

ORDINANCE 2281

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM HR-2½ TO HR-2½:PD FOR PROPERTY LOCATED AT 16100 GREENRIDGE TERRACE (APN: 527-12-002)

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property located at 16100 Greenridge Terrace (Santa Clara County Assessor Parcel Number 527-12-002) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from HR-2½ (Hillside Residential, two and half to 10 acres for each dwelling unit) to HR-2½:PD (Hillside Residential, two and half to 10 acres for each dwelling unit, Planned Development).

SECTION II

With respect to compliance with the California Environmental Quality Act ("CEQA"), the Town Council finds as follows:

A. An Environmental Impact Report (EIR) was completed for the proposed development and no significant unmitigated impacts are associated with the application. The Findings of Fact are made and the Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program are adopted.

SECTION III

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Subdivision of one lot into eight lots.
2. Construction of eight market rate single-family detached residences.
3. Landscaping, private streets, trails, parking and other improvements shown and required on the Official Development Plans.
4. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
5. Uses permitted are those specified in the HR-2½ (Hillside Residential, two and half to 10 acres for each dwelling unit) zone by Sections 29.40.235 (Permitted Uses), as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

SECTION IV

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS:

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION V

A Tentative Subdivision Map and Architecture and Site Approvals are required before construction of subdivision improvements or new residences, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 (PD Ordinance) of the Town Code.

SECTION VI

The attached Exhibit A (Map), and Exhibit B (Official Development Plans), are part of the Official Development Plan. The following performance standards must be complied with before issuance of any grading, or construction permits (mitigation measures are so noted and are flagged with an asterisk):

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the Architecture and Site approval process. Colors and building materials shown on the Official Development Plans are not approved and shall be reviewed during the Architecture and Site application approval process.
2. TOWN INDEMNITY. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements, whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
3. SUBDIVISION REQUIRED. A Tentative Map application shall be approved for the project prior to the issuance of building permits. The Development Review Committee may be the deciding body of the Tentative Map.
4. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site (A&S) application and approval is required for each of the new residences. The Architecture

and Site applications shall be reviewed by the Development Review Committee. Architectural details, including fencing and a project entry sign, shall be refined as part of this process with input from the Town's Consulting Architect.

5. FINAL LANDSCAPE PLAN. A final landscape plan shall be reviewed by the Town's Consulting Landscape Architect and approved as part of the Architecture and Site process. Minimum tree size at time of planting shall be 24-inch box.
6. WATER CONSERVATION ORDINANCE REQUIREMENT. The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review prior to the issuance of a building permit.
7. SETBACKS. The minimum setbacks are those specified by the HR-2½ zoning district or as otherwise shown on the Conceptual Development Plans.
8. FENCING. Fencing shall comply with the Town Code and Hillside Development Standards and Guidelines in place at the time of approval. Fence locations, design, and materials shall be reviewed and approved during the Architecture and Site review(s). The CC&R's for the project shall include a restriction prohibiting the home owners from replacing the fence type approved during the Architecture and Site review(s) without prior approval from the Town. The CC&R's shall prohibit fencing within the open space easement.
9. BUILDING HEIGHT. The maximum height of the new residences shall be the maximum height listed in the Hillside Development Standards and Guidelines. The maximum height of the new residences on lots 3, 4, 5, and 8 shall be limited to 18 feet due to visibility concerns.
10. BUILDING FLOOR AREA. The maximum floor area of the new residences shall be the maximum floor area listed in the Hillside Development Standards and Guidelines.
11. GRADING: Depths of cut and fill for the roadway and site improvements shall not exceed the maximums shown in the Official Development Plans (Exhibit B).
12. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties, to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Lighting specifications shall be reviewed as part of the Architecture and Site process.
13. EXTERIOR COLORS: The exterior colors of all structures shall comply with the Hillside Development Standards and Guidelines.
14. DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all

exterior materials be maintained in conformance with the Town's Hillside Development Standards and Guidelines.

15. BELOW MARKET PRICE (BMP) IN-LIEU FEE. A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
16. PROJECT CC&R's. CC&R's shall be provided with the Tentative Map application and shall address the following:
 - a. Maintenance of private roadway
 - b. Maintenance of landscaping adjacent to the private road
 - c. Maintenance of storm drain system
 - d. Maintenance of public open space
 - e. Maintenance of public trail
 - f. Landscape guidelines (shall be compliant with the Hillside Development Standards and Guidelines, EIR, and safe fire protocol).
17. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.
18. TREE PRESERVATION: All recommendations of the Town's Consulting Arborist shall be followed. Refer to the report and addendum report prepared by Richard Gessner, dated June 30, 2017 and June 20, 2018 for additional details. The Arborist Consultant shall reevaluate the plans for the new residences during Architecture and Site review.
19. TREE REMOVAL. Tree removal shall be limited to the scope of this PD and future approvals as follows:

Planned Development	No tree removal.
Subdivision	Tree removal limited to that required for site improvements related to installation of the roadway and shared driveway; installation of utilities; and construction of retaining walls for the roadway and shared driveway.
Architecture and Site	Tree removal required for construction of each single-family home and improvements.

20. DEED RESTRICTION: Prior to the issuance of building permits for each single-family residential development, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that identifies the on-site trees that were used to provide screening in the visibility analyses conducted under each Architecture and Site application and requires replacement screening in conformance with the Town's Hillside Development Standards and Guidelines and/or the Tree Protection Ordinance if the trees die or are removed.
21. MAINTENANCE AGREEMENT. Prior to the issuance of building permits for each single-family residential development, a five-year maintenance agreement shall be submitted for the preservation of the on-site trees that were used to provide screening in the visibility analyses conducted under each Architecture and Site application.
22. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of demolition or grading permits.
23. REPLACEMENT TREES. New trees shall be planted to mitigate the loss of trees being removed. The number of trees shall be determined using the canopy replacement table in the Tree Protection Ordinance. New trees shall be double staked and shall be planted prior to final inspection and issuance of occupancy permits.
24. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Refer to the report and addendum report prepared by Richard Gessner, dated June 30, 2017 and June 20, 2018 for requirements. Fencing shall be six-foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
25. FINAL UTILITY LOCATIONS. The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.
26. PLAN INCONSISTENCY. Any inconsistencies between sheets shall be limited to whichever is more restrictive.
27. GENERAL PROVISIONS. This Planned Development shall comply with provisions in Town Code Sections 29.40.015 through 29.40.070, and Article V, unless more restrictive provisions are required in other performance standards for the subject Planned Development.
28. SCENIC EASEMENTS: Scenic easements shall be dedicated on the parcel map by separate

instrument across portions of lots 1, 2, 3, and 5 connecting the area to be dedicated as open space on the north portions of lots 1 and 5 to the south property lines of lots 2 and 3. Easement language shall indicate that such land shall not be encroached into with fences, structures, landscaping, or improvements of any kind, and no work shall be performed within the Scenic Easement, including clearing, other than for wildland fire fuel management or weed abatement. Any and all maintenance within the scenic easements shall be the sole responsibility of the property owner.

29. *AIR QUALITY MITIGATION MEASURE AQ-1: The project contractor for subdivision improvements and residential lot development shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes place. The project contractor shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.

Basic dust control measures:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph;
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and
- f. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The air district's phone number shall also be visible to ensure compliance with applicable regulations.
- g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;
- h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and
- i. Unpaved roads shall be treated with a three to six-inch compacted layer of wood chips, mulch, or gravel.

30. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-1: Focused plant surveys were conducted in spring 2018; if project development occurs more than five years after spring 2018, the surveys shall be repeated per below. To protect potentially occurring special-status plants, the presence/absence of fragrant fritillary, Hall's bush-mallow, Loma Prieta hoita, western leatherwood, and woodland woollythreads shall be determined within the development footprint and fire defensible space. A qualified biologist shall conduct focused botanical surveys for these five-target species in accordance with current California Department of Fish and Wildlife and California Native Plant Society rare plant survey protocols. Surveys shall occur during overlapping blooming periods for the target species (likely March and June). If the surveys conclude that the species are not present, no further mitigation is required. If any special-status plant species is present within the development footprint and fire defensible space, to compensate for loss or reduction of a special-status plant population, the project proponent shall retain a qualified biologist or native plant specialist to collect seed from all plant individuals and/or salvage plants within the development footprint at the optimal time prior to initiation of ground disturbance activities. The project proponent and the Town of Los Gatos shall oversee selection of an appropriate mitigation area, preferably on the project site, or in the immediate vicinity, that would not be disturbed in the future. After selection of the mitigation area and approval by the Town, a qualified biologist shall develop a Special-Status Plant Management Plan detailing optimal methods for seed collection/plant salvage from the impact area, preparation of the mitigation area, and seed/plant installation at the mitigation area. The plan shall also include maintenance measures to manage the rare plant occurrence for long-term protection and persistence at the mitigation area. Collected seeds/plants shall be installed at the mitigation area at the optimal time. Topsoil from the on-site occurrence location shall also be salvaged (if practical) for use in the mitigation area.

The Special-Status Plant Management Plan shall require at a minimum three years of annual monitoring by a qualified biologist during the plant's peak blooming period to ensure that mitigation was successful and that long-term maintenance procedures specified in the plan are creating conditions that support survival of the transplanted population. The initial focused surveys will identify how many plant individuals occur in the development footprint; this amount or more must occur in the mitigation area during each of the three years following installation. If this success criteria is not achieved, the project proponent shall coordinate with the Town to implement remedial mitigation through revision of the Special-Status Plant Management Plan, and then

collection of additional seed from a local population and repeated installation in the mitigation area, followed by another three years of annual monitoring. This process shall be extended as needed until all success criteria contained in the Special-Status Plant Management Plan are achieved.

31. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-2: Prior to the start of construction activities for the subdivision improvements and development of residential lots, a qualified biologist shall conduct pre-construction surveys of the grassland habitat on the site to identify any potential American badger burrows/dens. These surveys shall be conducted no more than 15 days prior to the start of construction. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. If a potential American badger burrow/den is found during the surveys, coordination with the California Department of Fish and Wildlife shall be undertaken in order to develop a suitable strategy to avoid impacts to American badger. With California Department of Fish and Wildlife approval, impacts to active American badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction.
32. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-3: A qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprints. These surveys shall be conducted no more than 15 days prior to the start of construction for the infrastructure improvements and development of the residential lots. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. All woodrat middens shall be flagged for avoidance of direct construction impacts where feasible. To avoid midden/nest disturbance, if active middens/nests are found, a 50-foot buffer will be established in which project activities will not occur. This buffer should be clearly marked. For all woodrat middens/nests that cannot be avoided by project activities, live trapping should be conducted by a qualified biologist to determine if the midden/nest is in use. Trapping should occur prior to April and after mid-July to avoid impacts to woodrats rearing young or to young woodrats. If a midden/nest is found to be unoccupied (none captured after two nights of trapping),

then it can be removed as described below. If woodrats are trapped, they may be kept in captivity by a qualified biologist until their middens/nests are immediately relocated. Each midden/nest should be dismantled by hand as described below, and the relocated midden/nest should be placed in suitable habitat a minimum of 50 feet from the construction area, no closer than 20 feet from existing woodrat middens/nests and other relocated woodrat middens/nests, and be reassembled under shrub or tree canopy that will receive some sunlight. The midden/nest should be rebuilt surrounding a log-based structure, an inverted wooden planter, or similar structure having at least one entrance and exit hole. Any cached food and nest material found during nest dismantling should be placed within the relocated midden/nest during rebuilding. The occupied trap should then be opened, placed tightly against the entrance to the artificial shelter, and the woodrat be allowed to enter the midden/nest on its own accord. After the individual enters, the entrance should promptly be covered with a loose plug of small sticks to encourage the individual to stay for the short-term. Where impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow any occupants to disperse.

33. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-4: Approximately 15 days prior to tree removal or other construction activities, the applicant shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and surrounding the water tank structures situated within 50 feet of disturbance activities by the project. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between the subdivision improvements and development activities at each respective residential lot, these surveys shall be recompleted. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Town of Los Gatos and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the biologist to the Town of Los Gatos prior to disturbance activities or grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

- a. If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.
- b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

34. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-5: Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project activities. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), or if construction activities are suspended for at least 15 days and recommence during the nesting season, including the time period between the subdivision improvements and development activities at each respective residential lot, a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 15 days prior to the start of construction, with the second survey conducted within 48 hours prior to the start of construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist prior to initiation of construction activities. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

35. *BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-6: Prior to issuance of a building permit or a grading permit for infrastructure improvement and each residential lot, developers shall retain a certified arborist to develop a site-specific tree protection plan

for retained trees, and supervise the implementation of all proposed tree preservation and protection measures during construction activities, including those measures specified in the 2017 project arborist report and 2018 project arborist report addendum. Also, in accordance with the Town's Tree Protection Ordinance, the project proponent shall obtain a tree removal permit for proposed tree removals on each development lot prior to tree removals and shall install replacement trees in accordance with all mitigation, maintenance, and monitoring requirements specified in the tree removal permit(s) or otherwise required by the Town for project approvals.

36. *GEOLOGIC HAZARDS MITIGATION MEASURE GEO-1: Prior to the approval of development applications for the project site, design-level studies for the roadways and infrastructure, and each of the proposed residential lots shall be prepared and shall address site specific geotechnical issues and provide lot-specific foundation and drainage recommendations. These design-level studies shall include an evaluation of expansive soil for each lot as well as an evaluation of local and global slope stability of each building area, concept, and access way. The design-level study for Lot 1 shall include an assessment of the potential hazards associated with alluvial infilling or debris flows along with geotechnical provisions for collecting and dispersing concentrated runoff flowing down the axis of the drainage towards the home site.

37. *GEOLOGIC HAZARDS MITIGATION MEASURE GEO-2: Prior to the approval of development applications for the individual lots, applicants shall be responsible for demonstrating to the satisfaction and approval of the Town Engineer that proposed design plans are in conformance with all current California Building Code standards and that all design measures and site preparation recommendations as suggested in the lot-specific geotechnical studies identified in mitigation measure GEO-1 have been incorporated into the project's final design.

Building Division

38. PERMITS REQUIRED: A separate Building Permit shall be required for each new single-family residence and each detached structure including retaining walls.

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

Engineering Division

39. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall

be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.

40. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.

41. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any grading or building permits.

42. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works prior to the issuance of any grading or building permits.

43. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of work that went on without inspection.

44. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or

Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

45. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
46. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
47. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
48. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any permits or recordation of the Final Map.
49. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
50. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
51. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos

(Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner/Applicant/Developer's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

52. **ILLEGAL GRADING:** Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading proposed will be charged accordingly.
53. **GRADING ACTIVITY RESTRICTIONS:** Upon receipt of a grading permit, any and all grading activities and operations shall not commence until after/occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15), has ended.
54. **COMPLIANCE WITH HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES:** All grading activities and operations shall be in compliance with Section III of the Town's Hillside Development Standards and Guidelines. All development shall be in compliance with Section II of the Town's Hillside Development Standards and Guidelines.
55. **CONSTRUCTION EASEMENT:** Prior to the issuance of a grading permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
56. **DRAINAGE STUDY:** Prior to the issuance of any grading permits, a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage

conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

57. **DRAINAGE IMPROVEMENT:** Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading/improvement permits, whichever comes first, the Owner, Applicant and/or Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

58. **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.

59. **SURVEYING CONTROLS:** Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:

- a. Retaining wall: top of wall elevations and locations.
- b. Toe and top of cut and fill slopes.

60. **RETAINING WALLS:** A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.

61. **GENERAL:** The Owner, Applicant and/or Developer shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Certificate of Compliance. Issuance of a Certificate of Compliance will acknowledge the Town's acceptance of the parcel as legally created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.

62. **CERTIFICATE OF COMPLIANCE:** A Certificate of compliance shall be recorded. Two (2) copies of the legal description for each lot configuration, a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.

63. FINAL / PARCEL MAP: A final/parcel map shall be recorded. Two (2) copies of the final/parcel map shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits. The Applicant/Subdivider shall provide the Engineering Division with an electronic copy (in PDF format) and two hardcopies of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
64. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, which ever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
65. PRIVATE UTILITIES-STREET: Prior to the recordation of a subdivision map the Applicant/Developer/Subdivider shall place a note on the map, in a manner that meets the approval of the Town Engineer that states: "The private streets, utilities constructed within this map shall be owned, operated and maintained by the Developer, successors or assigns."
66. DESIGN-LEVEL REPORTS: One copy of a geotechnical and geologic report shall be submitted with the application of each approved lot. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
67. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner, Applicant and/or Developer's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Applicant's soils engineer and submitted to the Town before final release of any occupancy permit is granted.
68. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Geologic and Geotechnical Feasibility Study by UPP Geotechnology, dated October 4, 2016, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's

consultant and costs shall be borne by the Owner, Applicant and/or Developer.

69. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.

70. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.

71. UTILITY EASEMENTS: Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, structures or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Owner, Applicant and/or Developer's surveyor shall prepare the legal description and plat. The Owner, Applicant and/or Developer shall pay any recordation costs. The documents shall be recorded before any grading or permits are issued.

72. PRIVATE EASEMENTS: Agreements detailing rights, limitations and responsibilities of involved parties shall accompany any proposed private easement. Access driveway shall be within the recorded access easement. A new private access easement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of building permit or realigned access driveway shall be completed prior to the issuance of building permit.

73. QUITCLAIM OF EASEMENTS: The Owner, Applicant and/or Developer has/have indicated that 4 easement(s) will be abandoned. This abandonment shall be recorded, and a copy of the recorded quitclaim shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of building permit.

74. SIDEWALK REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti,

etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

75. CURB AND GUTTER REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
76. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
77. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
78. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
79. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of a/any building/grading permit(s), the Owner/Applicant/Developer shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The fee shall be paid before issuance of a/any building permit(s). The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time the building permit is issued, using a comparison between the existing and proposed uses.

80. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of a Grading Permit, the project applicant shall complete a pavement condition survey documenting the extent of existing pavement defects using a 35-mm, smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend Santella Drive, Santella Court, Shady Lane, and Greenridge Terrace.
81. POSTCONSTRUCTION PAVEMENT SURVEY: The project applicant shall complete a pavement condition survey and pavement deflection analysis to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition and strength shall be determined using State of California procedures for deflection analysis. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Applicant shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
82. CONSTRUCTION VEHICLE PARKING: No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public (Town) streets without written approval from the Town Engineer.
83. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
 - a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
 - d. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an encroachment, grading or building permit.

- e. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
- 84. HAULING OF SOIL: 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 Director of Parks and Public Works. Prior to the issuance of an encroachment, grading or building permit, the Developer or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- 85. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 86. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
- 87. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any encroachment, grading or building permits, the Developer's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

88. SHARED PRIVATE STREET: The private street accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
89. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
90. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
91. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.
92. SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
93. STORMWATER MANAGEMENT: Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the

State Water Resources Control Board. The Owner, Applicant and/or Developer is required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.

94. **BEST MANAGEMENT PRACTICES (BMPs):** The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
95. **SITE DESIGN MEASURES:** All projects shall incorporate at least one of the following measures:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas.
 - d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
 - e. Use landscaping to treat stormwater.
96. **STORMWATER DEVELOPMENT RUNOFF:** All new development and redevelopment projects are subject to the stormwater development runoff requirements. Every Owner, Applicant and/or Developer or their design consultant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.
97. **BIORETENTION SYSTEM:** The bioretention system shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention system shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.

98. INFILTRATION TRENCHES: The following requirements apply to the proposed infiltration trenches:

- a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration trenches and retaining walls along the portion of the road within the property boundary and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
- b. The assumed infiltration rate of 1.33 in/hour shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the road and development on each lot, and if the infiltration rate is lower than 0.67 in/hour, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
- c. If the lots are to be developed individually, each lot shall provide infiltration trenches consistent with the final stormwater control plan for the project, sized based on the actual amount of impervious surface to be created on the lot.
- d. The road and infiltration trenches shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
- e. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners. A maintenance agreement shall be prepared establishing the property owner or owners' responsibility.

99. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.

100. LANDSCAPING: In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.

101. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and

stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

102. **DUST CONTROL:** 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. Further, 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 (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, 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 (1) late-afternoon watering to minimize the effects of blowing dust. 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 Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty-five (25) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
103. **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.

- b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
- c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
- d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
- e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
- f. All vehicle speeds on unpaved surfaces shall be limited to 15 mph.
- g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

104. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.

105. CONSTRUCTION ACTIVITIES: All construction 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 ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

106. STORM WATER MANAGEMENT PLAN: A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of the Municipal Regional Stormwater NPDES Permit, Order R2-2015-0049, NPDES Permit No. CAS612008. The plan shall delineate source control measures and BMPs together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The Owner, Applicant and/or Developer may elect to have the Planning submittal certified to avoid this possibility.
107. STORM WATER MANAGEMENT PLAN NOTES: The following note shall be added to the storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the MRP. Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."
108. STORM WATER MANAGEMENT PLAN CERTIFICATION: Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here:
http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL
109. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property owner/homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by the Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property owner/homeowner's association and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.
110. MAINTENANCE OF PRIVATE STREETS: 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.

111. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
112. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.
113. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
114. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
115. FUTURE STUDIES: Any post-project traffic or parking counts, or other studies imposed by Planning Commission or Town Council shall be funded by the Applicant.
116. UTILITY COMPANY REVIEW: Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to the recordation of the final / parcel map.
117. ABOVE GROUND UTILITIES: The Owner, Applicant and/or Developer shall submit a seventy-five (75) percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by the Community Development Department prior to issuance of any permit.
118. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final / parcel map. A copy of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
119. PUBLIC STREET LIGHTING: Public street lighting will not be required/allowed per General Plan update and Hillside designation. On-lot lighting shall be incorporated and promoted.

120. PERCOLATION TESTING: Onsite percolation testing should be performed during the design phase to validate the fractured bedrock infiltration rates and support the infiltration trench design.
121. STORMWATER FACILITY SIZING: The treatment and hydromodification management facility sizing should be confirmed during the design phase, including rerunning the BAHM model with appropriate parameters.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

122. FIRE APPARATUS (ENGINE) ACCESS ROAD REQUIRED: In all cases, the minimum requirements are found in the currently adopted edition of the California Fire Code Sec. 503, as amplified in the SCCFD SD&S A-1. All such roadways shall be a minimum of 20 feet in width, a minimum vertical clearance of 13'6", maximum grade of 15%, with a minimum circulating outside radius of 42'. All such roadways shall be capable of supporting a maximum imposed load of 75,000 pounds and where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17.
123. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of Section R327 of the California Residential Code or the California Building Code (CBC) Chapter 7A., as applicable. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
124. FIRE HYDRANT(S) AVAILABLE: The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in CFC Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. Existing fire hydrants on public streets are allowed to be considered as available. The average spacing between fire hydrants shall not exceed that listed in Table C105. Hydrants shall be a maximum of 500 feet from each other, as measured along the curb line. Fire protection water supplies shall be subject to approval by the Santa Clara County Fire Department and shall comply with locally adopted Standards and CFC Sec. 507.
125. TURNING RADIUS (CUL-DE-SACS): The minimum outside turning radius is 36 feet. Use of cul-de-sacs is not acceptable where it is determined by the Fire Department that Ladder Truck access is required, unless greater turning radius is provided. Cul-de-sacs diameters shall be no less than 72 feet. CFC Sec. 503.

126. EMERGENCY ACCESS/DRIVEWAYS: The minimum clear width of fire department access roads shall be 20 feet. Modifications to the design or width of a fire access road, or additional access road(s) may be required when the Fire Code official determines that access to the site or a portion thereof may become compromised due to emergency operations or nearby natural or manmade hazards (floor prone areas, railway crossings, bridge failures, hazardous material-related incidents, etc.). The vertical clearance shall be in accordance with the Fire Code, 13 feet, 6 inches.
127. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be a maximum of 5 percent. Installations shall conform with Fire Department Standard Details and Specifications D-1. CFC Sec. 503.
128. CONSTRUCTION FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 2nd day of April 2019 and adopted by the following vote as an Ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on the 16th day of April 2019 and becomes effective 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:

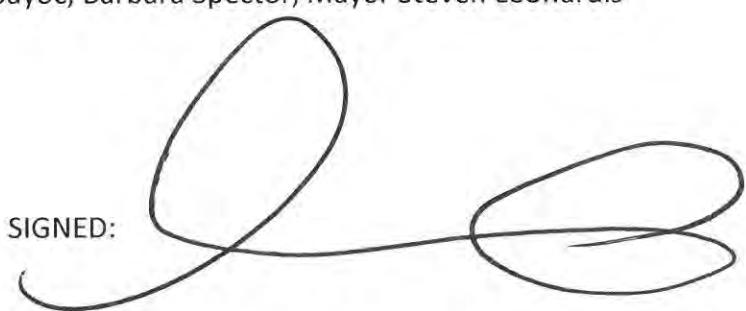
AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None.

ABSTAIN: None.

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE:

6/28/19

ATTEST:


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

DATE: 7/1/2019

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