

## **ORDINANCE**

**ORDINANCE OF THE TOWN OF LOS GATOS  
AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE  
FROM R:PD TO R:PD  
FOR PROPERTY LOCATED AT  
110 WOOD ROAD (APN 510-47-038)**

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 110 Wood Road (APN 510-47-038) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from R:PD (Residential, Planned Development) to R:PD (Residential, Planned Development). Ordinance number 938, passed and adopted by the Town Council of Los Gatos on March 4, 1968, is hereby rescinded and replaced with this Ordinance.

### **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, the Final EIR is certified, and the Mitigation Monitoring and Reporting Program is adopted.

### **SECTION III**

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

1. Demolition of all existing buildings on the site;
2. Construction of a new senior living facility as shown on the Official Development Plans (Exhibit B);
3. Removal of 192 trees, including 8 large protected trees;
4. Site improvements requiring a Grading Permit; and
5. Uses permitted are those specified in the R (Residential) zones by Article IV of the Town Code as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

ATTACHMENT 10

## 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

Architecture and Site Approval is required prior to submitting for Building, Tree Removal, and/or Grading Permits. 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, building designs, colors, and materials shall be determined during the Architecture and Site 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. ARCHITECTURE AND SITE APPROVAL REQUIRED: A separate Architecture and Site (A&S) application and approval is required for the project. The Architecture and Site application may be reviewed by the Development Review Committee.
4. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan 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.
5. ARBORIST REQUIREMENTS: All recommendations of the 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting) shall be followed
6. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for trees approved

- for removal prior to the issuance of demolition or grading permits.
7. 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.
  8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties prior to final inspection and issuance of occupancy permits.
  9. 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 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting) 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.
  10. 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.
  11. 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.
  12. PLAN INCONSISTENCY: Any inconsistencies between sheets shall be limited to whichever is more restrictive.
  13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.
  14. \*AIR QUALITY MITIGATION MEASURE AQ-6-5a: During construction, the project contractor shall implement the following measures to reduce emissions of fugitive dust and engine exhaust DPM, subject to review and approval by the Community Development Director. These measures shall be included in the project plans, prior to issuance of a demolition permit:
    - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe;
    - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
    - c. Avoid tracking visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment prior to leaving the site;

- d. 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;
  - e. All vehicle speeds on unpaved roads shall be limited to five (5) mph;
  - f. 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;
  - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
  - h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
  - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries;
  - j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have no greater than 50 percent air porosity;
  - k. 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;
  - l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time; and
  - m. Post a publicly visible sign with the telephone number and person to contact at the Town of Los Gatos 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.
15. \*AIR QUALITY MITIGATION MEASURE AQ-6-5b: Prior to the issuance of the demolition permit, the project developer shall prepare, and the project contractor shall implement, a demolition and construction emissions avoidance and reduction plan demonstrating a 25 percent reduction of infant/child cancer risk and a 60 percent reduction of PM2.5 exposures at the MEI to meet the air district's risk thresholds. The plan shall be prepared prior to the issuance of a demolition permit and shall be reviewed and approved by the Community Development Director. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The plan shall include the following measures:

- a. All mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 50 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier III engines or better. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met;
  - b. Use alternatively fueled equipment or equipment with zero emissions (i.e., aerial lifts, forklifts, and air compressors, etc., shall be either electrified or fueled by liquefied natural gas/propane);
  - c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and
  - d. Other demonstrable measures identified by the developer that reduce emissions and avoid or minimize exposures to the affected sensitive receptors.
16. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-2: Prior to issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for woodrat middens within the development footprint and fire defensible space. 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, these surveys shall be repeated. All woodrat middens shall be flagged for avoidance of direct construction impacts and fire defensible space where feasible. If 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.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented by a qualified biologist and submitted to the Town, prior to issuance of a demolition and grading permit.

17. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-3: Within 14 days prior to tree removal or other construction activities such as a demolition, the project developer shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, within structures proposed for demolition, and in trees and structures within 50 feet of the development footprint. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. 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 prior to issuance of tree removal and demolition permits 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 issuance of tree removal and demolition permits 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 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.
- c. Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan will be prepared and implemented to mitigate for the loss of roosting habitat. The plan will include information pertaining to

the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan will be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of grading and demolition permits.

18. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-4: Prior to issuance of tree removal, demolition, and grading permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) shall be conducted between September 16 and January 14, which is outside of the bird nesting season. 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 14 days and recommence during the nesting season, a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to 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.
- b. 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.

Developers shall be responsible for implementation of this mitigation measure with oversight by the Town of Los Gatos. Compliance with this measure shall be documented and submitted to the Town, prior to issuance of tree removal, demolition, and grading permits.

19. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-5a: To avoid impacts to a the potentially jurisdictional drainage feature, a minimum 10-foot setback from the drainage shall be maintained during tree removal, demolition, and construction activities. The drainage and setback area shall be shown on all demolition and construction plans.
20. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-5b: If disturbance will occur within ten feet of the drainage, prior to issuance of a grading permit within the project boundary, the applicant shall retain a qualified biologist to determine the extent of potential wetlands and waterways regulated by the USACE, RWQCB, and CDFW. If the USACE claims jurisdiction, the applicant shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the impacts to the drainage features do not qualify for a Nationwide Permit, the applicant shall proceed with the qualified biologist in obtaining an Individual Permit from the USACE. The applicant shall then retain a qualified biologist to coordinate with the RWQCB to obtain a Clean Water Act Section 401 Water Quality Certification. If necessary, the applicant shall also retain a qualified biologist to coordinate with the CDFW to obtain a Streambed Alteration Agreement.

To compensate for temporary and/or permanent impacts to Waters of the U.S. that would be impacted as a result of the proposed project, mitigation shall be provided as required by the regulatory permits. Mitigation would be provided through one of the following mechanisms:

- a. A Wetland Mitigation and Monitoring Plan shall be developed that will outline mitigation and monitoring obligations for temporary impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies for review and approval during the permit application process.
  - b. To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, a minimum 1:1 mitigation to impact ratio would apply to projects for which mitigation is provided in advance.
21. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-6: Prior to issuance of a tree



removal permit and/or a grading permit, 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 2018 project arborist report and 2020 arborist report update (HortScience Bartlett Consulting). Also, in accordance with the Town's Tree Protection Ordinance, the developer 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.

22. \*BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-7-8: On-site landscaping shall be limited to drought-tolerant species, fire-resistant species, and species capable of increasing soil stability; with preference to plant species endemic to Santa Clara County. Species from the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC 2020) shall be removed if present and not included in any new landscaping.

The plant palette used for on-site landscaping shall be reviewed and approved by the Town of Los Gatos to confirm no invasive species shall be planted. Evidence of compliance shall be submitted to the Town of Los Gatos prior to occupancy of the residential buildings.

23. \*CULTURAL RESOURCES MITIGATION MEASURE CUL-8-2: The following measure shall be included in project plans, prior to issuance of a demolition permit:

If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented, to be approved by the Community Development Director.

24. \*WILDFIRE HAZARDS MITIGATION MEASURE FIRE-12-1: In order to adequately address any potential conflicts with emergency access or evacuation routes during construction, the applicant shall prepare and implement a site-specific construction traffic management plan for any construction effort that would require work within existing roadways. The traffic management plan shall be prepared and submitted to the Town prior to issuance of demolition permit(s) and shall be prepared to the satisfaction of Town Public Works and County Fire Department staff.

25. \*GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-1: The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the development plans, ground improvement plans, shoring design criteria from a geotechnical perspective, and supporting structural details and calculations (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, etc.) to ensure that their recommendations have been properly incorporated. The project geotechnical consultant should review and approve appropriate performance testing for proposed ground improvement measures.

The results of the geotechnical plan review should be summarized by the project geotechnical consultant in a letter and submitted to the Town Engineer prior to

issuance of building permits.

26. \*GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-2: The geotechnical consultant shall inspect, test and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to:

- Site preparation and grading;
- Ground improvement;
- Shoring measures and design;
- Site surface and subsurface drainage improvements; and
- Excavations for foundations prior to placement of steel and concrete.

In addition, the project engineering geologist shall inspect opened excavations to confirm bedrock conditions are consistent with those anticipated.

The results of these inspections and the as-built conditions of the project, including ground improvement measures and placement of engineered fill, should be described by the geotechnical consultant in a letter and submitted to the Town Engineer for review and approval prior to final (as-built) project approval.

Specialty/design-build consultants and contractors (shoring, ground improvement, etc.) shall also submit construction reports confirming satisfactory construction of the specific aspects of the project that they are responsible for.

27. \*GEOLOGY AND SOILS RESOURCES MITIGATION MEASURE GEO-13-3: The applicant shall consult with Bay Area Air Quality Management District to determine permit requirements. Removal of asbestos-containing building materials is subject to Bay Area Air Quality Management District's Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. Release of lead into the atmosphere is subject to Bay Area Air Quality Management District's Regulation 11, Rule 1: Lead.

Prior to the commencement of demolition activities on the site, the applicant shall provide evidence of meeting the permitting requirements of the Bay Area Air Quality Management District, to the satisfaction of the Town of Los Gatos Community Development Department.

#### *Building Division*

28. PERMITS REQUIRED: A Demolition Permit is required for the demolition of each individual building of the existing senior living community. A separate Building Permit is required for the construction of each new building located within the site.
29. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
30. 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.

31. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
32. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
33. **REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE:** Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
34. **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. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.
  - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.
  - c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NOx and PM10. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NOx and PM10 using the appropriate air quality and/or particulate monitor.
35. **SOILS REPORT:** A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
36. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
37. **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 the recommendations as specified in the Soils Report, and that the building pad elevations 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 surveyor or registered Civil Engineer for the following items:

- a. Building pad elevation
  - b. Finish floor elevation
  - c. Foundation corner locations
  - d. Retaining wall(s) locations and elevations
38. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
  39. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
  40. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
  41. BACKWATER 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 Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
  42. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
  43. 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 the 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).
  44. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).

45. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division: (408) 354-6874
  - 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. Santa Clara County Environmental Health Department: (408) 918-3479
  - f. 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 & PUBLIC WORKS:

*Engineering Division*

46. 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 and/or 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 and/or Applicant's expense.
47. APPROVAL: This application shall be completed in accordance with all 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.
48. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
49. 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 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.
50. FOR PLANTERS: The Owner and/or Applicant shall apply for an encroachment permit for the any proposed planters within the public sidewalk and/or Town's right-of-way. The Owner and/or Applicant shall work with Parks and Public Works Department staff to

- arrive at a mutually agreeable solution that addresses safety and aesthetic issues. If no solution is reached, the vegetative screening requirement shall be waived. A Private Improvements in the Public Right-of-Way (formerly Indemnity) Agreement will be required if planters are proposed to be located within the Town's right-of-way. 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 grading or building permits.
51. 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, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any grading or building permits. Please note that this process may take approximately six to eight (6-8) weeks.
  52. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
  53. PUBLIC WORKS INSPECTIONS: The Owner and/or 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 any work that occurred without inspection.
  54. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner and/or Applicant or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner and/or Applicant 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 and/or Applicant or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
  55. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
  56. 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.
57. **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.
  58. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits.
  59. **PUBLIC WORKS INSPECTOR:** The Owner and/or Applicant shall fund a full-time public works inspector, selected by the Town of Los Gatos, for the duration of the demolition and grading operations. The Owner and/or Applicant will be charged on a time and materials basis. A deposit for the full amount, to be estimated by the Town based on the Contractor's approved schedule, shall be paid prior to issuance of the demolition permit.
  60. **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 and/or Applicant'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.
  61. **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 and/or Applicant.
  62. **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'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.
  63. **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.

64. DRIVEWAY: The driveway conform to existing pavement on Wood Road shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
65. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner and/or Applicant 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.
66. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: 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.
67. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading/improvement permits, whichever comes first, the Owner and/or 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.
68. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
69. 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.
70. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits, the general contractor shall:
- a. Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
71. RETAINING WALLS: A building permit, issued by the Building Department, located 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.
72. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and 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 grading or building permits.
73. DEDICATIONS: The following shall be dedicated by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
- a. Emergency Access Easement: Twenty (20) feet wide, located between Wood Road and Broadway.
74. SOILS REPORT: One electronic copy (PDF) 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.
75. 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.
76. SOILS REVIEW: Prior to Town approval of a development application, the Owner and/or Applicant's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner and/or Applicant, and subsequent approval by the Town. The Owner and/or 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 Owner and/or Applicant's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
77. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner and/or 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 Owner and/or Applicant's soils engineer and submitted to the Town before a certificate of occupancy is granted.
78. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Geotechnical Investigation and Geologic Hazards Evaluation by Cornerstone Earth Group, dated January 17, 2020, 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 and/or Applicant.

79. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies shall be performed in support of the design of the infrastructure and the podium/building, and the reports and plans shall be submitted to the Town for review.
80. IMPROVEMENT AGREEMENT: The Owner and/or Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner and/or Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% performance and 100% labor and materials prior to the issuance of any encroachment, grading or building permit. The Owner and/or Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. An electronic copy (PDF) of the executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any encroachment, grading or building permit.
81. SANITARY SEWER CLEANOUT: A sanitary sewer cleanout shall be located within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
82. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permits or the recordation of a map. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued unless otherwise allowed by the Town Engineer.
- a. Wood Road: streetlights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
  - b. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from lip of gutter to lip of gutter from the intersection of South Santa Cruz Avenue and Wood Road extending westerly to the existing fire hydrant, water tank and water pump facilities located within the latter, or alternative pavement rehabilitation measures as approved by the Town Engineer.
  - c. Installation of a sidewalk connecting the podium to the intersection of Wood Road and South Santa Cruz Avenue, as well as construction of the necessary retaining wall(s) and potential pedestrian crosswalk and associated ADA ramps for connectivity to the existing sidewalk on the south side of Wood Road.
  - d. Curb and gutter along the northerly side of Wood Road along the property's frontage.

83. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
84. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach(es), curb ramp(s), signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (upgrade and/or repaint) etc. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
85. ADA COMPLIANCE: The Owner and/or Applicant shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.
86. UNDERGROUND PARKING GARAGE DRAINAGE: Water from the underground parking garage shall not be discharged onto the public street. The Owner and/or Applicant or their representative shall design a floor drainage system for the garage that collects all drainage and conveys runoff to the sanitary sewer system. Connecting said drainage system to the storm drain system is not permitted.
87. PARKING LOTS: Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The amount of impervious area associated with parking lots shall be minimized by utilizing design features such as providing compact car spaces, reducing stall dimensions, incorporating efficient parking lanes, using permeable pavement where feasible, and adhering to the Town's Parking Development Standards. The use of permeable paving for parking surfaces is encouraged to reduce runoff from the site. Such paving shall meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.
88. UTILITIES: The Owner and/or 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 Owner and/or 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.

89. 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.
90. 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 an electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of a grading or building permit. A realigned access driveway shall be completed prior to the issuance of grading or building permit.
91. SIDEWALK REPAIR: The Owner and/or 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.
92. CURB AND GUTTER REPAIR: The Owner and/or 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.
93. CURB RAMPS: The Owner and/or Applicant shall construct all necessary curb ramps to allow for the required pedestrian connectivity in compliance with ADA Standards which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. 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.
94. CALTRANS APPROVAL: The Owner and/or Applicant shall be responsible for obtaining design approval(s) and construction encroachment permit(s) from Caltrans for any improvements within the Caltrans right-of-way. A copy of approved encroachment permit is required to be submitted to the Engineering Division of the Parks and Public

- Works Department prior to grading or building permit issuance. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
95. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, ADA ramps and streetlights at project frontage as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
  96. FRONTAGE IMPROVEMENTS (STREETLIGHTS): The Developer shall replace existing street light fixture with Town-standard street light pole and fixture. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
  97. TRAFFIC IMPROVEMENTS (OFF-SITE IMPROVEMENT): Traffic improvements may be required as determined by traffic study. Construct off-site improvements as required. Plans shall be prepared by the Developer's design consultants and submitted to the Town Engineer for approval prior to construction. The Developer is required to designate necessary right-of-way for any required widening. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
  98. STREETLIGHTS INSPECTION FEES: The Owner and/or Applicant shall pay \$3,000.00 for the Town's inspection of streetlights. The fees shall be due at time of building permit application.
  99. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM): The Owner and/or Applicant shall prepare a Transportation Demand Management Plan for the Town of Los Gatos approval prior to the issuance of any building permit. The TDM shall include, but is not limited to, measures such as bicycle facility provisions, shower facilities, local shuttle service, transit passes and subsidies, carpool incentive, designated car share parking, and other measures that may be required by the Town Engineer to obtain a goal of a 15% vehicle trip reduction. The TDM shall also include a TDM Coordinator and identify the requirement for an annual TDM effectiveness report to the Town of Los Gatos.
  100. BICYCLE FACILITIES: Bicycle facilities including, but may not be limited to, bike lanes and bike boxes will be provided in all directions and approaches of improved streets and intersections as directed by Town Engineer.
  101. TRAFFIC STUDY: Any development of land use that generates greater traffic impacts than those assumed in the traffic study report may require an updated traffic study in accordance with the Town's traffic impact policy.
  102. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building/grading permit(s), the Owner and/or 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 any grading or building permit. In the event that a subdivision map, parcel map or certificate is required to be recorded the fee shall be paid prior to recordation. 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, using a comparison between the existing and proposed uses.
103. 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.
  104. 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.
  105. CALTRANS APPROVAL OF TRAFFIC CONTROL PLANS: The Owner and/or Applicant shall be responsible for submitting the proposed traffic control plans to Caltrans for approval for any work within the Caltrans right-of-way or that may affect traffic on South Santa Cruz Avenue.
  106. 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.
  107. 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.
  108. 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.
109. CONSTRUCTION HOURS: All site improvement 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 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
  110. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, 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.
  111. 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.
  112. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner and/or Applicant 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.
  113. CALTRANS: Prior to the start of any work along or within Caltrans rights-of-way and/or easement, the Developer shall obtain necessary encroachment permits for the proposed work. A copy of approved encroachment permit is required to be submitted to the Engineering Division of the Parks and Public Works Department. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. Improvements approved by Caltrans shall be constructed and installed prior to grading or building permit issuance unless otherwise allowed by the Town Engineer.
  114. 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 and/or Applicant 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.
115. **BEST MANAGEMENT PRACTICES (BMPs):** The Owner and/or 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.
116. **STORMWATER DEVELOPMENT RUNOFF:** All new development and redevelopment projects are subject to the stormwater development runoff requirements. Every Owner and/or Applicant 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.
117. **REGULATED PROJECT:** The project is classified as a Regulated Project per Provision C.3.b.ii. and is required to implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d..
118. **STATE CONSTRUCTION GENERAL PERMIT:** In the event that, during the production of construction drawings for the plans approved with this application by the Planning Commission, it is determined that the project will disturb one (1) acre or more of site area, the filing of a Notice of Intent (NOI) and submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the San Francisco Bay Regional Water Quality Control Board as part of a State Construction General Permit will be required. These items shall all be completed and accepted by the Engineering Division before issuance of a grading/building permit.
119. **NPDES STORMWATER COMPLIANCE:** In the event that, during the production of construction drawings for the plans approved with this application by the Planning Commission, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
120. **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.



121. **BIORETENTION SYSTEM:** The bioretention system(s) 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(s) 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.
122. **IMPAIRED WATER BODIES:** Projects that discharge directly to CWA section 303(d) listed water bodies shall implement appropriate source control, site design and treatment measures for the listed pollutants of concern.
123. **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.
124. **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.
125. **LANDSCAPE MAINTENANCE AGREEMENT:** The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to maintain the vegetated areas along the project's Wood Road frontage located within the public right-of-way, including the proposed retaining walls as well as street light facilities and fixtures. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any encroachment, grading or building permits.
126. **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 Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one (1) acre. 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 grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal

Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) must be developed forty-eight (48) hours prior to any likely precipitation event, defined by a fifty (50) percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (<http://www.srh.noaa.gov/forecast>) which must accompany monitoring reports and sampling test data. A rain gauge is required on-site. 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.

127. 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 (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
128. DUST CONTROL: The following measures shall be implemented at construction sites greater than four (4) acres in area:
- a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - c. Limit traffic speeds on unpaved roads to fifteen (15) miles per hour.
  - d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - e. Replant vegetation in disturbed areas as quickly as possible.

129. **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 fifteen (15) miles per hour.
  - 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 forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
  - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
  - 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.
130. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building 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.
131. **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.
132. **STORMWATER DISCHARGE:** New buildings, such as food service facilities and/or multi-family residential complexes or subdivisions, shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to the sanitary sewer. The Owner and/or Applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.
133. **WATER FEATURES:** New fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these features shall be directed to the sanitary sewer and are not allowed into the storm drain system.
134. **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 stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
135. **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 and/or Applicant may elect to have the Planning submittal certified to avoid this possibility.
136. **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.”

137. 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](http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL).
138. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property owner 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 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 an electronic copy (PDF) 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.
139. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and property owner 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.
140. 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 and/or 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 Owner and/or Applicant’s expense.
141. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Prior to the issuance of an encroachment, or grading or building permit, the Developer shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
142. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
143. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
144. 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 map. An electronic copy (PDF) 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.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

145. GENERAL: This application proposes installation of terrace level exterior standpipes in lieu of providing fire apparatus access, as outlined in CFC, Section 503.1.1. As the villas are built upon an elevated terrace level podium, compliant apparatus access and associated hose pull distances are exceeded. This alternative shall ensure an approved hose valve is accessible within 150-feet of all portions of the facilities and all portions of the exterior walls of the first story of each structure.
146. GENERAL: This request and associated drawings demonstrate terrace level exterior standpipe hose valves within 150-feet of all exterior portions of each structure, in lieu of apparatus access per CFC Sec. 503.1.1. An associated fire flow letter, provided by San Jose Water (SJW) indicates that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site. SJW has indicated in their attached analysis that they will be able to provide 1,500 GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.
147. GENERAL: All Building Permit drawings shall clearly demonstrate the water main and new hydrant installation.
148. GENERAL: A copy of the Alternate Means/Methods application form, with building and fire official's approval signatures and engineer's stamp and signature shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
149. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive approval from, the Building Department all applicable construction permits.
150. FIRE SPRINKLERS REQUIRED: (As noted on Cover Sheet of Official Development Plans) In other than residential buildings, which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures. Note: Sprinklers are required for all structures and covered areas such as walkways and gazebos.
151. EMERGENCY RADIO RESPONDER COVERAGE: (As noted on Sheet C108 of Official Development Plans) All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements. Emergency Radio Responder Coverage requirements applies to all buildings. [SCCFD Standard Details & Specifications, C-2].
152. STANDPIPES REQUIRED: (AMMR-See note below) Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used

in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 80. CFC Sec. 905. Locations of proposed interior standpipes and exterior terrace standpipes to comply with hose pull distances, are noted on Sheet C109.1 of the Official Development Plans. Terrace hose valves are not allowed to be combined with automatic fire sprinkler systems for SCCFD. This review verified proposed locations. Further determination and validation of these locations will be reviewed upon submittal of the system plans.

153. ALTERNATIVE MATERIALS OR METHOD OF CONSTRUCTION REQUEST (AMMR): An AMMR request and associated drawings demonstrating terrace level exterior standpipe hose valves within 150-feet of all exterior portions of each structure, in lieu of apparatus access per CFC Sec. 503.1.1 and an associated fire flow letter, provided by San Jose Water (SJW) indicating that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site has been reviewed and approved by Chief Estrada on 09/14/21. SJW has indicated in their analysis that they will be able to provide 1,500 GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.
154. WATER SUPPLY REQUIREMENTS: (As noted on Sheet C108 of Official Development Plans) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
155. PUBLIC FIRE HYDRANT(S) REQUIRED: (As noted on Sheet C106 of Official Development Plans and in SJW fire flow letter) Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. Hydrants are located on the complex side of the roadway and are immediately accessible (at road elevation) from the fire department access road. A fire flow letter, provided by San Jose Water (SJW) indicates that they will construct a new looped public 8" water main installation with four new 6" public hydrants to supply the site. SJW has indicated in their attached analysis that they will be able to provide 1,500

GPM at a minimum 20 psi. throughout the site, including from the most demanding location, approximately 405' N/N Wood Rd. at an elevation of 525'.

156. FIRE DEPARTMENT CONNECTION REQUIRED: (As noted on Sheet C109.1 of Official Development Plans) A Fire Department Connection (FDC) is required for each building to support its sprinkler system. They shall not be attached to the buildings. The FDC shall be installed at the street, on the street address side of the building. It shall not be on the opposite side of a roadway from the structure that it supplies. It shall be located within 100 feet of a public fire hydrant and within ten (10) feet of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two-and-one-half (2- 1/2") inch national standard threaded inlet couplings. FDC's supplying private onsite fire hydrants shall have a minimum four (4) way inlet coupling. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow [SCCFD, SP-2 Standard]. Locations of all FDCs are noted on Sheet C109.1 of Official Development Plans, as reference only. Construction details of the FDC supply to fire protection systems will be subject to review of design details at time of installation permit submittal. One FDC is required for support of each individual building, as currently noted on the plans. Fire Department Connections are located within 100' from an approved fire hydrant.
157. REQUIRED SECONDARY FIRE DEPARTMENT ACCESS: (As noted on Sheet C108 of Official Development Plans)
- Commercial and Industrial Developments -
- a. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure.
  - b. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.
- Multi-Family Residential Developments (R-1 & R-2 occupancies)-
- a. Multi-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. CFC Sec. Chp. 5. Two separate and approved fire apparatus access roads are required. Aerial access is required for 7 of the 8 buildings. A 26' wide fire lane is shown in the immediate vicinity of any building or portion of a building more than 30 feet in height above the lowest level of fire department access.
158. REQUIRED AERIAL ACCESS: (As noted on Sheet C108 and C108.3 of Official Development Plans)
- Where required-
- a. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire



department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Roadways shall have a paved all weather surface, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 60 feet outside, a maximum slope of 15% and be able to withstand an imposed load of 75K pounds.

- b. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.
  - c. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572mm) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. CFC Ch. 5 and SCCFD SD&S A-1. Aerial access is required for 7 of the 8 buildings. A 26' wide circulating fire lane is shown on the plans. Special consideration shall be taken to support aerial operations. Aerial access demonstrated to the Villa parapets, and in turn to the roof decks via a structural ledge with permanently attached ladders is acknowledged and accepted. All aerial setup sections are noted to have a cross slope of no more than 2%. Conforming aerial setup capability is demonstrated for each villa on Sheet C108.3.
159. TURN RADIUS (CIRCULATING): (AMMR-See note below) The minimum outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends. The turn at the entrance to the south of the arrival court has been revised and submitted with a Request for Variance. While this revision does improve the existing condition, and may now be accessible for a shorter wheel-based vehicle such as an ambulance, the cross slope at this location is still impassible for larger fire apparatus. Conforming turnaround noted in front of Villa B. Appropriate radii and angles of approach and departure are required throughout the fire access roadway. [CFC 503.2.8]. As aerial access is required throughout the site, all turns shall provide a 60' outside radius and all slope transitions and points of approach and departure shall be no greater than 5%. An application for Alternate Materials, Design or Methods of Construction for this turnaround has been submitted per CFC 104.9 for consideration. The alternate has been approved by SCCFD however, the request form requires Building Official signature, architect/engineers signed stamp/seal and subsequent inclusion on the project documents.
160. FIRE APPARATUS ACCESS ROADS REQUIRED FOR BUILDINGS AND FACILITIES: (As noted on Sheets C102 and C108 of Official Development Plans) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. [CFC, Section 503.1.1]. Compliant hose pull access routes leading to all portions of the exterior walls of the first story are shown on Sheet C109. Stair access from the

Terrace level to the lowest level within each structure shown on Sheet C108. Proposed accessible paths for patient transfers between each villa and anticipated ambulance staging areas are noted on Sheet C108. Several locations along the proposed fire department access roadway are within an existing tributary area, draining toward Broadway. Sheet C102 Pavement Design Note indicates that the roadway design shall support: 1) 75K pound loading capacity, 2) Point loads for aerial apparatus outriggers, and 3) Drainage design sufficient to prevent roadway erosion.

161. TWO-WAY COMMUNICATION SYSTEM: (As noted on Sheet C108 of Official Development Plans) Two-way communication systems shall be designed and installed in accordance with all current editions of NFPA 72, the California Electrical Code, the California Fire Code, the California Building Code, and the city or town ordinances, policies, and standards where a two-way system is being installed. [SCCFD Standard Details & Specifications, C-1]. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.
162. ADDRESS IDENTIFICATION: (As noted on Sheet C108 of Official Development Plans) 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 sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
163. CLOSURE OF FIRE APPARATUS ACCESS ROADWAYS: (As noted on Sheet C108 of Official Development Plans) The installation of gates, or other barricades across required fire department access roads or driveways shall comply with Standard Details & Specifications, G-1. Detailed plans showing the location and method of the closure are required. Due to site access constraints, Broadway will be considered the primary emergency vehicle access route. Signage shall be provided indicating it is for emergency access only as indicated on Sheet C108 and no obstruction to this access shall be installed or constructed without additional fire department review and approval.
164. FIRE LANE MARKING REQUIRED: (As noted on Sheet C108) Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6. CFC Sec. 503.3.
165. PARKING: (As noted on Sheet C108 of Official Development Plans) When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following: Parking is permitted both sides of the street with street widths of 36 feet or more; Parking is permitted on one side of the street with street widths of 28 – 35 feet; No parking is permitted when street widths are less than 28 feet. NOTE: Rolled

curbs can be part of the curb/sidewalk and used to increase the roadway width with approval from the fire code official. Additional requirements may apply for buildings 30 feet in height or greater. No parking shall be allowed along the access road. Fire Lane markings applied throughout.

166. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the Fire Code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

DRAFT

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 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 \_\_\_\_\_, and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

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

DATE: \_\_\_\_\_

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