



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE**

MEETING DATE: 07/23/2019

ITEM NO: 2

DATE: July 17, 2016
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Review and Provide Direction on Regulations for Dedications of Public Right-of-Way, Installation of Curbs, Gutters, and Sidewalk, and Undergrounding of Utilities

RECOMMENDATION:

Review and provide direction on regulations for dedications of public right of way, installation of curbs, gutters, and sidewalks, and undergrounding of utilities.

BACKGROUND:

As part of the development process, jurisdictions typically require public right of way dedications, new or upgraded curbs, gutters, and sidewalks, and/or utility undergrounding for new construction or projects with significant modifications to existing buildings. Historically, Parks and Public Works (PPW) reviews the proposed development and identifies appropriate conditions regarding these items for the following applications:

- New subdivisions;
- New commercial and single-family home developments; and
- Remodels of commercial and single-family home developments where the building permits go through the discretionary Architectural and Site application process.

On June 18, 2019, the Town Council approved modifications to the demolition policy to allow for streamlining of the building permit process. The modifications will allow buildings to go through a standard building permit application process as opposed to the previously required Architectural and Site application process. Due to this change, these projects will not be

PREPARED BY: Matt Morley
Director of Parks and Public Works

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

JULY 19, 2019

BACKGROUND (continued):

reviewed by PPW for right-of-way dedication, inclusion of curbs, gutters, and sidewalks, and undergrounding of utilities.

The requirements for right-of-way dedication, curbs, gutters and sidewalk and undergrounding of utilities are often stipulated under a jurisdiction's municipal code. The Town of Los Gatos code specifies these elements for subdivisions (see Attachment 1) and is silent on other types of development projects.

DISCUSSION:

Requiring improvements to curbs, gutters, and sidewalks with development projects is an important way for safe and accessible passage for pedestrians on Town roadways. To obtain these improvements, it is often necessary for the development to provide a right-of-way dedication. Dedications can also provide the needed width for inclusion of important bicycle improvements as outlined in the Town Council adopted Bicycle and Pedestrian Master Plan. Undergrounding of utilities allows for removal of unsightly lines and poles, adding to the beautification of the Town.

To provide clarity on these issues to developers and property owners, staff recommends development of an ordinance to fully cover property dedications, installation of curbs, gutters, and sidewalks, and undergrounding of utilities. It is recommended that along with new commercial and residential developments, the ordinance cover substantial remodels of commercial and residential developments. Attachment 2 contains examples from the cities of Campbell and Cupertino.

RECOMMENDATIONS:

Staff recommends that the Council Policy Committee provide direction on regulations for dedications of public right-of-way, installation of curbs, gutters, and sidewalks, and undergrounding of utilities. Based on the Committee's direction, staff can return to the Committee with a proposed ordinance for any additional review and direction.

COORDINATION:

This report has been coordinated with the Town Attorney's Office and the Community Development Department.

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SUBJECT: Regulations for Dedications, Curb, Gutter, Sidewalk, and Undergrounding of
Utilities

JULY 19, 2019

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Subdivision Ordinance
2. Sample Ordinance language from Campbell and Cupertino

Town of Los Gatos Subdivision Ordinance

Chapter 24 Subdivision Regulations

Sec. 24.20.080. – Dedication Requirements

As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are 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 subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements.

City Code Requirements

City of Cupertino: Chapter 14 Streets, Sidewalks and Landscaping

14.04.040 Requirements – General

A. Any person who proposes to erect, construct, add to, alter or repair any building or structure for which a building permit is required by the City on or upon any land adjacent to an unimproved street, or who seeks a planned development permit, use permit or architectural and site approval from the City for land adjacent to an unimproved street must improve, or agree to improve by installation agreement, said street as herein required by the installation of such of the following improvements as the City Engineer, under the provisions of this chapter, deems necessary: underground utilities, curbs and gutters, driveways, sidewalk, street paving and overlay, street lights, storm sewers, sanitary sewers, street trees, street signs, water lines, fire hydrants, and retaining walls, and, where necessary, the dedications and improvements of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities, and the payment of park and recreation facilities acquisition and maintenance fees in accordance with Chapter 14.05 of the City's Ordinance Code. Said improvements or installation agreements shall be a condition precedent to the issuance of any required building permit, planned development, use permit, or architectural approval.

City of Campbell: Chapter 11 Streets and Sidewalks

11.24.040 - Requirements—General.

Except as provided for in Section 11.24.180 of this chapter or other adopted council policy, any person who proposes to erect, construct, add to, alter or repair any building or structure for which a building permit is required by the city on or upon any land adjacent to an unimproved street, or who seeks a use permit, planned development permit, or architectural and site approval, or a tentative map approval from the city for land adjacent to or containing an unimproved street must improve, or agree to improve by street improvement agreement or deferred street improvement agreement such street as herein required. The permittee shall install such improvements that the city engineer deems necessary, in accordance with the general purpose and intent of this chapter as specified in Section 11.24.030 of this chapter, which may include the following; curbs and gutters, driveways, sidewalks, overlay, pavement structural section, pavement striping, street lights, storm sewers, sanitary sewers, street trees, street signs, water lines, fire hydrants, monumentation, retaining walls and, where necessary, the dedications and improvement of service roads, facilities for off-street parking, alleys, easements for public utilities, drainage, sewers, walkways, watercourses, planting strips and nonaccess facilities. Such improvements or agreement to install such improvements shall be a condition precedent to the issuance of any required building permit, use permit, planned development permit, or site and architectural approval. The public works director and the city engineer or their designees shall have the authority to execute such agreements on behalf of the city in accordance with this chapter.