



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/05/2019

ITEM NO: 15

DATE: October 23, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance by Title Only, Effecting Amendments to Chapter 23 (Streets and Sidewalks) of the Town Code Regarding Right of Way Dedication, Installation of Curbs, Gutters and Sidewalks and Undergrounding of Utilities

RECOMMENDATION:

Introduce an Ordinance (Attachment 3), by title only, effecting amendments to Chapter 23 (Streets and Sidewalks) of the Town Code regarding right of way dedication, installation of curbs, gutters and sidewalks and undergrounding of utilities.

BACKGROUND:

On June 4, 2019, Town Council introduced an Ordinance effecting amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding demolition regulations. The amendments allow buildings that maintain more than 50% of their exterior walls, without being contiguous, to go through a standard building permit application process as opposed to the Architectural and Site application process. Due to this change, these projects would not be reviewed by the Town's Parks and Public Works Department for right of way dedication, inclusion of curbs, gutters and sidewalks, and undergrounding of utilities. The Town of Los Gatos Code specifies these elements for subdivisions but remains silent on other types of development projects.

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, the Town's Parks and Public Works Department has reviewed development plans for conditioning of right of way dedication, curbs, gutters and sidewalks, and utility undergrounding under the following permits:

PREPARED BY: Lisa Petersen
Assistant Parks and Public Works Director/Town Engineer

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

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BACKGROUND (continued):

- 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 July 23, 2019 and September 24, 2019, the Policy Committee reviewed and provided direction on changes to regulations for dedications of public right of way, installation of curbs, gutters, and sidewalk, and undergrounding of utilities. Staff reports for these two meetings are contained in Attachments 1 and 2. The changes would allow the Town's Parks and Public Works Department to continue to review substantial remodel projects that previously went through the Town's Architectural and Site application process. With edits provided by the Committee, it forwarded a recommendation to the Town Council to adopt an Ordinance with these changes.

DISCUSSION:

The proposed amendments would:

- Add language addressing right of way and improvement requirements with issuance of a building permit proposing a substantial remodel and
- Add a definition for "substantial remodel"

The Policy Committee recommended a clear definition of "substantial remodel" based on a percentage of the total value of improvements as opposed to a set dollar valuation. Upon further staff review, using a percentage would allow more expensive homes a higher dollar value for their remodel work before being considered part of the "substantial remodel" definition than less expensive homes. To address this issue, staff is recommending using both a percentage value of the work and a set dollar value to ensure fairness in the application of the definition. Development of the definition was informed through a review of neighboring cities criteria for conditioning of public works elements during the building permit process.

To determine if a building permit meets the conditions of a substantial remodel, a licensed professional who is preparing the project or application plans would be required to complete a form requesting this information about the project. Should the project meet the "substantial remodel" definition, the Building Department would then route the plans to Parks and Public Works for review and possible conditioning of dedication or public improvements, as determined by the Town Engineer.

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DISCUSSION (continued):

Public Outreach

In addition to the Policy Committee, public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's Nextdoor page.

In addition, interested architects and the following organizations have been contacted regarding the amendments:

- American Institute of Architects (AIA) Silicon Valley;
- Santa Clara County Association of Realtors (SCCAR); and
- Silicon Valley Association of Realtors (SILVAR).

CONCLUSION:

Staff recommends that the Town Council:

1. Make the finding 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)];
2. Make the required finding that the amendments to Chapter 23 of the Town Code regarding demolition regulations are consistent with the General Plan; and
3. Introduce an Ordinance (Attachment 3), by title only, effecting amendments to Chapter 23 (Streets and Sidewalks) of the Town Code regarding right of way dedication, installation of curbs, gutters and sidewalks and undergrounding of utilities.

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ALTERNATIVES:

Alternatively, the Council may:

1. Continue this item to a date certain with specific direction to staff;
2. Refer the item back to the Policy Committee with specific direction; or
3. Take no action, leaving the Town Code unchanged.

COORDINATION:

The evaluation of the application was coordinated with the Town Attorney.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code will have a significant effect on the environment.

Attachments:

1. July 23, 2019 Policy Committee Staff Report with Exhibits 1 and 2
2. September 24, 2019 Policy Committee Staff Report
3. Draft Ordinance
4. Public Comment Received