND:

The LGMSPD serves the Town of Los Gatos and the City of Monte Sereno, providing tailored law enforcement services to meet the unique needs of each community. With a focus on community-oriented policing, the department continues to adapt to evolving needs while maintaining high standards of service. This report outlines the department's achievements, enhanced services, fiscal savings, and future priorities for 2025. The reporting period for this bi-annual report is July to December 2024 and presents the following:

- Department Staffing Update
- Fiscal Savings Initiatives in 2024
- Enhanced Policing Services
- Calls for Service and Officer Activity
- Emergency Preparedness Efforts
- 2025 Future Priorities and Themes
- Flock Cameras and Private Ownership, Privacy, and Access Review

PREPARED BY: Jamie Field
Chief of Police

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

SUBJECT: Receive the Information Provided in the Police Services Report: July – Dec. 2024

DATE: January 8, 2025

DISCUSSION:

DEPARTMENT STAFFING UPDATE

The LGMSPD continues to focus on recruitment as a priority for both sworn and professional staff. In this reportable period of July – December 2024 we have seen the following movement in our staffing model:

- Two sergeants retired.
- Hired one lateral officer (currently in Field Training)
- Hired two Police Academy Cadets – one in the Academy and one in Field Training
- Promoted an internal Sergeant and a Corporal
- Hired a Dispatcher – Dispatch is currently fully staffed for the first time in over five years, with the eighth dispatcher currently in training.

Throughout the upcoming year we expect quite a few additional retirements in both ranking sworn positions and key positions within professional staff. Due to the importance of transferring institutional knowledge, status of current projects and outlook on future priorities, significant succession and transition planning is expected. This will entail the importance of hiring ahead to allow for adequate overlap with some of the soon to be retirees that have been with LGMSPD for 20 years or more.

Additionally, promotional opportunities are upcoming with a testing process expected in March for Corporal and Sergeant positions. The rank of sergeant will be opened for eligible outside lateral candidates to apply if they have ascended to the rank of Corporal or higher. Recruitment for a Captain will then follow to backfill a vacancy at the end of 2025 due to retirement.

The LGMSPD has open positions for Community Service Officer Interns, and currently has one intermittently due to their college schedule. LGMSPD has utilized Reserves heavily in recent years, especially for special events, dignitary visits and staffing shortages. Two Reserves recently submitted their interest in retiring their role after having committed 25 years of service to the LGMSPD. In the last six months, Reserves have worked 716 hours, CSO's 735 hours, and Per Diem Dispatchers 597 hours.

In 2024, the LGMSPD hired more sworn officers in one year than in any other calendar year for the history of the Department. The rate of sworn hiring in 2024 was the equivalent of more than 25% of the budgeted allowed.

Budgeted Sworn	Current Sworn	Off due to injury	Light / Modified Duty	Field Training	Total Active and available
39	32	2	1	2	27

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The chart below compares overtime hours for two years between July – December. There was less overtime in Dispatch during this reportable period in comparison to 2023. Dispatch overtime was due to required training and protected leave backfill. Sworn overtime was significantly more as the time needed to train an officer before they are a single resource is significant and other factors. Overtime is primarily due to coverage needed for special events (Ex. Halloween, Taste of Los Gatos, Los Gatos in Lights, and Children’s Holiday Parade), Training (mostly mandated requirements), and staffing shortages.

Title	7/01/23 – 12/31/23	7/01/24 – 12/31/24	Difference in FY
Communications	1,364 hours	1,179 hours	-185 hours
Sworn Staff	3,432 hours	4,335 hours	905 hours

FISCAL SAVINGS INITIATIVES IN 2024

New Dispatch and Patrol Shifts: A comprehensive analysis of shift patterns led to the implementation of revised scheduling in August, reducing overtime costs while ensuring adequate coverage during peak hours. This initiative resulted in an anticipated reduction in overtime expenditures when staffing improves.

Efficiencies through Technology:

Electronic Citations (eCite): Streamlined citation issuance processes, reducing officer time spent on paperwork, increased accuracy and legibility, reduction in administrative support and entry needs.

E-Filing with the District Attorney’s Office: Automated submission of reports cut down on administrative delays, increasing case processing efficiency, and reduction of LGMSPD administrative staff having to commute to the DA’s Office.

Increased Fiscal Support: The Los Gatos-Monte Sereno Police Foundation contributed significant fiscal and volunteer support to fund community programs (National Night Out), officer training (EOD and Tracking), and new policing tools or equipment upgrades (K-9 and drone).

ENHANCED POLICING SERVICES

By allocating resources strategically, LGMSPD can address critical priorities while maintaining its high standards of community-focused policing. Maintaining a localized police department may involve higher initial costs compared to larger regionalized options. However, the long-term benefits of tailored services, community trust and identity, and economic impact justify the investment. Localized departments often prevent higher indirect costs associated with slower response times and reduced community engagement.

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Localized police departments, like LGMSPD, provide dedicated and consistent services that a larger regional model may differ on. Benefits include:

- Direct accountability to local leadership and residents, ensuring alignment with community priorities.
- Faster and more tailored responses to emergencies, enhancing public safety.
- Sustained community partnerships that foster trust and collaboration (Ex. National Night Out, Police Foundation, Community Police Academy).
- The ability to adapt policies, training, and initiatives specifically to the unique needs of Los Gatos and Monte Sereno (Ex. CCW Policy and Ordinances)

The LGMSPD exemplifies the value of localized and accessible policing through a high-touch approach, ensuring community trust and maintaining the unique identity of both the Town of Los Gatos and City of Monte Sereno through the following efforts:

Personalized Dispatch Center:

Localized communications ensure faster response times, familiarity with community norms and culture and a strong connection with the community (Ex. Operation Care).

Community Policing Model:

Focused engagement through programs like the Explorer Program, Community Police Academy, Volunteer in Policing (VIP), strong partnerships with stakeholders like the Jewish Community Center (JCC), and proactive neighborhood outreach. The new model of National Night Out (NNO) at the Town Plaza was extremely well attended along with the LGMSPD Police Recognition Luncheon at the JCC that had over 130 people in attendance. Both engagements were made possible through the support of the Los Gatos-Monte Sereno Police Foundation and other community partnerships.

Officers build lasting relationships with residents, fostering mutual understanding and respect.

The LGMSPD specifically demonstrates localized and accessible policing through:

Faith-Based Organizations: Partnerships foster trust and address social issues through programs like faith-led outreach and support for vulnerable populations.

Local Schools: The new School Resource Officer (SRO) has continued to enhance campus safety by conducting safety drills, bike rodeos, conflict resolution workshops, and mentorship

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SUBJECT: Receive the Information Provided in the Police Services Report: July – Dec. 2024

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initiatives. The School Resource Officer and SWAT Sergeant attended FEMA and POST certified Active Shooter Train-the-Trainer courses. They subsequently provided this critical training to all sworn staff, with scenario training conducted after hours at the Jewish Community Center.

Additionally, the School Resource Officer and patrol officers participated in multiple Bike Rodeos in collaboration with Safe Routes to School. The School Resource Officer also addressed a significant number of concerns and threats on school campuses, reflecting a statewide increase in such trends during this school year.

Los Gatos-Monte Sereno Police Foundation: Support from the Foundation has enabled the department to fund critical training programs and acquire advanced equipment. Financial and logistical support from the Police Foundation enables the department to fund special programs, training, and community outreach initiatives.

Special Event Support: Comprehensive logistical and tactical support for community events to assure adequate safety and security measures for events throughout the year to include; Halloween road closures and increased patrol staffing, Childrens Holiday Parade, Los Gatos in Lights, Free Speech events and marches, Taste of Los Gatos full North Santa Cruz Road closure and more.

CERT (Community Emergency Response Team) and DART (Disaster Aid Response Team): These teams provided support during multiple special events this year, provide awareness and are ambassadors to being a resilient community through their engagement in the Community Police Academy, bi-monthly emergency preparedness meetings, and other opportunities. Additionally, two DART (Disaster Aid Response Team) members were sworn in during this reporting period.

Welcome Packets: Volunteers in Policing (VIPs) stuff and deliver bags containing materials such as Chamber of Commerce information, local resources, emergency preparedness guides, details on LGMSPD services, and a welcome letter from the Chief.

Vacation Checks and Operations Care: proactive policing community services offered to help ensure the safety of residents' homes while they are away on vacation or daily checks on aging community members.

CALLS FOR SERVICE AND OFFICER ACTIVITY

The LGMSPD strives to meet response times and provide an uncompromising high level of service to the community. The following table depicts a comparison of the Communications Division call volume, both inbound and outbound, immediacy to which they are answered, and number of 911 calls over the last two years between the months of July to December.

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The industry standard for a Public Safety Answering Point (PSAP) agency is a target for 911 calls to be answered within less than ten seconds 95% of the time. Outbound calls can be a result of transferring callers to other points of contact within Town Departments, contacting or following up with community members, or conducting other inter-agency duties.

July – December	Inbound 911 calls	% of 911 calls answered < 10 seconds	Incoming Non-emergency calls	Non-emergency Outbound calls
2023	4,709	96.6%	15,967	7,726
2024	5,168	95.9%	14,443	6,398

Officers’ response to priority calls for service continue to be comparable to prior years, and close to priority goals. These metrics can be found in the Fiscal Year Adopted Operating Budget in the performance measures section of the Police Department chapter and will have prior years for comparison too.

Priority 1 refers to immediate emergency with threat to life or a public safety hazard, Priority 2 is an urgent emergency that requires an immediate response, and a Priority 3 incident is a non-emergency. The LGMSPD has set response time goals of 5:00 minutes for Priority 1 calls and had an average of 5:02 over the past six months. Priority 2 call response goal is 10:00 minutes and was 6:52 during this reportable period. Priority 3 calls are 15:00 minutes and were 7:01 minute average between July – December 2024. Additionally, there is a comparison bar chart in Attachment 1 with the above data comparisons and contains the slide deck materials for this item.

EMERGENCY PREPAREDNESS EFFORTS

CERT (Community Emergency Response Team) and DART (Disaster Aid Response Team) Programs: Welcomed new trained volunteers in disaster response, which increases the community’s readiness for emergencies. Two additional Neighborhood Incident Command Posts (NICP’s) were opened and the first of future bi-monthly emergency preparedness meetings occurred in November in the EOC in collaboration between CERT volunteers and the Police Department.

Advanced Officer Training: All officers completed FEMA and POST certified active shooter training provided by our own internal trainers which aligned with the updated 2024 Santa Clara County protocol. Officer also re-certified on CPR / First Aid, Firearms, and review of policy and laws applicable to de-escalation and use of force.

Community Outreach and Drills: Public education campaigns reached the public through service club meetings, multiple Neighborhood Watch meetings, interfaith collaboration, social media,

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and other mechanisms. LGMSPD is currently promoting and accepting application for the Spring 2025 LGMSPD Community Police Academy and focusing efforts on recruitment for Police Explorers ages 14-20.

These partnerships and preparedness efforts amplify LGMSPD's ability to deliver community-oriented services, fostering trust and collaboration while addressing the unique needs of Los Gatos and Monte Sereno.

2025 FUTURE PRIORITIES AND THEMES

Staff Transitions and Succession Planning: Implement hire ahead efforts throughout 2025 as part of a successful transition and succession plan to address upcoming retirements, ensuring adequate knowledge transfer. Additional focus on training new personnel, including new supervisors and professional staff.

The organizational assessment suggested staffing enhancements to better support workload and bandwidth. A full understanding to the timeframe for requests of added FTE's will be forthcoming following the space assessment information on the feasibility of infrastructure and staffing consolidation. The assessment recommended adding a total of four FTE's to include a Police Lieutenant, a Support Services Manager, a Records Specialist, an Administrative Technician, and a dispatcher to address service demands and oversight.

Meliora Recommendations: Meliora Public Safety Consulting (PSC) is a professional consulting firm specializing in comprehensive organizational assessments, strategic planning, and operational evaluations for law enforcement agencies. Their approach focuses on identifying efficiencies, aligning operations with industry best practices, and fostering innovation to meet evolving community needs. Meliora was commissioned in January 2024 in a contemporary effort to outline operational priorities, fiscal needs, and continue the progressive development of the LGMSPD. The LGMSPD staff continue to work on the prioritized recommendations to enhance efficiency, infrastructure, and training.

Training and Professional Development: Training and professional development are critical for police department staff as they directly impact the effectiveness, safety, and professionalism of law enforcement agencies to include encouraging career growth, improved decision-making, promotes officer-safety and enhances operational effectiveness throughout the organization. Areas of focus in 2025 includes:

- Advanced Officer Training (AOT) Taser 10 training for all officers, providing enhanced capabilities such as extended range, improved precision, and increased battery life, which ensure safer outcomes in critical incidents.
- "Building a Culture of Accountability" session at end of January 2025 for Sergeants, Leads, and Command Staff to promote leadership and operational excellence. This is partially

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sponsored by the Los Gatos-Monte Sereno Police Foundation with the other half from the LGMSPD budget.

- Advanced certification programs for sworn and professional staff to enhance tactical, investigative, and administrative support skills.
- Continuous education on updated law enforcement policies and state-mandated requirements, such as, CCW requirements, PRA's, accountability measures, and new legislative updates.
- Ongoing emergency response training aligned with POST and FEMA guidelines to enhance preparedness for critical incidents in addition to continued emphasis on redeveloping the Police Departments SWAT team.
- Over half of the Police Department consists of staff either new to the profession or to the department within the last three years, emphasizing the importance of robust core policing training for sworn and professional staff (Ex. Radar/Lidar Certification, Interview and Interrogation, and DUI training).
- Training for newly promoted supervisors focuses on critical areas such as risk management, leadership, supervision, and management, equipping them to effectively handle complex operational and personnel issues.
- As training requirements, travel needs, and unfunded mandates continue to grow, the training budget must be adjusted to reflect these increases. Sustaining a high standard of training is essential to reduced liability and increased risk management, maintaining operational effectiveness, and ensuring compliance with evolving state and federal mandates.

Technology Enhancements: Implementation of software for tracking personnel certifications and equipment inventory, replace and update patrol car computers, implement an automated subpoena delivery and tracking process and identify and automated software to manage false alarm billing and processing.

The Meliora Organizational Assessment recommended throughout the report a software specific to policing services that will provide a robust platform for managing law enforcement training, equipment, and certifications, ensuring compliance with state and federal requirements. Capabilities would include automated scheduling of training sessions, tracking officer performance, and maintaining detailed records of certifications and renewals. This would enhance operational efficiency by reducing administrative burdens, improve transparency in personnel management, and have an auditing function.

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Additionally, the assessment recommended an improved false alarm billing and tracking system to enhance efficiency and compliance as the Community Outreach Coordinator currently manages this task in conjunction with Dispatch and after handling billing and receipt of payment, then delivers the checks to the Finance Department.

Another item that was highly recommended was enhanced fiscal software to better manage agreements, timecards, and other fiscal analyst matters, promoting operational efficiencies. This will be a Town wide system update and dependent on the implementation timeline already underway through Tyler Munis.

Infrastructure Improvements: Conduct a comprehensive assessment of existing facilities to plan for security upgrades and improved evidence storage.

- Recommendations are aligned with best practices as defined by the California Association of Property and Evidence (CAPE) and the International Association for Property and Evidence (IAPE).
- Space assessment and upgrades to security and evidence storage facilities.

Space Assessment Priority: Meliora proposed 130 recommendations in their report. The space assessment is identified as a significant priority for the Town to fiscally plan for any actions recommended by the report. Parks and Public Works estimates the delayed space assessment to be underway by the end of March 2025, with completion estimated to take nine to twelve months.

Staff recommends selecting a vendor with extensive experience, references, and expertise in Police Department development, retrofitting, and sustainable energy-efficient police buildings that meet CAPE and IACP best practices and recommendations. The requested outcome of the space assessment study includes the development of a functional report, conceptual drawings, and cost estimates compiled into a comprehensive report for delivery to Council. Currently there is \$75,000 designated in a CIP to go towards a space assessment.

FLOCK CAMERAS AND PRIVATE OWNERSHIP

The Flock camera program provides significant safety benefits to Los Gatos by leveraging technology to combat crime while maintaining a strong commitment to privacy and data protection. Its collaborative funding model ensures widespread implementation, while stringent data handling policies balance safety with the community's privacy expectations.

Benefits

- *Enhanced Public Safety:* Flock cameras were instrumental in solving and preventing multiple crimes this year, follow up on missing persons, and other policing matters.

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- *Community Collaboration:* 12 privately owned Flock cameras now supplement the Town's program, expanding coverage to high-traffic areas. More privately owned cameras are expected in 2025 with the appropriate permitting if determined to be on Town property. Seven privately owned cameras are in the Town right of way and a standardized process is under evaluation by Parks and Public Works, the Town Attorney, and LGMSPD for encroachment permit and assuring captured data is shared with LGMSPD.
- *Efficient Resource Allocation:* swift alerting of a noted license plate number for awareness to police department staff and a response if appropriate. This includes stolen vehicles or license plates, Amber Alerts, Wanted Persons or persons under investigation.
- *Accountability:* Auditing ability of camera usage ensures compliance with strict access policies. Only authorized law enforcement personnel can access Flock data, and such access is logged and monitored to ensure compliance with policies.
- *Data Retention:* The 30-day cloud retention policy balances investigatory needs with privacy protections. A download of all captured images within designated timeframes is not feasible, nor is within policy to conduct.
- *No Personally Identifiable Information (PII):* Flock cameras capture vehicle and license plate information, not personal details about individuals.

FLOCK PRIVACY AND ACCESS REVIEW

- *PRA Exemption for Town-Owned Cameras:* Data captured by the 17 Town-owned Flock cameras is exempt from the Public Records Act (PRA). This ensures that sensitive information, such as license plate data, remains protected and is not disclosed publicly. Access is restricted to authorized law enforcement personnel who use the data strictly for investigative purposes. Flock information does not fall under the Town's retention schedule as it is not owned by the Town.
- *Privately Owned Flock Cameras:* Data captured by the 12 privately owned Flock cameras operates under the same strict guidelines as the Town-owned cameras. This includes PRA exemption, restricted access to authorized personnel, and compliance with strict data retention policies. Privately owned cameras contribute to public safety without compromising the privacy of individuals, as data is used solely for legitimate law enforcement investigations.
- *Cloud-Based Storage and Retention:* All Flock camera data, whether from Town-owned or privately owned systems, is stored in a secure cloud environment for a maximum of 30 days. After this period, data is automatically deleted unless flagged for an active investigation.
- *Oversight:* Logs of all access to Flock data are maintained to promote accountability and transparency.
- *Policy and Transparency:* The Police Department's internal Lexipol Policy outlines the governance and civil codes related to Automated License Plate Readers (ALPRs), including data retention, search parameters, and auditing protocols. By law, this policy must be posted separately on the Police Department's website. To enhance transparency further,

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the Police Department has embedded the Flock Transparency Portal directly into the LGMSPD website, allowing residents to access information about the program.

FISCAL IMPACT:

To address the department’s strategic priorities and recommendations from the Meliora assessment, the following areas of budgetary support are anticipated with exact projections either still being determined or the Department will absorb:

- Staffing and Succession Planning (TBD)
- Training and Professional Development (FY 24/25 absorbed with adjustment request anticipated for FY 25/26)
- Infrastructure Improvements (TBD based on space assessment and security upgrade needs)
- Technology Enhancements (SLESF funds expected to cover)
- Community Engagement and Specialized Programs (Meliora report recommended adding specific budget line items for Drone Program and Community Engagement and Volunteer Programs as they are primarily currently supported by the Police Foundation)

CONCLUSION:

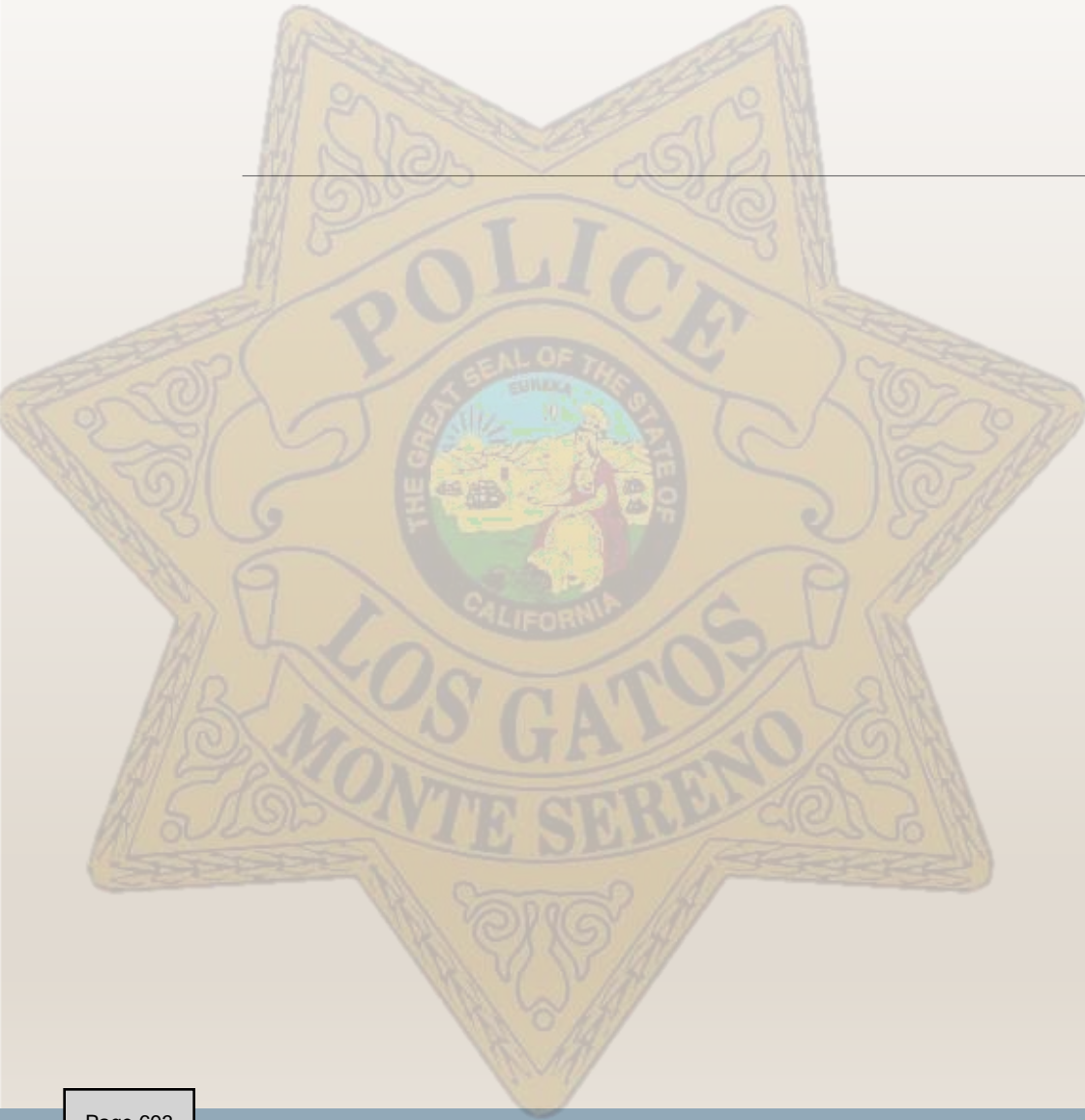
The LGMSPD demonstrates a strong commitment to public safety, operational efficiency, and community engagement. By focusing on localized and community-oriented services, the department addresses unique challenges while fostering trust and collaboration. Continued investment in staffing, technology, and infrastructure is vital to sustaining these efforts and preparing for future challenges effectively.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. PowerPoint Presentation



LOS GATOS POLICE SERVICES REPORT

JULY-DECEMBER 2024

ATTACHMENT 1



THE DEPARTMENT *Staff Update*



Police Officers

Police Officer Recruits

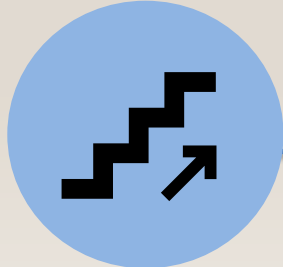
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2



Dispatcher

1



Sergeant

Corporal

1

1



Efficiencies and Improvements

**New
Dispatch &
Patrol Shifts**

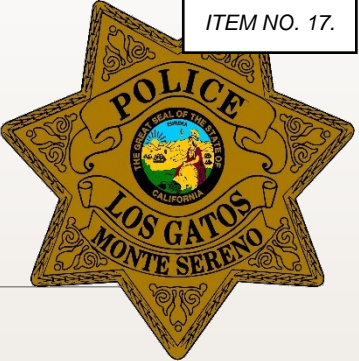
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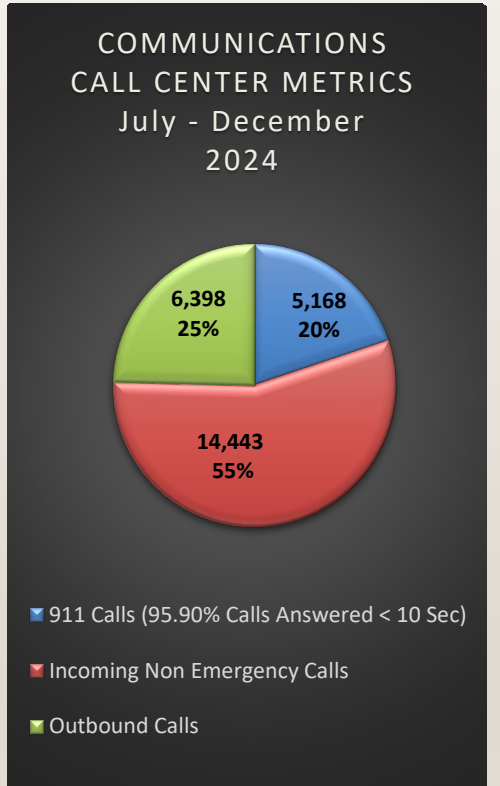
**Increase fiscal
support-
LGMSPF**





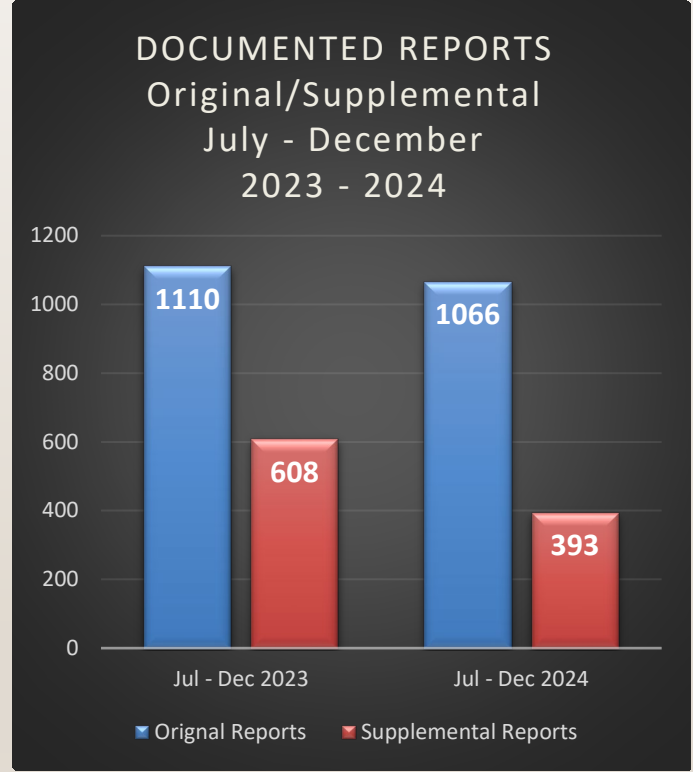
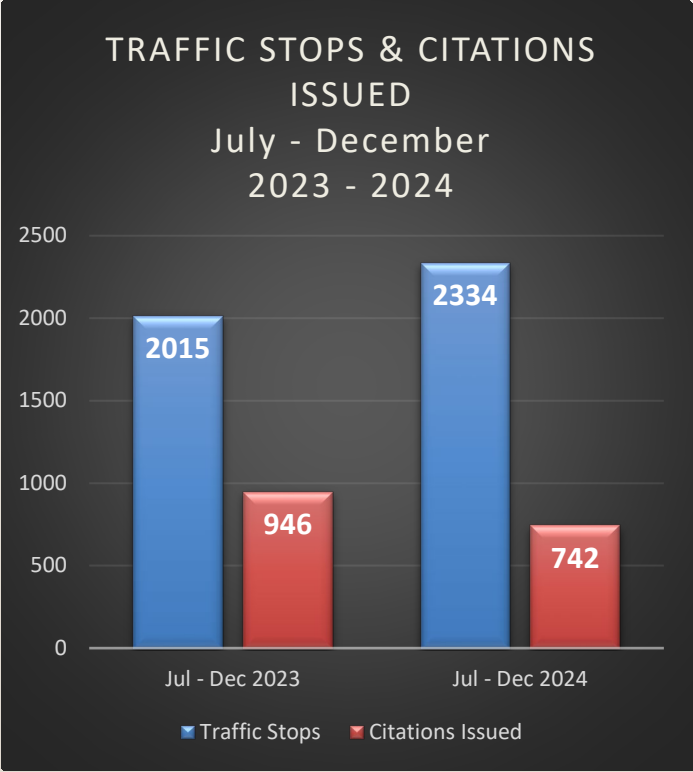


Calls For Service





Traffic Enforcement & Case Reports



EMERGENCY PREPAREDNESS EFFORTS

ITEM NO. 17.



Active Shooter
Training, Debrief, &
Partnership



Community Police
Academy



**MELIORA ASSESSMENT
IMPLEMENTATIONS**

SUCCESSION PLANNING

**CAPTAIN, SERGEANT,
CORPORAL
PROMOTIONS**

Priorities & Themes

**TRAINING &
PROFESSIONAL
DEVELOPMENT**

**TECHNOLOGY
ENHANCEMENTS**

**K9 EXPLOSIVE &
TRACKING**





flock safety

How does this technology deter and eliminate crime?

- **Proactive:** Real-Time Alerts when stolen or wanted vehicles enter your city
- **Investigative:** As clearance rates increase, overall crime often decreases
- Flock cameras serve as a **deterrent**

flock safety

flock safety

What this is:

- License Plate Recognition (LPR)
- Gathers objective evidence and facts about vehicles, not people
- Alerts police of wanted vehicles
- Used to solve crime
- Adheres to all state laws

What this is not:

- Not facial recognition
- Not collection of biometric or sensitive information
- Not used for tracking speed or parking violations
- Data automatically deletes every 30 days



flock safety

flock safety

Protecting privacy

- Footage owned by Agency/City and will never be sold to private third parties by Flock
- 30-day data retention, then automatically hard deleted
- Takes human bias out of crime-solving by detecting only objective data
- All data is stored securely with end to end encryption of all data

Accountability mechanisms

- Search reason and user number saved in indefinitely-available audit trail
- NOT facial recognition software, NOT collecting biometric information
- NOT used for parking enforcement or tolls
- Not connected to registration data or 3rd party databases (Carfax, DMV)
- Transparency Portal (free and optional)



QUESTIONS



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 18

ITEM NO. 18.

DATE: January 13, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Discussion, Consideration, and Approval to Add a Full-Time Emergency Manager (Classification: Division Manager) Position to the FY 2024-25 Budget and Approve an Expenditure Budget Adjustment of \$1,000,000 for Emergency Management Efforts from the Available Special/Capital Projects Reserve

RECOMMENDATION:

Town staff recommend the Town Council:

- Add a full-time Emergency Manager (Classification: Division Manager) position to the FY 2024-25 Budget and approve an expenditure budget adjustment of \$1,000,000 for emergency management efforts from the available Special/Capital Projects Reserve.

BACKGROUND:

Over the years, the Town has dedicated time and resources to emergency preparedness, with an emphasis on wildfire preparedness. Of note, the following list outlines examples of progress made in recent years to bolster the Town's emergency preparedness:

- Policy and Plans
 - Development of the [2024 Community Wildfire Protection Plan \(CWPP\)](#), [2024 Local Hazard Mitigation Plan Annex \(LHMP\)](#), [Vegetation Management Plan for Roads and Open Spaces](#) (2021), [Ad Hoc Wildfire Committee Report](#) (2020), and [Wildland Urban Interface \(WUI\) Evacuation Assessment Report](#) (2019).
 - Adoption of ordinances to expand weed abatement requirements (2019, 2020), require defensible space around new structures in the WUI and beyond property lines in certain circumstances (2020), and reduce certain requirements for tree removal and maintenance when related to furthering defensible space (2020).

PREPARED BY: Katy Nomura
Assistant Town Manager

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

SUBJECT: Add a Full-Time Emergency Manager and Approve an Expenditure Budget Adjustment of \$1,000,000

DATE: January 13, 2025

- Vegetation Management for Wildfire Prevention
 - Multiple grant awards for vegetation management:
 - USDA grant for roadsides: \$750,000 awarded with a \$750,000 match requirement
 - FEMA grant for roadsides: \$1,467,388 awarded with a \$489,130 match requirement
 - FEMA grant for open space: \$1,502,121 awarded with a \$500,707 match requirement
 - Completion of vegetation management on approximately 11 miles of Priority 1 and Priority 2 roadways in the Vegetation Management Plan (2021, 2022).
 - Removal of 18 eucalyptus trees on Overlook Road, a Priority 3 roadway in the Vegetation Management Plan (2023).
 - Brush mitigation on the hillside behind the Library using a herd of goats, funded with \$15,000 in grant funding from the California State Library (2023).
- Training and Community Engagement
 - Ongoing staff EOC training for all Town employees, including over 100 employees trained as Disaster Service Workers (DSWs) in 2024.
 - Hillside evacuation drill involving AlertSCC and approximately 50 households (2021).
 - Monthly meetings with CERT leads as well as quarterly Meet and Greet workshops with all CERT members, volunteers, and interested community members.
 - Two additional Neighborhood Incident Command Posts (NICPs) were added in 2023 with two more underway.
 - In 2024, 22 additional CERT members and 16 volunteers were recruited.
 - In 2024, the CERT members held five emergency preparedness information meetings throughout various neighborhoods.
 - Increased Los Gatos AlertSCC subscriptions (6,942 in 2020 to 10,115 in 2025).
 - Continued wildfire preparedness messaging on social media platforms with the following post counts from October 2021 to January 2025:
 - Facebook = 31
 - Instagram = 27
 - X/Twitter = 17
 - LinkedIn = 23
 - Nextdoor = 30
- Partnerships
 - The Town of Los Gatos led an effort with other West Valley cities to secure \$7 million in State grant funding with the support of former Assemblymember Low as part of the 2020-2021 California Budget. Of that funding, \$2 million was dedicated to pilot a defensible space wildland fire mitigation program implemented and overseen by the Santa Clara County Fire District (County Fire).

PAGE 3 OF 4

SUBJECT: Add a Full-Time Emergency Manager and Approve an Expenditure Budget Adjustment of \$1,000,000

DATE: January 13, 2025

This included a new Vasona crew and has been made a permanent program in County Fire's budget.

- The Town sold property at Winchester and Lark to County Fire to set the stage for them to build a state-of-art fire station in Town (2019-2021).

In addition to preparedness efforts, the Town continues to provide appropriate emergency response for events such as COVID-19 and the 2023 storms.

DISCUSSION:

Emergency preparedness is an established, critical strategic priority for the Town of Los Gatos. Currently, the Town budgets 960 part-time, Emergency Services Coordinator hours to address emergency preparedness, planning, and training. To further these efforts; address implementation needs for various disaster mitigation efforts as outlined in the LHMP, CWPP, and Ad Hoc Wildfire Committee Report; pursue emergency preparedness grant funding; explore policy options for improving wildfire prevention; and conduct more robust community engagement, additional staffing resources are required.

To elevate the Town's emergency management, a management level position is necessary to ensure the necessary expertise and leadership to effectuate cross-departmental, Townwide preparedness initiatives. Given the broad scope and high workload of existing management staff in the Town Manager's Office, a new position dedicated to emergency management is required. For these reasons, staff recommends adding a full-time Emergency Manager position (Classification: Division Manager) as soon as possible. Originally, staff planned to make this recommendation during the upcoming budget cycle; however, given the extreme fires occurring in Southern California, it appeared prudent to expedite the request ahead of the upcoming fire season. This new position would cost approximately \$95,000 for the remainder of this fiscal year and \$308,000 annually.

In addition to the staffing resources required, an appropriation of \$1 million is recommended to cover the \$95,000 cost of the new position as well as provide funding to implement emergency and wildfire preparedness initiatives. If approved, the Town Manager and Assistant Town Manager will work closely with the new Emergency Manager to evaluate and prioritize the most pressing needs first, while ensuring that appropriate Council oversight and approvals are obtained in accordance with the Town's purchasing policy. Should an emergency occur, this funding would be used to address any immediate response needs.

CONCLUSION:

In order to achieve superior levels of emergency preparedness in an expedited fashion, staff recommends adding a full-time Emergency Manager position and appropriating \$1 million for emergency preparedness and response.

PAGE 4 OF 4

SUBJECT: Add a Full-Time Emergency Manager and Approve an Expenditure Budget
Adjustment of \$1,000,000

DATE: January 13, 2025

FISCAL IMPACT:

The recommended expenditure budget adjustment of \$1 million would be funded from the available Special/Capital Projects Reserve. The recommended position would cost approximately \$95,000 for the remainder of the fiscal year and \$308,000 annually. The costs in the current fiscal year would be funded through the recommended \$1 million appropriation and the costs in future years would be included as part of the budget process.

ENVIRONMENTAL ASSESSMENT:

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



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 19

ITEM NO. 19.

DATE: January 16, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Resolution Declaring Town-Owned Property at 4 Tait to be Exempt Surplus Land Pursuant to the State Surplus Land Act [Gov. Code Section 54221(f)(1)(B)] and Authorizing Town Manager to Pursue Disposal of the Property and Make Recommendations to the Town Council.

RECOMMENDATION:

Adopt a resolution declaring Town-owned property at 4 Tait Avenue to be exempt surplus land pursuant to the state Surplus Land Act [Government Code Section 54221(f)(1)(B)] and authorizing the Town Manager to pursue disposal of the property and make recommendations to the Town Council.

BACKGROUND:

The Town owns real property located at 4 Tait Avenue (Assessor's Parcel No. 510-44-054), which is improved with a building of approximately 2,525 square feet and an ancillary outbuilding originally constructed as a fire station and later used as a museum. The museum use was discontinued several years ago. The building and outbuilding are currently unoccupied. The Town is exploring the disposition of the property.

The State Surplus Land Act, which is codified in Government Code Sections 54220 (hereinafter referred to as the "Act"), applies when a local agency disposes of land that is surplus and not necessary for the agency's use. The Act requires local agencies to declare land as "surplus land" or "exempt surplus land" prior to disposition. Land that is less than ½ acre or 21,780 square feet and not adjacent to land owned by a state or local agency used for open space or low and moderate-income housing, is exempt from provision of the Act.

PREPARED BY: Gabrielle Whelan
Town Attorney

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

PAGE 2 OF 2

SUBJECT: Resolution Declaring 4 Tait to be "Exempt Surplus Land"

DATE: January 15, 2025

DISCUSSION:

The Town Attorney's Office has prepared a resolution declaring the property to be "exempt surplus land." The draft resolution has been approved by the California Department of Housing and Community Development ("HCD"). The next step is for the Town Council to adopt the resolution and staff to transmit the adopted resolution to HCD at least 30 days prior to the property's disposition.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378, adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

CONCLUSION:

If the Town Council adopts this Resolution, the Resolution will be transmitted to HCD and the Town Manager's Office will pursue options for disposition of the property and return to the Town Council.

COORDINATION:

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

Attachments:

1. Resolution Declaring Town-Owned Property at 4 Tait Avenue Exempt Surplus Land

RESOLUTION 2025-XX

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS,
CALIFORNIA DECLARING CERTAIN TOWN-OWNED PROPERTY AT 4 TAIT
AVENUE AS EXEMPT SURPLUS LAND PURSUANT TO SECTION 54221(f)(1)(B)
OF THE STATE SURPLUS LAND ACT**

WHEREAS, the Town of Los Gatos (“Town”) owns that certain approximately 12,234 square foot (0.28 acre) real property located at 4 Tait Avenue, Los Gatos, designated as APN: 510-44-054 (“Property”) which is improved with an approximately 2,525 square foot building (“Building”) and ancillary outbuilding originally constructed as a fire station and later used as a museum; and

WHEREAS, the Town has caused an appraisal of the Property to be completed to establish its fair market value. The appraisal establishes that the Property’s highest and best use is for residential purposes, and the fair market appraised value is between \$2.9 and \$3.06 Million, depending on whether the Property can be split into two lots; and

WHEREAS, the museum use was discontinued and the Building closed several years ago, and since that time the Property has been unoccupied and is no longer needed for Town’s use; and

WHEREAS, the Town has determined it is in the Town’s best interest to sell the Property, subject to a requirement that the Building’s façade be preserved and maintained in a manner substantially consistent with its current condition and design; and

WHEREAS, the State Surplus Land Act, Government Code sections 54220 *et seq.* (“Act”), applies when a local agency disposes of land that is surplus and not necessary for the agency’s use; and

WHEREAS, the Act requires local agencies to declare land as “surplus land” or “exempt surplus land” prior to disposition; and

WHEREAS, the Act identifies land that is less than one-half acre or 21,780 square feet and not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes as “Exempt Surplus Land” [Gov. Code Section 54221(f)(1)(B)]; and

WHEREAS, the Property is less than 21,780 square feet and not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes, exempting the transfer of the Property from the Act; and

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development (“HCD”), any determination by a local

agency that its lands are exempt from the Surplus Land Act must be provided to HCD for its review at least 30 days prior to disposition.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESOLVES AS FOLLOWS:

Section 1. Recitals

The recitals above are hereby incorporated and adopted as the findings of the Town Council.

Section 2. California Environmental Quality Act (CEQA)

Adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to CEQA Guidelines section 15378, as it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Section 3. Declaration of Exempt Surplus Land

- A. Based on the foregoing recitals, the public interest is for the Property to be offered for sale in accordance with applicable law.
- B. The Town Council hereby declares that the Property is not necessary for the Town's use, and is exempt from the Act pursuant to California Government Code section 54221(f)(1)(B).
- C. Pursuant to California Government Code section 54222.3, the Act shall not apply to the disposition of the Property.

Section 4. Actions; Authorizations

- A. The Town Manager is authorized to undertake efforts to sell the Property to a purchaser at a sales price not less than the Property's fair market value, subject to a requirement that the purchaser and its successors and assigns commit to preserve and maintain the Building's façade in a manner substantially consistent with its current design and condition, and to present the Town Manager's recommendation to the Town Council for consideration.
- B. The Town Clerk is hereby authorized and directed to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

Section 5. Effective Date

This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 21st day of January 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____, 2025

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____, 2025