

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING CHAPTER 23 (STREETS AND SIDEWALKS) OF THE TOWN CODE  
REGARDING DEMOLITION REGULATIONS RIGHT OF WAY DEDICATION,  
INSTALLATION OF CURBS, GUTTERS, AND SIDEWALKS, AND UNDERGROUNDING OF  
UTILITY REGULATIONS**

**WHEREAS**, the Town Code provides guidance of installation of curbs, gutters and sidewalks and undergrounding of utilities for subdivisions but remains silent on building permit projects;

**WHEREAS**, recent changes to the Town code will prevent certain building permits from going through the Architectural and Site application process where they previously were reviewed for dedication of needed right of way and installation of Town improvements in the right of way;

**WHEREAS**, as part of the development process, jurisdictions typically require public right of way dedications and installation of improvements in the right of way for new construction or projects with significant modifications to existing buildings;

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Policy Committee on July 23, 2019 and September 24, 2019;

**WHEREAS**, on September 24, 2019, the Policy Committee recommended bringing the amendments to the Town Council;

**WHEREAS**, it has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3);

**WHEREAS**, the proposed amendments to Chapter 23 of the Town Code regarding right of way dedication, installation of curbs, gutters, and sidewalks, and undergrounding of utilities regulations are consistent with the General Plan;

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 5, 2019; and

ATTACHMENT 1

**WHEREAS**, on November 5, 2019, the Town Council reviewed and commented on the proposed amendments regarding land use appeals and the Town Council voted to introduce an Ordinance.

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

### **SECTION I**

Los Gatos Town Code Article I – Streets and Regulations Section 23.10.005 is hereby added to read as follows:

#### **Sec. 23.10.005 – Requirements – General**

Any person who proposes a substantial remodel to erect, construct, add to, alter or repair any building or structure for which a building permit is required by the Town adjacent to an unimproved street, or who seeks a use permit, planned development permit, or architectural and site approval from the Town for land adjacent to an unimproved street must agree to improve, or agree to improve in an agreement with the Town, said street by the installation of improvements, under the provisions of this chapter. This may include dedication or an irrevocable offer of dedication of land that is needed for streets, alleys including access rights and abutters’ rights, drainage, public utility easements and open space land or easement, park lands, trail rights of way or easements, and other public easements. In addition, the owner/developer shall improve or agree to improve all streets, alleys, including access right and abutters’ rights, drainage, public utility easements, and other public easements as determined by the Town Engineer. These improvements may include, but are not limited to, installation of curbs, gutters, and sidewalk, pavement, bicycle improvements, and undergrounding of utilities.

Los Gatos Town Code Article I – Streets and Regulations Section 23.10.010 is hereby amended to read as follows:

#### **Sec. 23.10.010. - Definition.**

1. For purposes of this chapter, the following words and phrases shall have the following meanings:

2. *Median strip.* A paved or planted strip of ground dividing a roadway into lanes according to the direction of travel.
3. *Parked vehicle.* Shall mean a legally parked vehicle.
4. *Roadway.* That portion of a public street normally or ordinarily used for motor vehicle travel. It shall not include driveways, sidewalks, curbs, other areas adjacent to public streets, or other areas out of or off of the public streets. It shall include any median strip and any concrete island separated from a sidewalk used as a staging area for pedestrians crossing an intersection.
5. *Solicit or solicitation.* Any transaction or attempted transaction involving an offer, whether oral or written, of goods, property or services, or a request for money, property or services. This term shall not include the mere advertisement of goods and/or services by a motorist, where no immediate transaction is attempted.
6. *Substantial remodel.* Defined as meeting three or more of the following criteria:
  - The valuation of the work exceeds either \$200,000 or 20% of the total value of the improvements;
  - Seventy-five percent (75%) or more of the existing roof framing (square footage area) will be removed;
  - Fifty percent (50%) or more of the existing exterior wall [Square Foot (SF)] will be removed; or
  - Fifty percent (50%) or more of the existing interior wall [Lineal Foot (LF)] will be removed.

(Code 1968, § 26-1; Ord. No. 2185, § I, 2-1-10)

**SECTION III**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5<sup>th</sup> day of November 2019 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 19<sup>th</sup> day of November 2019. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

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

DATE: \_\_\_\_\_