PLANNING COMMISSION – *November 12, 2026*
CONDITIONS OF APPROVAL

42 Miles Avenue
Conditional Use Permit U-26-002

Consider a Request for Approval of a Conditional Use Permit Application to Install a New 76-Foot-Tall Wireless Telecommunication Facility on Property Zoned R-M:5-12. APN 523-06-038. Categorically Exempt Pursuant to California Environmental Quality Act Guidelines Section 15303: New Construction or Conversion of Small Structures.

Property Owner: Ashley Van, Pacific Gas & Electric Company
Applicant: Jacob Hamilton, SBA Monarch Towers III, LLC

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 operations shall be approved by the Community Development Director, the DRC, or the Planning Commission, depending on the scope of the changes.
2. EXPIRATION: The approval will expire one year from the approval date pursuant to Section 29.20.218 of the Town Code, unless the approval has been vested.
3. LENGTH OF PERMIT: Once vested, this permit shall be in effect for an initial period of five years, after which time, the Town may require an administrative review to verify compliance with the original project approval and the provisions of the Town Code and related standards enacted by Town Council resolution per Town Code Section 29.20.217.
4. COMPLIANCE WITH AGENCY REGULATIONS: The construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
5. COMPLIANCE WITH EASEMENTS / LAND USE RESTRICTIONS: The facility shall comply with all applicable easements, deed restrictions, and land use approvals affecting the subject parcel.
6. ACCESSORY USE: The telecommunications facility shall remain an accessory use to the primary use of the subject parcel.
7. PROPERTY OWNER AUTHORIZATION: Prior to building permit issuance, the applicant shall submit written documentation, in a form acceptable to the Community Development Director, that Pacific Gas & Electric Company (PG&E), the property owner, authorizes the proposed installation of the new facility at the location as shown on the approved plans.
8. INDEPENDENT TECHNICAL REVIEW: The Town reserves the right to retain an independent technical consultant to review the facility for compliance with Town Code and applicable standards. All costs associated with such a review shall be borne by the applicant.
9. BUSINESS LICENSE: A Business License from the Town of Los Gatos Finance Department, including a Certificate of Use and Occupancy approval from Planning, must be obtained prior to the commencement of any new or change of use.

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10. STRUCTURAL STANDARDS: Telecommunications facilities shall at all times comply with the California Building Code and all applicable structural standards. The Town may require upgrades where necessary to address safety concerns or to comply with applicable code requirements.
11. MAINTENANCE AND SAFETY: All telecommunications facilities shall be designed, constructed, and maintained in accordance with applicable building, structural, and safety codes to ensure protection of public health, safety, and welfare.
12. NOISE: The facility shall operate in compliance with the Town's adopted noise ordinance.
13. COLOR AND MATERIALS: The proposed stealth monopole and antennas shall use non-reflective colors and materials. Prior to building permit issuance, the plans shall specify the faux tree branch density, bark texture, color, and branch extension beyond the antennas, subject to approval by the Community Development Director. Antennas, radios, and future carrier equipment shall be screened and painted to match the monopole. Equipment cabinets shall be compatible in appearance with surrounding structures.
14. CO-LOCATION REQUIREMENT: The facility shall be designed to accommodate co-location of additional wireless service providers where technically feasible in order to minimize the proliferation of additional towers.
15. SECURITY FENCING: All wireless telecommunications facilities and related equipment shall be enclosed by a security fence not less than six feet high and incorporating an anti-climbing device sufficient to prevent trespassing.
16. SIGNAGE: All wireless telecommunications facilities shall provide identification either by sign, sticker or placard that includes the most current phone number and emergency contact information for the wireless providers. The sign information shall also include warnings and safety precautions for people nearing the equipment as may be required by any applicable FCC adopted standards including RF symbols. Advertising signs or logos are not allowed.
17. LIGHTING: The stealth monopole tower shall not be artificially lit unless required by some other applicable authority. If lighting is required, it shall be placed in the least intrusive manner with minimal disturbance to surrounding views.
18. 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.
19. 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. The Town Arborist shall review any proposed tree trimming.
20. 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.
21. 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.
22. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
23. LANDSCAPE PLAN: Any new or existing trees or landscaping required as a part of this approval shall be maintained in good condition at all times, and the owner or operator of

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the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as possible. Amendments or modification to an approved landscape/screening plan shall be submitted for approval to the Community Development Director.

24. INTERFERENCE: All wireless telecommunications facilities shall be operated in a manner which complies with the FCC regulations for signal interference, including but not limited to interference with other telecommunications facilities and household electronics.
25. RF EXPOSURE REPORT: A bi-annual, RF exposure report is required. This report shall be prepared by a Food and Drug Administration-certified professional and submitted to the Community Development Department to ensure that no modifications to the site, surrounding environment, or equipment wear and tear have caused an increase in RF exposure over the period after initiation of use of the facility. In the event an increase over accepted levels is detected, the equipment shall be immediately taken out of service, and the application shall be responsible for immediately making all necessary adjustments to comply with Federal Communications Commission guidelines; otherwise, revocation hearings will commence per Town Code Section 29.20.214.
26. RF EMISSION REPORT: Per Town Code Section 29.20.214, an updated RF emission report shall be submitted to the Town every five years as part of the renewal of this permit.
27. TECHNOLOGY UPGRADES: Any replacement, modification, or upgrade of antennas or associated equipment shall require review and approval by the Community Development Director and may require additional permits if the modification materially changes the approved facility.
28. TELECOMMUNICATIONS FACILITY MAINTENANCE: The normal maintenance of the equipment and antennas shall be performed between 8:00 a.m. and 6:00 p.m. on a weekday and 9:00 a.m. to 4:00 p.m on Saturday. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town. Maintenance outside of these hours shall only occur in the event of an emergency. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with Town Code and relevant resolutions. All facilities and related equipment shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible.
29. LAPSE IN USE: If the telecommunications facility ceases operation for a continuous period of six (6) months, the facility owner shall remove all associated equipment within ninety (90) days of notice from the Community Development Director and restore the site to its original pre-construction condition in accordance with Section 29.20.220 of the Town Code.
30. REMOVAL OR OWNERSHIP CHANGE: The applicant or other designated representative shall be responsible for notifying the Community Development Department in writing upon temporary or permanent cessation of operation or change of ownership of any telecommunications facility. The applicant and/or property owner shall be responsible for the removal of all obsolete or unused facilities or portions thereof within the time limit found in Town Code Section 29.20.220.
31. BONDING SECURITY AND INSURANCE: Prior to Building Permit issuance, the Town shall set the form and amount of security that represents the cost for removal and disposal of abandoned wireless telecommunications facilities in the event that these facilities are abandoned and the facility owner is incapable and/or unwilling to remove them.

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Additionally, proof of insurance covering accident or damage caused by any elements of the approved facility is required.

32. 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.
33. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.
34. CONDITIONS OF APPROVAL IN THE PLANSET: Include the conditions of approval outlined in the Conditions of Approval document on either the first or second page of the construction drawing plan set. All sheets in the construction drawings shall be the same size.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

THE FOLLOWING CONDITIONS SHALL BE ADDRESSED OR NOTED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING OR GRADING PERMIT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

35. PAYMENT OF PARKS AND PUBLIC WORKS ("PPW") ENGINEERING PLAN CHECK FEE AND INSPECTION FEE: At the time of the first construction submittal, the Applicant shall submit to the Town Engineer for approval a detailed construction project cost estimate prepared and stamped by the Applicant's civil engineer. The cost estimate shall break out on-site and

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off-site improvements separately. This cost estimate will be used to determine the Engineering Plan Check Fee. A final construction cost estimate shall be provided once the project plans are approved. This cost estimate will be used to determine the Engineering Inspection Fee. The Engineering Inspection Fee must be paid prior to the issuance of any construction related permit.

36. PERMITS REQUIRED BY OTHER AGENCIES: The Applicant shall obtain all applicable permits from federal, state, and local agencies as required to construct the proposed improvements. The Applicant is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, Fish and Wildlife (1603), The Bay Area Joint Aquatic Resources Permit Application (JARPA), Regional Water Quality Control Board, Santa Clara County Roads and Airports, Valley Water, or Habitat Permit. If the project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to PPW prior to issuance of any required Town permits. If the Town is required to be a party to the permit application and a fee is required, the Applicant shall reimburse the Town for its cost. A copy of these permits shall be provided to the satisfaction of the Town Engineer prior to the issuance of the first building permit.
37. STANDARD PLAN COMPLIANCE: The project shall comply with the Town's Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, the design of all off-site storm drainage facilities shall be in accordance with most current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.
38. EXISTING FACILITY PROTECTION AND REPAIR: All existing public utilities shall be either protected in place, relocated, or repaired. The Applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the Applicant's operations. This includes sidewalk, curb and gutter, streetlights, valley gutters, curb ramps, and any other existing improvements in the area that are not intended to be removed and replaced. The Applicant shall request a walk-through with the PPW construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to issuance of the first certificate of occupancy of the project.
39. UNDERGROUND UTILITIES: All new services to the development shall be placed underground in accordance with the various utility regulations. Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.
40. UTILITY RESPONSIBILITIES: The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. Currently, the public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.
41. UTILITY COMPANY COORDINATION: The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site

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plan for construction, the Applicant shall submit "Will Serve" letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current "Carrier of Last Resort") with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Grading Permit review.

42. EXTERIOR SITE LIGHTING STANDARDS: The Applicant shall submit a photometric plan for on-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the Town Engineer and shall be addressed on the construction plans submitted for the first building permit. Any subsequent building permits that include any site lighting shall also meet these requirements.
43. DEVELOPER STORM WATER QUALITY RESPONSIBILITY: The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 - Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
44. LOCAL DRAINAGE PATTERNS: The Applicant shall not alter any existing drainage patterns without an approved Grading Permit.
45. GRADING & DRAINAGE WINTER MORATORIUM: All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan does not guarantee approval. Any approved and executed plan must be kept on-site while the project is in construction.
46. EROSION CONTROL: The Applicant shall prepare and submit interim and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water

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quality. In the event an emergency modification is deemed necessary, the Applicant must implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The erosion control plans shall be in compliance with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

47. PRECONSTRUCTION MEETING: After the issuance of any Grading or Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:
    a. They have read and understand these project Conditions of Approval;
    b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and,
    c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO RELEASE OF UTILITIES, FINAL INSPECTION, OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY, WHICHEVER OCCURS FIRST, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

48. RESTORATION OF PUBLIC IMPROVEMENTS: The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

49. PROJECT CONSTRUCTION SETUP: All storage and office trailers will be kept off the public right-of-way.

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50. PUBLIC WORKS CONSTRUCTION NOTICE: The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
51. PROJECT CONSTRUCTION SCHEDULE: The contractor shall submit the project schedule in a static PDF 11”x17” format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same formats as the original.
52. PROJECT CONSTRUCTION HANDOUT: The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
53. PROJECT CONSTRUCTION SUPERVISION: The Contractor shall always provide a qualified supervisor on the job site during construction.
54. PUBLIC WORKS CONSTRUCTION INSPECTION: All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall be removed as deemed appropriate by the Town Engineer.
55. PROJECT CONSTRUCTION HOURS: Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
    a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
    b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
    c. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
    d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
    e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.

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f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.
h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.

56. PROJECT CONSTRUCTION BMPs: All construction activities 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 ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
57. PROJECT CONSTRUCTION ACTIVITIES: The following provisions to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction:
    a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
    b. Travel speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
    c. 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.
    d. 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 times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to ensure proper control of blowing dust for the duration of the project.
    e. Watering on public streets and wash down of dirt and debris into storm drain systems is prohibited. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the PPW Inspector, 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 late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the Town Engineer. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be coordinated with the San José Water Company.
    f. 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 Construction Inspector.
    g. Construction grading activity shall be discontinued in wind conditions in excess of 25 miles per hour, or that in the opinion of the PPW Inspector cause excessive neighborhood dust problems.

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h. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
i. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
j. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
k. Prior to issuance of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
l. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.
m. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.

58. MATERIAL HAULING ROUTE AND PERMIT: For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route for this project unless otherwise approved by the Town Engineer, shall be: Miles Avenue to University Avenue to Hwy 9 to Hwy 17 and vice versa in the other direction. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the Applicant. 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 Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval.
59. PROJECT CLOSE-OUT: Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having

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been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until such time as all required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.

60. CONSTRUCTION WORKER PARKING: The Applicant shall provide a Construction Parking Plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Town Engineer prior to issuance of Town permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the Town permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§15.40.070).
61. SITE WATER DISCHARGE: In accordance with the Town Code, Prohibition of Illegal Discharges (Los Gatos Town Code Section 22.30.015), the Town Engineer may approve in coordination West Valley Sanitation District the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Town Engineer.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS ENTITLEMENT OCCUPIES THE PREMISES.

62. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP): Post construction storm water pollution prevention requirements shall include:
    a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant’s property by Town staff will be charged to the Applicant at the Town’s adopted fully-loaded hourly rates.

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b. Maintenance of the storm drain inlets “No Dumping: Drains to Bay” plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

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