

ORDINANCE 2025

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING THE ZONING ORDINANCE EFFECTING A ZONE CHANGE
FROM C-2 LHP TO C-2 PD LHP AT 50 UNIVERSITY AVENUE**

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 at 50 University Avenue shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from C-2 LHP (Central Business District - Landmark Historic Preservation) to C-2 PD LHP (Central Business District - Planned Development - Landmark Historic Preservation).

SECTION II

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

1. Demolition of the Steamer's building and numerous accessory structures (shown on the Official Development Plan, sheet 3) and the partial demolition and reconstruction of the Old Town Center. The Old Town Center will be considered demolished by Town Code (definition of demolition of an historic structure) since more than 25 percent of the front exterior walls will be removed, and more than 50 percent of all exterior walls will be removed. The building however, will not be demolished and interior walls will remain;
2. Construction of an underground parking garage with retail above, new commercial building adjacent to St. Luke's Church (20 University Avenue), and reconfiguration of the parking lot as shown on the Official Development Plan;

3. Changing the use of the auditorium to a retail use. A theater use is a permitted use within the existing auditorium, the amphitheater or elsewhere on the site;
4. Landscaping, streets and other improvements shown and required on the Official Development Plan;
5.
 - a. Relocation of the Steamer's restaurant to another space within the project site, subject to the conditions of Steamer's most current Conditional Use Permit [216 seats].
 - b. The existing restaurants (Wine Cellar - Suite 12 [49 seats]; California Cafe - Suite 8 [208 seats]; and the Waves (or new tenant) - Suite 1 [91 seats]), are permitted to remain in the existing Old Town Center building subject to their conditions of their Conditional Use Permit; any changes to their use or relocation within the Center on either side of University Avenue or increase in seating, will require a modification to the applicable Conditional Use Permit.
6. Uses permitted are those specified in the C-2 (Central Business District) zone by Sections 29.60.320 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Town Code, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

Architecture and Site Approval is required before there are exterior changes to the Old Town Center, demolition of the Steamer's building and construction work of the parking lot, new buildings and reconstruction of the Old Town Center is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code. Interior work of the Old Town Center is permitted to bring the building up to current Building Code and does not need Architecture and Site approval. A Building Permit and other applicable permits may be required for the interior work.

SECTION V

The attached Exhibit A (Map) and Exhibit B (Tentative Map and Development Plans, 20 sheets), are part of the Official Development Plan. The following must be complied with before issuance of any grading, demolition or construction permits:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

(Planning Section)

1. **PARCEL.** The parcel shall remain as one parcel.
2. **HOLD HARMLESS.** The developer has requested the Town's approval and has had the opportunity to review, comment and accept the process and approval. The developer shall hold the Town harmless from any claim or litigation alleging that this ordinance or subsequent approvals obtained by the developer for this project was processed, adopted, or approved in violation of any Federal, State, Town or other local law or regulation of any kind, and shall pay all costs involved in defending any such claim or litigation, including attorney fees.
3. **PHASING.** All buildings may be worked on simultaneously. Twenty Five percent of the occupancy of Building E shall be held until final occupancy has been given for the existing

Old Town Center and its two parking lots. A map shall be provided prior to the issuance of a building permit, indicating the tenant spaces of Building E and which units are proposed to have their occupancy held. During the final occupancy stage, these held units may be changed with Town approval.

4. **TRASH ENCLOSURE/MECHANICAL EQUIPMENT.** Trash enclosures and mechanical equipment shall be located as far from residential receptors as possible. The enclosures shall be constructed to provide full screening from residential receptor locations. The location of the trash enclosures will be reviewed during the Architecture and Site approval process. The quietest and smallest capacity heating, ventilation, and air conditions equipment that meets design specifications and Town Noise Ordinance standards shall be used. The roof equipment for Building D shall be restricted to the east end of the building and the vent exhausts shall be directed toward the Old Town parking lot.
5. **ACCESS EASEMENT.** If the trash pickup is proposed at Parking Lot 6, an access easement shall be required to be obtained from the Town, prior to Architecture and Site approval. If the easement is not granted, the revised trash pickup area shall be considered during the Architecture and Site approval process which may require redesign and/or reduction of building square footage.
6. **RECYCLING.** All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
7. **STEAMER'S.** The outside seating area for the relocated Steamer's restaurant, will be reviewed during the Architecture and Site approval process to ensure it meets all Town Code and Town policy requirements.
8. **CLOSED AREAS.** All areas to be closed off within the existing Old Town Center shall be explicitly documented to ensure that these areas will not and cannot be used in the future during the Architecture and Site approval process. This documentation of the

closed areas shall be shown on the Architecture and Site plans and building permit plans. These areas shall visually be shown to be closed off during final inspection.

9. PLAQUES. The two plaques which currently exist on the building, (the history of Los Gatos plaque and the dedication to teachers and students plaque), shall be saved and replaced on the building prior to final occupancy.
10. PARKING SPACES. All parking spaces shall conform to current parking requirement dimensions. Parking spaces in the underground garage next to columns, walls or similar obstructions, shall have a minimum width of 9.5 feet. Parking plans will be reviewed during the Architecture and Site approval process.
11. RESTROOMS. The restrooms located within the buildings, which are not exclusively for an individual office use, shall be available to the general public.
12. BUILDING D. The back wall (south side next to church) shall be painted to match or harmonize with the existing St. Luke's wall.
13. BUILDING D ACCESS. Access to the space between Building D and the St. Luke's wall may be securely closed to the public and accessible only to the appropriate and permitted maintenance/landscaping personnel.
14. WALL. The proposed 10 foot high wall along the south property line adjacent to St. Luke's Church shall not be constructed. The existing eight foot high wall shall remain. If the church later decides that the wall is needed, and the applicant wishes to install the wall, it shall be permitted with the appropriate approvals and permits from the Town.
15. BUILDING E. During the Architecture and Site approval process, Building E shall be modified as follows:
 - a. Open up the center pathway. Building could be moved closer to the south property line to increase width of pathway.
 - b. Design structure so that it appears to be a collective of individual structures that abut each other.

- c. The roof design shall be reflective of the individual structures (break-up rooflines).
 - d. Corner tower shall be redesigned into a clipped corner design.
 - e. Provide more variety in the buildings.
16. STORE DELIVERIES. The area behind Building E, adjacent to Parking Lot 6, shall not be used for deliveries.
17. SIGNS. A sign program shall be submitted as part of the Architecture and Site approval process. Arched wrought iron signs advertising Old Town are permitted as shown on the attached Development Plans (Exhibit B). The margin of measurement for tenant signs may be reduced to a minimum of one inch around all of the words and symbols. The actual dimensions shall be finalized during the Architecture and Site approval process with the sign program. Signs identifying business and the Center shall not be either lighted from the interior or made of translucent materials.

(Engineering Section)

18. 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 a building permit or recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. At the time of Architecture and Site Approval for the project, conformance with the Streetscape Plan for Central Business District Improvements (which includes benches and trash receptacles) will be determined and incorporated with the improvements identified below.

- a. University Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, removal of mid-block crosswalks, signing, striping, storm and sanitary sewers, as required.
 - b. Elm Street. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.
 - c. Mullen Avenue. Curb, gutter, "Villa Hermosa" sidewalk, curb ramp, driveway approach, street lights, tie-in paving, signing, striping, storm and sanitary sewers, as required.
19. **HYDRAULIC CALCULATIONS.** At the time of the final design of the project, existing and post-project hydraulic calculation for the project area and associated drainage conveyance facilities between the project and Los Gatos Creek. The hydraulic calculation should include calculations to confirm the preliminary findings of the EIR.
 20. **MID-BLOCK CROSSWALK.** The existing mid-block cross walks shall be removed. No new mid-block crosswalk shall be installed. The only marked crosswalk to the site shall be at the Elm Street/University Avenue intersection and across Mullen Avenue at University Avenue.
 21. **INSURANCE.** One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before issuance of the building permit.
 22. **TRAFFIC IMPACT MITIGATION FEE (COMMERCIAL).** The developer shall pay a proportional to the project's 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 application is made. The number of trips used in the calculations will be the net additional trips as shown in Table 5-8 of the E.I.R. by Geier & Geier, dated September 1996. The fee shall be paid before issuance of the building permit. The traffic impact mitigation fee for this project using the current fee schedule is \$89,280. The final fee shall be calculated from

the final plans using the rate schedule in effect at the time of the building permit application.

23. CHRISTMAS SHOPPING CONSIDERATIONS. Construction shall be scheduled or other measures implemented, to minimize construction impacts during the Christmas shopping season.
24. DEWATERING PLAN. Prior to issuance of a building permit, the project applicant shall prepare a dewatering plan specifying how groundwater would be handled when encountered during excavation, how temporary excavations would be protected from groundwater saturation and how permanent foundations would be kept dry from groundwater as well as from surface water runoff.
25. EROSION CONTROL PLAN. The project applicant shall prepare and implement an erosion control plan in conformance with the Town and California Regional Water Quality Control Board requirements prior to issuance of a building permit. The plan shall account for existing drainage conditions since most runoff generated on the sunken parking lot site during the excavation phase would be too low to drain to adjacent storm drains and would require pumping.
26. STREET LIGHTING. The project applicant shall prepare and submit to the Town during the Architecture and Site approval process, a street lighting program and plan for all streets surrounding the proposed project site.
27. TRAFFIC DIVERTER. At the time of Architecture and Site Application, various methods of preventing Old Town related traffic from using Edelen Avenue from Mullen Avenue shall be explored. The method of traffic diversion chosen shall also be approved by Central Fire Protection District.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS, FORESTRY & MAINTENANCE SERVICES:

28. TREE CARE. All tree care activities shall be accomplished by a licensed, competent tree care firm as approved by and under the supervision of the Director of Parks, Forestry & Maintenance Services.
29. PROTECTIVE FENCING. Prior to any construction or Building Permits being issued, the applicant shall meet with the Director of Parks, Forestry and Maintenance Services concerning the need for protective fencing around the existing trees. Such fencing is to be installed prior to, and be maintained during construction.
30. NEW TREES. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior to acceptance of the subdivision.
31. IRRIGATION. No irrigation or planting shall be permitted under the dripline of existing native trees. All newly planted material shall be irrigated by an in-ground irrigation system.
32. CONSTRUCTION. No construction or grading shall take place within the dripline of existing trees.
33. AERATION TUBES. Any impervious area (excluding roadways) encroaching under the dripline of existing trees shall have aeration tubes installed.
34. LANDSCAPE PLAN. A precise landscaping plan shall be submitted at the Architecture and Site Approval stage of development. Planting on the south back of Building D shall be done in cooperation with St. Luke's Church.
35. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance as per Chapter 26 Article IV of the Town Code. A review fee based on current resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review. Plans and fees must be submitted prior to issuance of a building permit.

36. ARBORIST REQUIREMENTS. The following measures from the Coate study (1996) shall be enforced to minimize damage to the three Oak trees:

- a. The foundation which is installed ten feet from the fence, beginning 50 feet east of the curb, must be of pier and beam foundation design, not standard L-footing.
- b. If an additional wall is installed adjacent to the existing property line wall, it shall also be of a pier and grade beam foundation design with the beam laid on top of the existing grade.
- c. When pavement is removed from any area beneath the canopy of one of these trees, the pavement must be removed by breaking the pavement up with a jackhammer or by manual labor, and the broken pieces shall be loaded into a skip loader which is standing on undisturbed pavement. Roots which are exposed in the top three inches of soil, with removal of that pavement, shall be protected from compaction or other damage.
- d. Under no circumstances shall equipment be allowed to drive on the exposed soil once the pavement has been removed until protection has been installed over the newly exposed roots.
- e. The protective surfaces shall include a four inch layer of tree chips over any surface beneath the tree canopy which is newly exposed.
- f. If it becomes necessary to drive construction equipment over any of those newly exposed areas, 1.5 inch plywood sheets shall be laid over a five inch layer of tree chips to prevent compaction of the soil by equipment wheels.
- g. As part of the contract specifications for the general contractor and all subcontractors, construction personnel shall not be allowed to prune any of the Oak tree limbs or branches located direly above construction. An arborist certified by the International Society of Arboriculture shall be called to prune the canopy of the trees over the parking lot before

construction begin begins, if any conflicts arise between actual construction and the tree at later stages of construction, only the arborist shall be allowed to do additional pruning to solve the problem. All pruning must follow Western Chapter, International Society of Arboriculture Pruning Standards.

- h. The two Oak trees located closest to University Avenue shall be fertilized by injecting a liquid fertilizer mix into all areas beneath the canopies of these trees, including that on the south side of the existing wall. The fertilizer shall be composed of Greenbelt 22-14-14 soluble fertilizer mixed at four pounds of fertilizer per 100 gallons of water, and injected at 10 gallons of this mix per one inch of trunk diameter into all areas beneath the canopy in exposed soil or through bricks where that becomes the only method by which fertilizer can be supplied to the root zone.

TO THE SATISFACTION OF THE DIRECTOR OF BUILDING AND ENGINEERING SERVICES:

- 37. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Standard Specifications for Public Works Construction. All work shall conform to the applicable Town ordinances. Adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of day. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The 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 Town performing the required maintenance at the developer's expense.
- 38. **PUBLIC WORKS INSPECTIONS.** The developer or his representative shall notify the Engineering Construction 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 rejection of work that went on without inspection.

39. **EROSION CONTROL (COMMERCIAL).** Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Section of the Planning Department. On sites over 5 acres, at Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Region Water Quality Control Board. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area and stabilizing/building on this area if grading that is allowed to go on during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install filter berms, check dams, retention basins, silt fences, and straw bale dikes as needed on the project site, to protect downstream water quality during winter months.
40. **UTILITIES.** The developer shall install all utility service, including telephone, electric power, and other communications lines underground, as required by Town Code §27.50.015(b).
41. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvements 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. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

42. CURB RAMPS. The developer shall construct three or four (3 or 4) curb ramps according to State Standard Drawings at the crosswalks at University Avenue/Elm Street, University Avenue/Mullen Avenue and the University Avenue entrance. The exact number will be determined at the time of Architecture and Site Approval. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase.
43. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "As-built" plans shall again be signed and "wet-stamped" by the engineer who prepared the plans, attesting to the changes. The original "As-built" plans shall be reviewed and approved the Engineering Inspector. A photo Mylar of the approved "As-built" plans shall be provided to the TOWN before the release of the Faithful Performance Security.
44. DRIVEWAY APPROACH. The developer shall install four (4) Town Standard Commercial driveway approaches in the locations shown on the Official Development Plan. The new driveway approaches shall be constructed per Town Standard Detail S-5.
45. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit and will require construction security.
46. GARAGE ACCESS RAMP. The garage access ramp shall be widened to 30 feet. This will facilitate ingress and egress from the garage and allow the placement of a parking control station in the future. The ramp shall be clearly signed to prohibit pedestrian use.
47. BUILDING "E" PARKING. The underground garage can be used for construction worker parking once the Town Building Official has finalized the private use of the garage. In addition, the entrance to the parking garage shall be monitored at all time that it is open (e.g., guard, gate, etc.) to ensure it is not used by the public prior to the issuance of a Certificate of Occupancy for Building "E".

48. **PARKING CONTINGENCY PLAN.** The applicant shall prepare a construction worker parking contingency plan, to be implemented if directed to do so by the Town, to have construction workers park off-site. The plan shall include designation of a specific off-site location for all construction worker parking. This location shall not be within the Central Business District (C-2 zone) unless Town Council gives the authorization to a specific site, and workers shall be shuttled from the off-site location. The parking contingency plan shall be approved by the Director of Building and Engineering Services prior to the issuance of a building permit.
49. **CONSTRUCTION DELIVERIES.** All construction deliveries shall be restricted to the hours between 9:00 a.m. and 3:00 p.m. to minimize school and downtown impacts. The applicant should monitor construction activities to ensure that traffic flow along University are not adversely affected by materials/equipment deliveries. At no time shall street blockages be permitted that would impact the mobility of emergency service vehicles.
50. **PEDESTRIAN ACCESS.** Construction activities shall be planned and implemented so as to minimize disruption to pedestrian and vehicular traffic. The sidewalk shall be kept open on at least one side of each street at all times.
51. **SANITARY SEWER LATERAL.** Sanitary sewer laterals shall be televised by West Valley Sanitation District at the developer's expense and approved by the Town of Los Gatos before they are used or reused. Install sanitary sewer lateral clean-outs at the property line.
52. **GREASE TRAPS.** Meet all requirements of the County Health Department and West Valley Sanitation District for the interception, separation, or pretreatment of effluent for all existing and new uses.
53. **NOISE REDUCTION.** Equipment used for project construction shall utilize control techniques (improved mufflers, equipment redesign, use of silencers, ducts and mufflers) in order to minimize construction noise impacts. Construction noise shall be minimized by requiring the project contractors to agree with the following measures:

- a. If the Noise Ordinance noise standard cannot be met at the Mullen Avenue property boundary or along the church boundary, temporary wooden fencing shall be erected during construction along that boundary.
 - b. A member of the project applicant's team shall be appointed to enforce construction hours allowed by Town Ordinance. The project applicant shall introduce this person to the Town staff and have this person accessible to the Town during all site preparation and construction activities.
 - c. Elimination of unnecessary idling of equipment.
 - d. Good maintenance and lubrication procedures shall be used on all construction equipment to reduce operating noise.
54. **HAZARDOUS MATERIALS PLAN.** A management plan for hazardous materials shall be prepared by the developer. This management plan shall identify all suspected hazardous materials (including contaminated soils, groundwater, PCBs, lead-based paints, asbestos) and specify applicable regulations that would determine appropriate handling and disposal of hazardous materials. The management plan shall provide detailed quantification of the types and quantities of asbestos. The plan shall also provide guidelines for the handling and disposal of lead-based paints. When handling and disposing of lead-based paints, appropriate measures shall be required to ensure compliance with applicable state hazardous waste and OSHA regulations (worker safety). The plan shall include plans for site safety/worker protection, sampling and investigation, and disposal/remediation for materials which exceed regulatory action levels and are determined to be hazardous. For suspected hazardous materials (contaminated soil and groundwater) which may be encountered during construction, contingency plans for site safety/worker protection, sampling and investigation, and disposal/remediation shall be included; these shall be based on soil and groundwater sampling and testing that have been completed to date. The plan shall be filed with the Town and all other appropriated agencies. Appropriate contract specifications shall be imposed on construction contractors

for proper handling and disposal of hazardous materials consistent with the required management plan. The developer shall complete an asbestos survey of the Steamer's building prior to demolition. The developer shall ensure that all existing asbestos containing materials are removed, closed off or encapsulated by a licensed abatement contractor prior to site preparation for renovation, rehabilitation and removal of any materials or fixtures. This will include undertaking a physical examination of the project site to determine the amount of each type of material to be closed off, encapsulated or removed, and mapping areas where asbestos containing materials are to be closed off, encapsulated and/or removed. An inspection and maintenance program shall be developed for any areas closed off or encapsulated to prevent any fiber release.

55. **HAZARDOUS MATERIAL PREPARATION.** During demolition and excavation activities, the developer shall be prepared for the potential of encountering hazardous materials in areas not already characterized. The developer shall be alerted for visible evidence of hazardous materials, such as soil discoloration, suspicious odors, or presence of underground tanks, piping or other buried building materials and shall provide for the collection of grab samples in the area of suspected contamination.
56. **GROUNDWATER.** If groundwater is encountered during project construction and dewatering is required, the developer shall undertake sampling and testing of the encountered groundwater in accordance with the contingency sampling and investigation plan. If groundwater is found to contain contaminants which exceed regulatory action levels, it may not be discharged into the existing storm drain system. Removal and handling of the contaminated groundwater shall be done in a manner acceptable to the Regional Water Quality Control Board, the Town and other jurisdictional agencies. Once more detailed project plans become available, the Town may choose to require the developer to submit a Notice of Intent (NOI) to the California Regional Water Quality Control Board prior to construction. If required, the NOI letter shall include mapping,

potential pollutant lists, and a detailed description of drainage factors regarding the project site during construction.

57. **ELEVATOR CONTAMINANTS.** The existence of contaminants in soil beneath the existing elevator room shall be determined and appropriate remediation shall be completed as required by applicable federal, state and local regulations. Appropriate contract specifications shall be imposed on construction contractors for proper handling and disposal of hazardous materials consistent with the required management plan.
58. **PCB'S.** The developer shall request PG&E to test the two transformers for PCBs and if present, PCBs shall be removed and disposed of properly.
59. **NOTIFICATION REQUIREMENTS.** The developer shall comply with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos, in accordance with Section 19827.5 of the California Health and Safety Code (adopted January 1, 1991).
60. **EXISTING BASEMENT.** While the existing hazard posed in the crawl hole basement area of Building B is not an impact of the proposed project, this area shall be immediately be closed off or abated and the soil decontaminated by a licensed abatement contractor (prior to initiation of any work on the proposed project). In the event the crawl hole basement of this area is permanently closed off, an inspection and maintenance program shall be developed to prevent any fiber release.
61. **ASBESTOS EXPOSURE.** All necessary measures shall be implemented to protect operating merchants, employees and customers from exposure to asbestos.
62. **BAAQMD.** To comply with BAAQMD nuisance abatement rules, the following dust (PM10) control measures shall be included as conditions of the grading permit:
 - a. Water all active construction areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

- c. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - d. Sweep (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
63. **GEOLOGIC HAZARDS CHECKLIST.** The developer shall submit to the Town a Geologic Hazards Checklist, as outlined by the California Department of Conservation Division of Mines and Geology, and appropriate geotechnical design studies demonstrating that the probable lateral forces experienced at the project site from a seismic event have been taken into consideration in the design and construction plans for the proposed project. These studies shall address building foundation design for the parking garage and Buildings D and E as well as for any seismic retrofit found to require new or upgraded foundations in Buildings A and B. Project plans for seismic retrofitting of Buildings A and B shall demonstrate conformance with 1994 Uniform Building Code requirements (including 1995 California amendments) and/or recommendations made by Boley Consulting Engineers, whichever requirements are determined to be appropriate by the Town.
64. **SEISMIC RETROFIT.** The developer shall provide plans or designs for structural repairs in order to seismically retrofit the existing buildings. Such plans or designs shall include any and all foundations needed to support each location of seismic retrofitting. Proposed plans shall conform to the current Uniform Building Code, with California amendments in effect in Town.
65. **BUILDING CODE.** Project plans shall demonstrate conformance with current Uniform Building Code requirements (including California amendments in effect in Town) and/or recommendations made by Boley Consulting Engineers (whichever requirements are determined to be appropriate by the Town) to repair and upgrade the structures in order

to integrate the structural system and to make Buildings A and B capable of providing resistance to gravity and seismic loads.

66. The westerly wall of the underground garage under Building E shall contain a structurally designed section or sections that would structurally accommodate being knocked out for access to and from a possible future below-grade parking level on Town Parking Lot No. 6.

TO THE SATISFACTION OF CENTRAL FIRE PROTECTION DISTRICT

67. **SPRINKLERS.** Fire sprinkler system shall be modified as necessary for Buildings A, B and C. An automatic fire sprinkler system shall be installed in Buildings D and E and the parking garage.
68. **HYDRANTS.** Additional fire hydrants may be required. This will be determined during the Architecture and Site approval process.

TO THE SATISFACTION OF THE CHIEF OF POLICE

69. **LIGHTING.** The stairwells and building recesses shall have proper lighting with illumination no less than five foot candles at five feet off the ground. If telephones are provided, they shall be located in the open courtyard, not hidden away behind walls.

TO THE SATISFACTION OF SANTA CLARA COUNTY WATER DISTRICT

70. **DRAINAGE.** There shall be no overbank drainage into the Los Gatos Creek from grading the site. Storm runoff shall be collected via an onsite storm drain system and distributed to an existing city storm drain system or an outfall into the creek. If an outfall is desired, it shall be designed in accordance with District guide sheets.

71. PERMIT. A District permit is required for any construction adjacent to or within the Los Gatos Creek.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 2, 1996, 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 December 16, 1996. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steven Blanton, Jan Hutchins, Randy Attaway
Vice Mayor Linda Lubeck

NAYS: None

ABSENT: Mayor Joanne Benjamin

ABSTAIN:

SIGNED:



VICE MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



50 UNIVERSITY AVE

EXHIBIT A

TOWN OF LOS GATOS

Application No. Z-96-1. Change of zoning map amending the Town Zoning Ordinance.

Zone Change from C-2 LHP to C-2 PD LHP
 Rezoning to _____

RECOMMENDED by Planning Commission date 11/13/96

Approved by Town Council date December 16, 1996 Ord. 2025
 Town Clerk Marianne Caspore Mayor [Signature] VICE-MAYOR [Signature]

