

Matt Brennan
Los Gatos, CA 95030

Town of Los Gatos
110 East Main St
Los Gatos CA 95030
Attn: Town Council

January 24th, 2022

Subject: SB-9 Emergency Ordinance

Dear Council-members

We own a property in the R1-20 zoning district and would like to consider SB-9 to develop it properly. But there are a couple of clauses in the Ordinance that you approved in December that seem to go against the intent of the law that would make it impossible for us [and many other homeowners] to do so.

The 1,200 sq ft limitation on all SB-9 homes will make it unviable for almost anyone to consider. We would be OK if you choose to require a smaller unit as one of the two homes, but an owner must be able to build the other based on the FAR.

The 20 ft frontage requirement is difficult in our instance also, and SB-9 seems not to allow this restriction. We would like to use an easement.

Without these changes the town will lose the chance to add any housing at all, let alone the affordable housing you say you want.

We hope that you will fix these next week.

Thank you for your consideration

Matt Brennan

From: Terence J. Szewczyk [REDACTED]
Sent: Saturday, January 29, 2022 2:18 PM
To: Laurel Prevetti <LPrevetti@losgatosca.gov>; Matt Morley <MMorley@losgatosca.gov>
Cc: Jennifer Armer <JArmer@losgatosca.gov>; Jocelyn Shoopman <jshoopman@losgatosca.gov>; Mike Weisz <MWeisz@losgatosca.gov>
Subject: Fwd: Request for Action on SB9 Ministerial Application

EXTERNAL SENDER

Dear Town Staff, Here is our response to the comments on our first SB9 Urban Lot Split. I would like to get a revised letter or acknowledgment that I can trust you will make the requested revisions before the Feb 1, 2022 Council Meeting. While I realize that the grading disqualification was created by staff (and is in the current ordinance) please withdraw it completely. It makes no sense whatsoever. I don't want to have to present this info as a "bad faith" attempt of the CA law to the Council.

Best regards, Terry

Terence J. Szewczyk. P.E.

TS/Civil Engineering, Inc

[REDACTED]

San Jose, CA 95110

[REDACTED]

[REDACTED]

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

From: Terence J. Szewczyk [REDACTED]
Date: Sat, Jan 29, 2022 at 12:42 PM
Subject: Fwd: Request for Action on SB9 Ministerial Application
To: <lprevetti@losgatosca.gov>, Matt Morley <MMorley@losgatosca.gov>

Laurel, Time to break these very bad habits of endless over-discretionary review. PPW just can't help themselves with citing endless deficiencies when in fact their process is the problem.

I don't know how this Town will ever revert to Ministerial Review after decades of discretionary abuse in the application of planning and zoning law and CEQA. Recall that a 10 lot subdivision has taken more than 10 years and a 4 lot subdivision on flat land needed a full EIR.

Best regards, Terry

Terence J. Szewczyk. P.E.

TS/Civil Engineering, Inc

[REDACTED]

San Jose, CA 95110

[REDACTED]

[REDACTED]

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

From: **Terence J. Szewczyk** [REDACTED]

Date: Fri, Jan 28, 2022 at 5:14 PM

Subject: Fwd: Request for Action on SB9 Ministerial Application

To: Matt Morley <MMorley@losgatosca.gov>

Mr. Morley, We are all trying to navigate through the SB9 process and this Engineering check print is frankly unwelcomed. The nature of a ministerial permit does not invite discretionary comments of this nature. Besides, there should be no grading permit trigger.

I have just read the staff report for the SB9 Urgency Ordinance and it seems that the staff direction is correct toward watering down the current foolishness. However, it should be fully eliminated. How can anyone believe that the need for a grading permit preempts the ability to subdivide a lot? We'll see what the Council does on Tuesday. However, we will resubmit and expect a Planning Approval on Monday, Jan 31, 2022.

Best regards, Terry

Terence J. Szewczyk. P.E.

TS/Civil Engineering, Inc

[REDACTED]

San Jose, CA 95110

[REDACTED]

[REDACTED]

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

From: **Jocelyn Shoopman** <jshoopman@losgatosca.gov>

Date: Fri, Jan 28, 2022 at 3:58 PM

Subject: RE: Request for Action on SB9 Ministerial Application

To: Terence J. Szewczyk [REDACTED]
Cc: Mike Weisz <MWeisz@losgatosca.gov>, Jennifer Armer <JArmer@losgatosca.gov>

Hi Terry,

Please find the comment letter for Urban Lot Split application ULS22-001 attached to this email for your review. Two additional attachments, 1.) Owner Declaration and 2.) Engineering mark-ups have also been attached to this email. The revised plans and supporting materials can be submitted to the Town's online permit portal under application number ULS22-001.

If you have any questions, please do not hesitate to reach out.

Thank you,



Jocelyn Shoopman • Associate Planner

Community Development Department • 110 E Main Street, Los Gatos CA 95030

Ph: 408.354.6875 • JShoopman@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>



PLANNING DIVISION AND
ENGINEERING DIVISION
January 28, 2022

16880 Kennedy Road
Urban Lot Split Application ULS22-001

Requesting Approval for a Subdivision of One Lot into Two Lots on Property Zoned R-1:8.
APN 532-35-067.

PROPERTY OWNER: Terence J. Szewczyk

APPLICANT: Patrick Mock

NOTE: This Urban Lot Split (ULS) Application submittal is **INCOMPLETE** and requires resubmittal of plans to address deficiencies noted.

PLANNING PROJECT DEFICIENCIES:

- 1) Per the Requirements for Submittal of an Urban Lot Split Application, please provide a grading and drainage plan with grading quantities identified or provide verification that the future housing will not require a Grading Permit or grading in excess of 50 cubic yards.
- 2) Has the existing single-family home been occupied by a tenant in the last three years? If so, pursuant to the Urgency Ordinance, the proposed urban lot split shall not require the demolition or alteration to the existing residence that has been occupied by a tenant within the last three years. Review and submit the attached *Owner Declaration* form as part of the resubmittal.
- 3) The applicant shall submit a signed *Owner Declaration* to the Community Development Department Director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split or Certificate of Occupancy, whichever is later. See attachment.
- 4) The applicant shall submit a signed *Owner Declaration* to the Community Development Department Director attesting that that parcel has not previously been subdivided using an Urban Lot Split application. See attachment.

PLANNING GENERAL COMMENTS:

- 5) A demolition permit shall be obtained from the Building Division for the existing building crossing a new property line prior to the recordation of the parcel map.



- 6) Development on the resulting parcels is limited to the project approved by the Two-Unit Housing Development Application process. Please refer to Section V of Ordinance 2326 for the objective zoning standards which pertain to a Two-Unit Housing Development project. The Two-Unit Housing Development Application form can be found on the Town's website at: <https://www.losgatosca.gov/2703/Senate-Bill-9>.
- 7) The subdivider shall submit a signed deed restriction to the Community Development Director documenting that the parcels resulting from the Urban Lot Split application may not be further subdivided under the provisions of this Urgency Ordinance. The deed restriction shall be recorded on the title of each parcel concurrent with the recordation of the parcel map.

ENGINEERING PROJECT DEFICIENCIES:

- 8) Dedication of 10-foot Public Service Easement/Public Access Easement along the Kennedy Road frontage of Parcel 1, with a 10-foot radius at the intersection of Kennedy Road and Gem Avenue is required.
- 9) Relocate the joint trench facilities outside of the Town's Gem Avenue right-of-way. Dedication of a five-foot utility easement granted for Parcel 1 across Parcel 2 is required.
- 10) A curb and sidewalk in-lieu fee of **\$16,380.00** shall be paid prior to recordation of the parcel map. This fee is based on 117 linear feet of curb at \$68.00 per linear foot and 526.5 square feet of 4.5-foot-wide sidewalk at \$16.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule.

Please resubmit plans and supporting material and provide a compliance memorandum showing how all of the deficiencies and general comments have been addressed to the online permitting system (ULS22-001).

Jocelyn Shoopman
Associate Planner
JShoopman@losgatosca.gov
408-354-6875

Mike Weisz
Senior Civil Engineer
MWeisz@losgatosca.gov
408-354-5236

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OWNER DECLARATION – URBAN LOT SPLIT APPLICATION

Community Development Department
Planning Division – 110 East Main Street, CA 95030 – Phone 408-354-6872

Property Address: _____ APN: _____

Applicant/Property Owner Information

Name: _____ City: _____
Address: _____ State: _____ Zip: _____
Email: _____ Phone: _____

Declaration

I, [insert name] _____, declare and state:

1. I am the owner of record of the property described above.
2. The housing unit(s) proposed to be demolished or altered in connection with the above application for an Urban Lot Split have not been occupied by a tenant at any time within the last three years [insert date of application] _____.
3. I intend to occupy one of the proposed housing units as my principal residence for a minimum of three years from the date of the approval of the Urban Lot Split or Certificate of Occupancy, whichever is later.
4. I have not previously subdivided an adjacent parcel using an Urban Lot Split.
5. Neither I, nor any person acting as my agent or representative, have or has acted in concert with another person to subdivide an adjacent parcel using an Urban Lot Split.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed on (date): _____

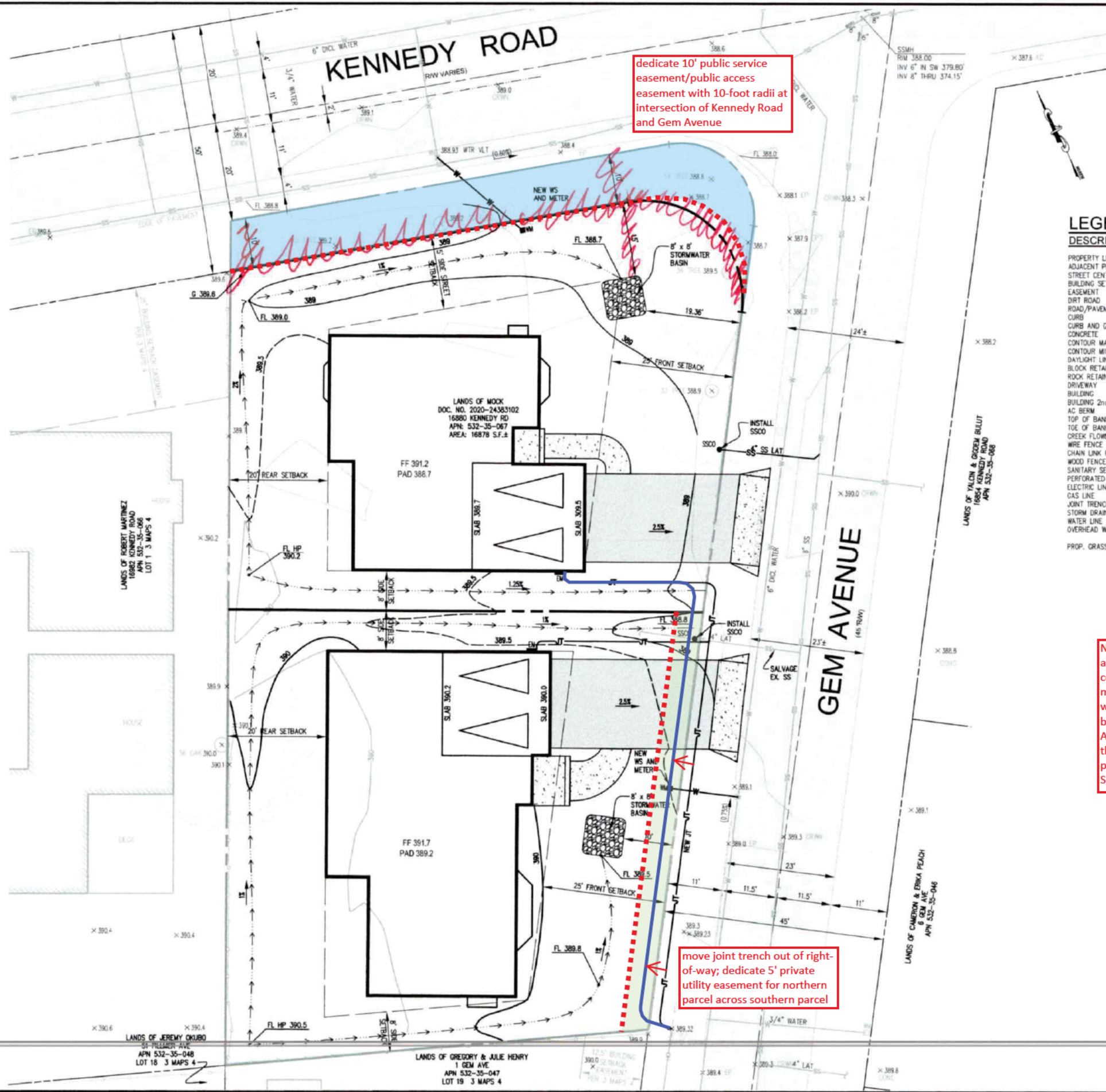
Name (Print): _____

Signature: _____

OFFICE USE ONLY

Application Number: _____		
Accepted By	Filing Date	
		By
		For the Director of Community Development Date

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.



dedicate 10' public service easement/public access easement with 10-foot radii at intersection of Kennedy Road and Gem Avenue

move joint trench out of right-of-way; dedicate 5' private utility easement for northern parcel across southern parcel

LEGEND

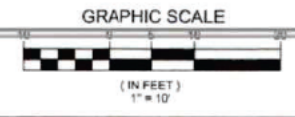
DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
ADJACENT PROPERTY LINE	---	---
STREET CENTER LINE	---	---
BUILDING SETBACK LINES	---	---
EASEMENT	---	---
DIRT ROAD	---	---
ROAD/PAVEMENT	---	---
CURB	---	---
CURB AND CUTTER	---	---
CONCRETE	---	---
CONTOUR MAJOR	---	---
CONTOUR MINOR	---	---
DAYLIGHT LINE	---	---
BLOCK RETAINING WALL	---	---
ROCK RETAINING WALL	---	---
DRIVEWAY	---	---
BUILDING	---	---
BUILDING 2nd FLOOR	---	---
AC BERM	---	---
TOP OF BANK	---	---
TOE OF BANK	---	---
CREEK FLOWLINE	---	---
WIRE FENCE	---	---
CHAIN LINK FENCE	---	---
WOOD FENCE	---	---
SANITARY SEWER LINE	---	---
PERFORATED SEPTIC LINE	---	---
ELECTRIC LINE	---	---
GAS LINE	---	---
JOINT TRENCH	---	---
STORM DRAIN LINE	---	---
WATER LINE	---	---
OVERHEAD WIRE	---	---
PROP. GRASSY SWALE	---	---

Note: earthwork quantities associated with the construction of a new home may require a grading permit, which would then be preceded by an Architecture and Site Application. Please provide these quantities as required per the Requirements for Submittal of an Urban Lot Split.

SD9 - URBAN LOT SPLIT

DESIGNED UNDER THE SUPERVISION OF

TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21



TS CIVIL ENGINEERING, INC.
 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
 PH: 408.452.9300
 FAX: 408.837.7550

TS

z-CIVIL ENGINEERING
 PRELIMINARY GRADING & UTILITY PLAN
 16880 KENNEDY RD
 LOS GATOS CA 95032
 APN 532-35-067

NO.	DATE	BY	REVISIONS

SHEET NO. **19-248**
 OF 5 SHEETS
 JOB NO. 19-248

09/30/2021 11:37am - N:\2019 JOBS\19-248\DWG\19-248_C3 PRELIMINARY GRADING & UTILITY PLAN.dwg - C3



TOWN OF LOS GATOS
STAFF REVIEW COMMENTS

PLANNING DIVISION AND
ENGINEERING DIVISION
January 28, 2022

16880 Kennedy Road
Urban Lot Split Application ULS22-001

Requesting Approval for a Subdivision of One Lot into Two Lots on Property Zoned R-1:8.
APN 532-35-067.
PROPERTY OWNER: Terence J. Szewczyk
APPLICANT: Patrick Mock

NOTE: This Urban Lot Split (ULS) Application submittal is **INCOMPLETE** and requires resubmittal of plans to address deficiencies noted.

PLANNING PROJECT DEFICIENCIES:

- 1) Per the Requirements for Submittal of an Urban Lot Split Application, please provide a grading and drainage plan with grading quantities identified or provide verification that the future housing will not require a Grading Permit or grading in excess of 50 cubic yards.
This requirement is found nowhere in SB9 and is prohibited as an attempt to circumvent the new law. It is puzzling as to whom at the Town even imagined this and what minimal grading has to do with drawing a lot line. Furthermore, it is disturbing how the Town stigmatizes 50 CY of grading (about 2" deep across and 8,000 SF lot- comparable to mulching) as if it were a significant impact under CEQA. Please withdraw this comment.
- 2) Has the existing single-family home been occupied by a tenant in the last three years?
If so, pursuant to the Urgency Ordinance, the proposed urban lot split shall not require the demolition or alteration to the existing residence that has been occupied by a tenant within the last three years. Review and submit the attached *Owner Declaration* form as part of the resubmittal. **Will do.**
- 3) The applicant shall submit a signed *Owner Declaration* to the Community Development Department Director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split or Certificate of Occupancy, whichever is later. See **Will do**
- 4) The applicant shall submit a signed *Owner Declaration* to the Community Development Department Director attesting that that parcel has not previously been subdivided using an Urban Lot Split application. See attachment. **Will do**

PLANNING GENERAL COMMENTS:

- 5) A demolition permit shall be obtained from the Building Division for the existing building crossing a new property line prior to the recordation of the parcel map. **Yes, will do.**



TOWN OF LOS GATOS
STAFF REVIEW COMMENTS

- 6) Development on the resulting parcels is limited to the project approved by the Two-Unit Housing Development Application process. Please refer to Section V of Ordinance 2326 for the objective zoning standards which pertain to a Two-Unit Housing Development project. The Two-Unit Housing Development Application form can be found on the Town's website at: <https://www.losgatosca.gov/2703/Senate-Bill-9>. **Thank you. Not currently applicable**
- 7) The subdivider shall submit a signed deed restriction to the Community Development Director documenting that the parcels resulting from the Urban Lot Split application may not be further subdivided under the provisions of this Urgency Ordinance. The deed restriction shall be recorded on the title of each parcel concurrent with the recordation of the parcel map. **OK, will do.**

ENGINEERING PROJECT DEFICIENCIES:

- 8) Dedication of 10-foot Public Service Easement/Public Access Easement along the Kennedy Road frontage of Parcel 1, with a 10-foot radius at the intersection of Kennedy Road and Gem Avenue is required. **We will do the PSE but not the PAE. The PAE is not allowed under SB9.**
- 9) Relocate the joint trench facilities outside of the Town's Gem Avenue right-of-way. Dedication of a five-foot utility easement granted for Parcel 1 across Parcel 2 is required. **OK.**
- 10) A curb and sidewalk in-lieu fee of **\$16,380.00** shall be paid prior to recordation of the parcel map. This fee is based on 117 linear feet of curb at \$68.00 per linear foot and 526.5 square feet of 4.5-foot-wide sidewalk at \$16.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule. **Please remove this comment until A&S (see attached).**

Please resubmit plans and supporting material and provide a compliance memorandum showing how all of the deficiencies and general comments have been addressed to the online permitting system (ULS22-001).

Jocelyn Shoopman
Associate Planner
JShoopman@losgatosca.gov
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408-354-5236

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ENGINEERING PROJECT DEFICIENCIES:

We are not sure what the public access esmt is for in regard to what public facility. This seems like a false pretense to create street right of way, which is not allowed.

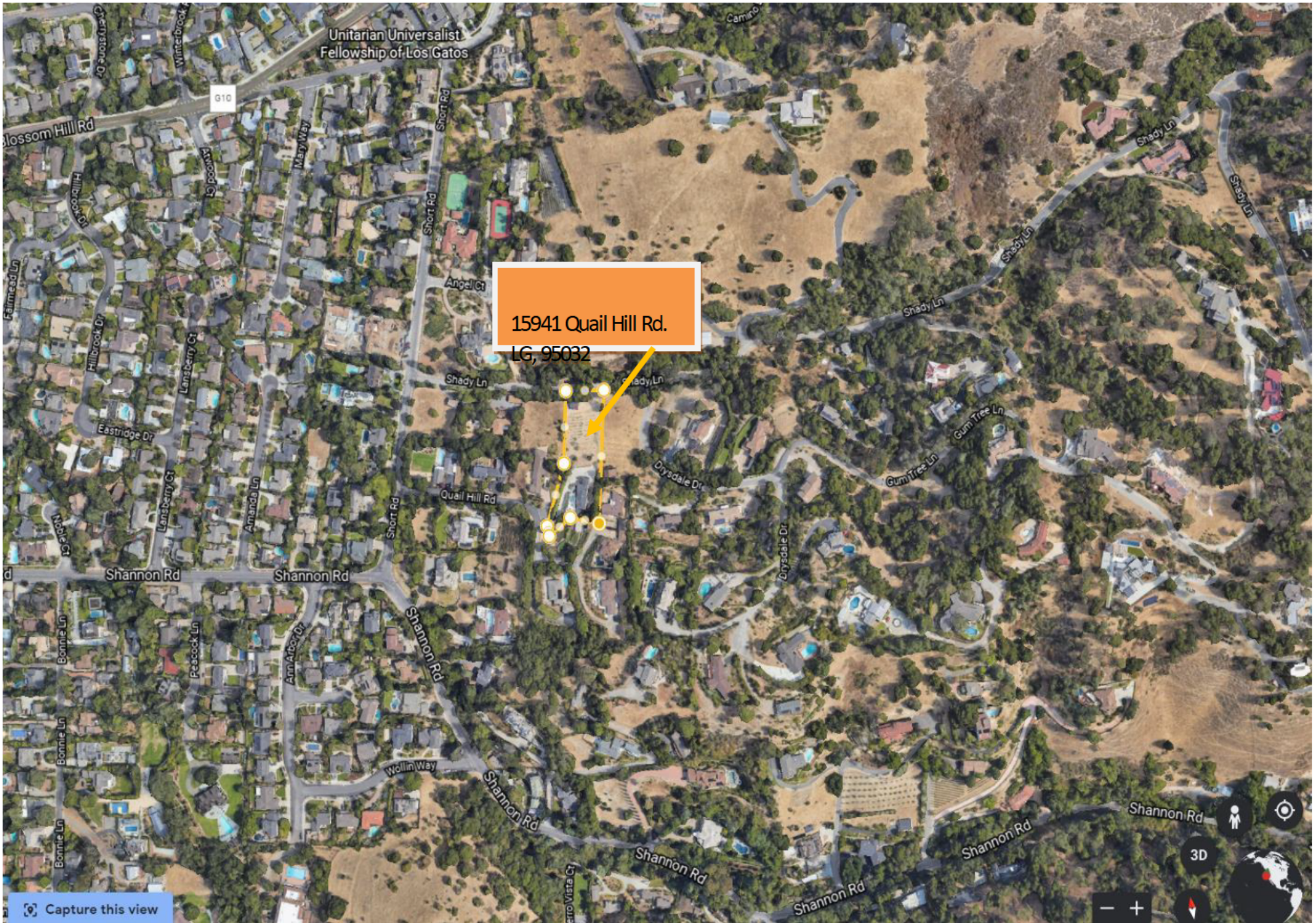
- 8) Dedication of 10-foot Public Service Easement/~~Public Access Easement~~ along the Kennedy Road frontage of Parcel 1, with a 10-foot radius at the intersection of Kennedy Road and Gem Avenue is required.
- 9) Relocate the joint trench facilities outside of the Town's Gem Avenue right-of-way. Dedication of a five-foot utility easement granted for Parcel 1 across Parcel 2 is required.
- 10) A curb and sidewalk in-lieu fee of **\$16,380.00** shall be paid prior to recordation of the parcel map. This fee is based on 117 linear feet of curb at \$68.00 per linear foot and 526.5 square feet of 4.5-foot-wide sidewalk at \$16.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule.

We are not sure that this is a legitimate request under SB9 and believe it should be deferred when the proper nexus exists at the time of A&S and residence building permit.

CA Law - SB9

- **Easements, Access, and Dedications.** A local agency may require an application for a parcel map for an urban lot split to include easements necessary for the provision of public services and facilities. The local agency may also require that the resulting parcels have access to, provide access to, or adjoin the public right-of-way. The local agency may not require dedications of rights-of-way or construction of offsite improvements.

Request for an urban lot split for a parcel of land at
15941 Quail Hill Rd, LG, CA 95032





15941 Quail Hill Rd,
LG 95032

Notice distance and elevation
b/w the Main House and ADU

Proposed Lot Split
Sub-lot 1 – 15941 Quail Rd. (~60%)
Sub-lot 2 – 15840 Shady Lane (~40%)



Our Requests:

- 1- HR Zone to be included in the adaptation of SB9 by Town of LG. Section 66411.7 (a) (3) (A) of SB9 states that a local agency shall ministerially approve map for an urban lot split if, amongst other requirements, the development is “located within a **single family residential zone**”. Clearly, **Hillside Residential Zone** is a “**single family residential zone**”.
- 2- Allow the current parcel of land be split into 2 sub-lots.
 - a. Sub-lot 1 where the main building resides
 - b. Sub-lot 2 where a fully permitted 1200 sf ADU is located at
- 3- While every lot is unique in its terrain, conditions, accessibility and privacy faetures, we feel that our parcel of land lends itself nicely to be split in two sub-lots due to the following conditions:
 - a. The two dwellings are on separate roads. Main house on Quail Hill Rd and the sub-lot on Shady Lane
 - b. The two dwellings have separate addresses: 15941 Quail Hill Rd and 15840 Shady Lane
 - c. The two dwellings are separated by more than 200 linear feet and are on very different elevations separated by more than 67 vertical feet.
 - d. The above linear/vertical separations allow for full privacy of each dwelling.
 - e. There is enough land in around each dwelling that will not adversely affect the natural look, wildlife or environmental conditions.
 - f. The two dwellings are on separate and independent utilities connection for sewer, water, electricity and gas.
 - g. Both dwellings are protected by fire sprinklers that have been approved and signed off by the SC Fire Department
 - h. There are separate fire hydrants within approved proximity of each dwelling
 - i. Both dwellings have automated gates with an approved Knox Box for fire department access
- 4- Allow the dwelling at 15840 Shady Lane on the sub-lot created by SB9 to be larger than the current 1,200sf limit.

THANK YOU

From: Don Wimberly
Sent: Saturday, January 29, 2022 10:00 PM
To: Jennifer Armer
Cc: 'Faber, Andrew L.'; Janette Judd; Joel Paulson
Subject: Urgency SB9 Ordinance - February 1, 2022 Town Council Meeting

Jennifer - Please submit a copy of this email to the Town Council as a desk item for Item 5 of the 2/1/22 Town Council meeting.

Mayor Rene and Town Council

I am submitting this email as an addition to our letter after reading the Staff Report for extension of the Urgency Ordinance; in particular, **Section J. Hillside Residential.**

The following statement in Section J of the Staff Report confuses the issue addressed by Mr. Faber, my wife and I, and other correspondents to the Town Council.

“It (SB-9) does not require this process be permitted in all zones that allow single family residential by right, which in the Town of Los Gatos would include Resource Conservation, Hillside Residential, Single Family Residential, Residential Duplex, Multiple Family Residential, Single Family Residential Downtown, Residential Mobile Home, and Central Business District (when in conjunction with other permitted use)”

Our contention is that the HR Zone is a single family residential zone and therefor SB-9 applies within it. Urgency Ordinance 2326 should also include the HR zone. Adequate roadway clearance for emergency access is and should be required as the staff report states.

To emphasize - according to the Town Zoning Code, Hillside Residential **IS** a **single family residential zone**, just as R-1 & R-1D are. HR **IS NOT THE SAME** as those zoning districts that allow single family dwellings by right such as R-D (Residential Duplex), R-M (Residential Multifamily) and C-2 (Central Business District). As you and staff know, in those districts, single family dwellings are, amongst other uses, permitted. These districts allow other nonresidential uses, unlike R-1, R-1D and HR.

The following excerpts from the Town Zoning Code make it clear that the **PRIMARY PERMITTED USE IN THE HR ZONE IS SINGLE FAMILY RESIDENTIAL.**

ARTICLE IV. RESIDENTIAL ZONES

DIVISION 1. - GENERALLY

- **Sec. 29.40.010. - Residential zones established.**

Residential zones of the Town are the RC, HR, R-1, RD, R-M, RMH and R-1D zones.
(Ord. No. 1316, § 4.05.010, 6-7-76; Ord. No. 1344, 1-17-77; Ord. No. 1493, 3-17-81; Ord. No. 1571, 3-7-83; Ord. No. 2024, § III, 12-2-96)

DIVISION 3. - HR OR HILLSIDE RESIDENTIAL ZONE

- **Sec. 29.40.235. - Permitted uses.**

The following uses are permitted in the HR zone in the Town:

- (1) Single-family dwelling, provided that there is not more than one (1) principal residential structure on a lot.
- (2) Agriculture, except dairying.
- (3) Family daycare home.
- (4) Residential care facility, small family home.

(Ord. No. 1316, § 4.24.020, 6-7-76; Ord. No. 1363, 8-1-77; [Ord. No. 2306](#), § I, 4-21-20)

Don & Cheryl Wimberly

From: Tony Jeans

Sent: Sunday, January 30, 2022 3:15 PM

To: Jennifer Armer; Joel Paulson

Cc: Rob Rennie; Marico Sayoc; Maria Ristow; Matthew Hudes; Mary Badame

Subject: SB-9 Final Comments for the Hearing

Joel/Jennifer:

I read the Final Staff Report, thank-you for all the work you put into it.

Based on it I have put on one page my recommendations as to what I feel needs to happen, now that you have decided to "Extend the Urgency Ordinance" to the maximum allowed by law. I have followed your thoughts and limited the changes to "Only Minor Adjustments" to the ordinance so that these points can be considered by council on Tuesday.

My goal was to limit them to the ones necessary to reduce the expectation for litigation in such a critical area. As such I have retained the concept of "affordability" suggested by the Council in the original ordinance and just addressed points that I feel necessary for now. Objective Design Standards are best left to the Planning Commission to consider at a later date [but soon, if possible].

Please include this in an 'addendum' report to the Council. [Copied here for the sake of time].

Thanks

Tony

Memo: **SR-9 Final Suggestions Following Review of the Staff Report**
To: Mayor Rennie & Los Gatos Town Council-Members
From: Tony Jeans
Date: January 30th, 2022

[FLOOR AREA] OPTIONS FOR PARCEL DEVELOPMENT AFTER AN URBAN LOT SPLIT:

(I highly recommend a hybrid version of 2 suggestions made by staff).

1. **MINISTERIAL REVIEW:** Objective Standards would apply to both homes and the FAR would be capped at the Standard FAR limit – exactly as proposed by the original draft ordinance but requiring one house to be built at a max of 1,200 ft per Council’s suggestion at the Dec 22nd hearing.

“Apply the 1,200 square ft limit to only the **first** dwelling unit of a 2-unit residential development. The 2 units together may not exceed the Standard FAR for the lot.”

2. **ARCHITECTURE AND SITE REVIEW:** Design Review Standards and Guidelines would apply for the first house at Standard FAR rules with the second house following existing ADU rules [with an 800 sq ft minimum per SB-9].

“Maintain the A&S review process with FAR limitations based on Lot Size as an option for the development of an Urban Lot. A second home would be limited by the larger of the ADU size constraints for the lot or 800sq ft.”

If the Council so chooses, the ADU could also be required to be built.

The reason that I like this hybrid approach is that the “Second Story” Objective Design Standards would create UGLY houses that do not belong in the town. So a homeowner could go to A&S to get the home reviewed. The smaller ADU size limit would replace the 1,200 sq ft second home and retain more consistency within the town.

HILLSIDE RESIDENTIAL

HR is ‘single family’. Resource Conservation, Residential Duplex, Multi-Family Residential, Residential Mobil Home and Central Business District is not.

Staff’s proposed caveat is good and should be added, but it could be better – such as:

“ subdivisions will only be considered if the roadway meets SCCFD access standards as to width and vertical clearance.”

Note: that this is currently 20 ft width and 13 ft height, per the Staff Report; but this would allow future flexibility if the Fire Requirements change.

GRADING LIMITATIONS

A ‘Grading Permit’ is not Ministerial. The Town already allows an exception of 50 Cubic Yards plus any cut/fill under the house. This exception should be extended to the ‘Driveway’ as well as the house for Ministerial Review, so that a driveway to the house can be built.

FRONTAGE REQUIREMENT

The 20 ft frontage requirement, with any access corridor to the rear half of a flag lot being held in ‘Fee Title’ is contrary to the law. The Town may only require that a Parcel: **“Has access to, provides access to or adjoins the public right-of-way”**.

“An ingress/egress easement necessary to satisfy SCCFD” is all that is required and should be an alternative to ‘Fee Title’. Please note that Saratoga’s ordinance is worded that way and Monte Sereno modified their Final Ordinance to comply with SB-9 for legal reasons.

From: Terence J. Szewczyk

Sent: Monday, January 31, 2022 9:26 AM

To: Rob Rennie; Mary Badame; Matthew Hudes; Marico Sayoc; Maria Ristow **Cc:** Laurel Prevetti; Jennifer Armer; Shelley Neis

Subject: Feb1- SB9. Please:1)delete 50CY, 2)delete 1200 SF

Honorable Mayor & Town Council:

Just 2 simple requests:

1) Delete the disqualification for exceeding grading over 50 CY. This is absurd and has nothing to do with drawing a new lot line. If you had an 8,000 SF lot and covered it with mulch 2" deep that would be 50 cubic yards (or a 5,000 SF lot 3" deep). That is an inconsequential amount of grading and CEQA generally doesn't engage until 500 CY of grading.

2) I'd suggest that you can rely upon the Andrew Faber letter (in the public comments) on the 1200 SF and use the current FAR stds already in place under Town Zoning.

Best regards, Terry

Terence J. Szewczyk, P.E.

TS/Civil Engineering, Inc

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