

**PLANNING COMMISSION – November 13, 2019**  
**CONDITIONS OF APPROVAL**

**26 Alpine Avenue**

**Architecture and Site Application S-19-042**

**Requesting approval for a time extension to construct a new single-family residence and remove a large protected tree on vacant property zoned R-1:20. APN 529-37-042.**

**APPLICANT: Tom Sloan**

**PROPERTY OWNER: DMJ Home Solutions 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 listed below and in substantial compliance with the plans approved and noted as received by the Town on October 18, 2019. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **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. The lighting plan shall be reviewed during building plan check.
4. **GENERAL:** 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.
5. **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.
6. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations made by Gareth Jones, identified in the Arborist reports, dated as received June 26, 2016 and January 17, 2017, in addition to the peer review report prepared by Deborah Ellis on November 8, 2016, respectively, on file in the Community Development Department. A Compliance Memorandum shall be prepared by the applicant and submitted with the building permit application detailing how the recommendations have or will be addressed. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
7. **ARBORIST REPORT:** An arborist report shall be prepared to provide recommendations on how to ensure and improve the health of tree #9 during construction of the single-family home.

8. TREE FENCING: Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. 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.
9. REPLACEMENT TREES: New trees shall be planted to mitigate the loss of trees being removed. The number of trees and size of replacement trees shall be determined using the canopy replacement table in the Town Code. Town Code requires a minimum 24-inch box size replacement tree. New trees shall be double staked with rubber ties and shall be planted prior to final inspection and issuance of occupancy permits.
10. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan, including landscape and irrigation plans and calculations, shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. The final landscape plan shall be reviewed by the Town's consultant prior to issuance of building permits. 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.
11. CONSTRUCTION MANAGEMENT PLAN: The Construction Management Plan shall be reviewed by the Parks and Public Work staff to ensure that as many construction vehicles as possible are placed on the property.
12. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
13. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
14. 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.
15. BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-1: Special-status and Migratory Bird Species. The following avoidance measures shall be required to avoid the project's potential effects on special-status and migratory bird species.
  - a. The removal of trees and shrubs shall be minimized to the extent feasible.
  - b. If tree removal, pruning, grubbing and demolition activities are necessary, such activities shall be conducted outside of the breeding season (i.e., between September 1 and January 31), to avoid impacts to nesting birds.
  - c. If tree removal, pruning, grubbing and demolition activities are scheduled to commence during the bird breeding season (i.e., between February 1 and August 31), a preconstruction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of work. The preconstruction survey shall include the project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no active nests of migratory birds are found, work may proceed without restriction and no further measures are necessary. If work is delayed more than two weeks, the

preconstruction survey shall be repeated, if determined necessary by the project biologist.

- d. If active nests (i.e. nests with eggs or young birds present, or hosting an actively breeding adult pair) of special-status or migratory birds are detected, the project biologist shall designate non-disturbance buffers at a distance sufficient to minimize disturbance based on the nest location, topography, cover, species, and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. The appropriate buffer size shall be determined in cooperation with the CDFW and/or the USFWS. If, despite the establishment of a non-disturbance buffer it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.
  - e. If project activities must occur within the non-disturbance buffer, a qualified biologist shall monitor the nest(s) to document that no take of the nest (i.e., nest failure) will result. If it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.
16. BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-2: Special-status Bats. The following avoidance measures shall be required to avoid the project's potential effects on special-status bats.
- a. Prior to the removal or significant pruning of trees and the demolition of buildings, a qualified bat biologist shall assess them for the potential to support roosting bats. Suitable bat roosting sites include trees with snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and structures with cracks, joint seams and other openings to interior spaces. If there is no evidence of occupation by bats, work may proceed without further action.
  - b. If suitable roosting habitat is present, the bat biologist shall recommend appropriate measures to prevent take of bats. Such measures may include exclusion and humane eviction (see "c" below) of bats roosting within structures during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30), partial dismantling of structures to induce abandonment, or other appropriate measures.
  - c. If bat roosts are identified on the site, the following measures shall be implemented:
    - If non-breeding/migratory bats are identified on the site within a tree or building that is proposed for removal, then bats shall be passively excluded from the tree or building. This is generally accomplished by opening up the roost area to allow airflow through the cavity/crevice, or installing one-way doors. The bat biologist shall confirm that the bats have been excluded from the tree or building before it can be removed.
    - If a maternity roost of a special-status bat species is detected, an appropriate non-disturbance buffer zone shall be established around the roost tree or building site, in consultation with the CDFW. Maternity roost sites may be demolished only when it has been determined by a qualified bat biologist that the nursery site is not occupied. Demolition of maternity roost sites may only be performed during

seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30).

- No additional mitigation for the loss of roosting bat habitat is required.

17. BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-3: Tree Planting Plan. The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Gareth Jones on June 26, 2016 and January 17, 2017, in addition to the peer review report prepared by Deborah Ellis on November 8, 2016. The Tree Planting Plan shall include the following:
  - a. Removal of all protected trees (all with 30-35 feet canopy diameters) will be replaced by four 24-inch box trees or two 36-inch box trees per tree removed. Replacement trees must be species from the Town of Los Gatos' approved tree species list.
  - b. Removal of riparian tree species should be mitigated by additional plantings in the project area. Planting additional trees in the riparian set back is not advised due to the heavily shaded nature of the existing canopy cover.
  - c. Ecologically suitable native understory plants should be planted on the hillside above the riparian set back.
  - d. All landscaping shall be done with plants that are not known to be invasive. Use a reputable nursery to source native plants that are genetically similar to those found in the Santa Cruz Mountains.
18. BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-4: Sudden Oak Death Syndrome.
  - a. Prior to removal or trimming of any potentially infected tree or carrier tree species, samples will be taken by a qualified arborist and sent to a laboratory to determine the presence or absence of SODS. If a positive test result occurs, the applicant shall immediately consult with the Oak Mortality Task Force and follow all applicable recommendations for further tree removal, trimming, disposal of vegetation, and for decontamination of equipment.
19. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS MITIGATION MEASURE CUL-1:
  - a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
  - b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
  - c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code

Section 21083.2.

- d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
- 20. GEOLOGY AND SOILS MITIGATION MEASURE GEO-1: Geotechnical Report Recommendations.
  - a. The project applicant shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to site preparation and grading, foundation design, driveways, retaining walls, and drainage improvements. To ensure correct implementation, the geotechnical engineer shall review project plans and observe geotechnical-relevant aspects of proposed initial construction of roads and infrastructure. The geotechnical engineer shall submit an "as built" letter to the Director of Public Works stating that the project has been constructed in conformance with the recommendations of the geotechnical report.
- 21. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE HWQ-1: GHG-1:
  - a. Prior to the issuance of grading permits or improvement plans in lieu of grading permits, the applicant shall demonstrate to the satisfaction of the Town Engineer that the project's stormwater quality control measures, including the erosion control features described in the project's final Erosion Control Plan have been incorporated into the project design.
- 22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

- 23. PERMITS REQUIRED: A Building Permit is required for construction of the new single-family residence. This is a combination Building Permit which includes all required electrical, mechanical, and plumbing work as necessary. A separate Building Permit is required for any site retaining walls.
- 24. APPLICABLE CODES: The current codes as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building, Electrical, Mechanical, Plumbing, Fire, and Energy Codes and the 2016 California Residential Code and 2016 California Green Building Standards Code – Mandatory Measures only.
- 25. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
- 26. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
- 27. SOILS REPORT: A Soils Report (Geotechnical Investigation), prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with Building Permit Application.
- 28. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed Civil Engineer or

Land Surveyor shall be submitted to the project building Inspector at foundation inspection. This certificate shall certify compliance with recommendations as specified in the soils report and that the building pad elevation and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed Land Surveyor or Civil Engineer for the following items:

- a. Building pad elevation
  - b. Finish floor elevation
  - c. Foundation corner locations
  - d. Retaining wall locations and elevations
29. TOWN RESIDENTIAL ACCESSIBILITY/ADAPTABILITY STANDARDS: The new residence shall be designed with adaptability features for single-family residences per Town Resolution 1994-61 as follows:
- a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls at water closets, showers, and bathtubs, located 34-inches from the floor to the center of the backing, suitable for the installation of grab bars in needed in the future.
  - b. All passage doors shall be at least 32-inches wide on the accessible floor level.
  - c. The primary entrance shall be a 36-inch wide door with a 5' x 5' level landing no more than 1-inch out of plane with the immediate interior floor level and with an 18-inch clearance on the interior strike edge.
  - d. A door buzzer, bell or chime shall be hard-wired at the primary entrance.
30. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed) onto a sheet of the plans.
31. BACKWATER SEWER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
32. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance or gas appliance per Town Ordinance 1905. Tree limbs shall be cut within 10 feet of chimneys.
33. FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
34. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and new buildings must comply with Section R337 of the California Residential Code regarding materials and construction methods for exterior wildfire exposure.
35. DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Provide a Defensible Space/Fire Break Landscaping Plan prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
36. FIRE BREAK LANDSCAPING FINAL INSPECTION: Prior to Final Inspection, provide a letter from a California licensed Landscape Architect certifying that the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and California Government Code Section 51182.

37. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the architect or engineer of record shall prepare an inspection program that shall be submitted to Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building)
38. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter or ARC Blue Print for a fee or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building)
39. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: (408) 354-6872
  - b. Engineering/Parks & Public Works Department: (408) 399-5771
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: **The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.**

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

*Engineering Division*

40. 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 Applicant'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 Applicant's expense.
41. 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.
42. 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 Applicant 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 permit.

43. **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 Town Attorney, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the issuance of any permits.
44. **PUBLIC WORKS INSPECTIONS:** The Applicant 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.
45. **RESTORATION OF PUBLIC IMPROVEMENTS:** The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Applicant'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 Applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
46. **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
47. **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.
48. **PLAN CHECK FEES:** Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.
49. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to the issuance of any permits.
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 studies imposed by Planning Commission or Town Council shall be funded by the Applicant.
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). The grading permit application (with grading plans) 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). A separate building permit, issued by the Building Department on E. Main Street, is needed for grading within the building footprint.

52. **GRADING ACTIVITY RESTRICTIONS:** Upon receipt of a grading permit, any and all grading activities and operations shall not commence until after the rainy season, as defined by the State Water Resources Control Board (October 1-April 30), has ended.
53. **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.
54. **DRAINAGE IMPROVEMENT:** Prior to the issuance of any grading/improvement permits, whichever comes first, the Applicant 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.
55. **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
56. **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.
57. **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.
58. **SOILS REPORT:** One copy of the soils and geologic report shall be submitted with the application. 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.
59. **GEOLOGY AND SOILS MITIGATION MEASURE:** A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.

60. **SOILS REVIEW:** Prior to issuance of any permits, the Applicant's engineers shall prepare and submit a design-level geotechnical/geological investigation for review and approval by the Town. The Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Applicant's soils engineer shall then be conveyed to the Town either by letter or by signing the plans.
61. **SOILS ENGINEER CONSTRUCTION OBSERVATION:** During construction, all excavations and grading shall be inspected by the Applicant'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. The approved report shall be shared with the adjacent neighbor located at 38 Alpine.
62. **SOIL RECOMMENDATIONS:** The project shall incorporate the geotechnical/geological recommendations contained in the Geotechnical Update Report & Supplemental Recommendations by Pollak Engineering, Inc., dated August 5, 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 Applicant.
63. **WATER DESIGN:** Water plans prepared by San Jose Water Company must be reviewed and approved prior to issuance of any permit.
64. **UTILITIES:** The Applicant 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 Applicant 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.
65. **SIDEWALK REPAIR:** The Applicant 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.
66. **CURB AND GUTTER REPAIR:** The Applicant 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.

67. 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.
68. 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.
69. TRAFFIC IMPACT MITIGATION FEE: The Applicant 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 building permit. 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.
70. CONSTRUCTION STREET PARKING: No vehicle having a manufacture'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. The contractor would need to provide one-lane 2-way traffic control if they want to use a portion of the street for construction purposes, if approved by the Town Engineer.
71. 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 a building permit, the Applicant 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 of the project site. This may include, but is not limited to provisions for the Applicant/Owner 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.
72. 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.

73. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any permits, the Applicant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), concrete washout(s) and proposed outhouse location(s).
74. 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, or at a location specified by the Town.
75. 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.
76. BEST MANAGEMENT PRACTICES (BMPs): The Applicant 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.
77. SITE DESIGN MEASURES: All projects shall incorporate 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 permeable pavement surfaces on the driveway, at a minimum.
  - e. Use landscaping to treat stormwater.
78. 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.

79. **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.
80. **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.
81. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
82. **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.
83. **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 Applicant'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 Applicant's expense.

84. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

85. 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.
86. FIRE SPRINKLERS REQUIRED: An automatic residential fire-sprinkler system shall be installed in one-and two-family dwellings as follows: In all new one-and two-family dwellings and in existing one-and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modifications or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application, and appropriate fees to this department for review and approval prior to beginning their work. CFC Section 313.2 as adopted and amended by LGTC.
87. 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 Chapter 33.
88. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other signs or means shall be used to identify the structure. Address numbers shall be maintained. CFC Section 505.1