

DRAFT RESOLUTION 2026-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING A REQUEST TO CONSTRUCT A MULTI-FAMILY RESIDENTIAL
DEVELOPMENT (138 UNITS), A CONDOMINIUM VESTING TENTATIVE MAP, REMOVE
LARGE PROTECTED TREES, AND SITE IMPROVEMENTS REQUIRING A GRADING
PERMIT UNDER SENATE BILL 330 (SB330) ON VACANT PROPERTIES ZONED R-1:8:
HEOZ AND R:1:8.**

PROPERTY LOCATION: 14789 OKA ROAD

APNS:424-08-074 AND -035.

ARCHITECTURE AND SITE APPLICATION: S-24-052

SUBDIVISION APPLICATION: M-24-017

MITIGATED NEGATIVE DECLARATION APPLICATION: ND-26-001

PROPERTY OWNER: YUKI FARMS, LLC.

APPLICANT: ERIK HAYDEN, URBAN CATALYST

WHEREAS, the applicant, Erik Hayden of Urban Catalyst, proposes to construct a multi-family residential development (138 multi-family residential units); a Condominium Vesting Tentative Map, remove large protected trees; and site improvements requiring a Grading Permit under Senate Bill 330 (SB330); and

WHEREAS, the project includes an Architecture and Site Application (S-24-052), Subdivision Application (M-24-074), and Mitigated Negative Declaration (ND-26-001); and

WHEREAS, on May 27, 2026, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission considered all testimony and materials submitted, including the packet of materials contained in the Planning Commission Agenda Report for their meeting on May 27, 2026, along with any and all subsequent reports and materials prepared concerning this application, and forwarded a recommendation of approval to the Town Council; and

WHEREAS, this matter was scheduled to come before the Town Council for a special public hearing on June 16, 2026, and was regularly noticed in conformance with state and Town law; however, the hearing was cancelled due to lack of quorum; and

WHEREAS, this matter was rescheduled and came before the Town Council for a special public hearing on August 18, 2026, and was regularly noticed in conformance with state and Town law; and

WHEREAS, on August 18, 2026, the Town Council held a special public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted,

including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on June 16, 2026, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council was able to make the findings required to approve the Architecture and Site Application, Subdivision, and Mitigated Negative Declaration applications.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Los Gatos does the following:

1. The following findings are made by the Town Council of the Town of Los Gatos. The facts and evidence that support these findings are contained and explained in the record of proceedings for the proposed project, including, without limitation, the Initial Study, Mitigated Declaration, and the staff reports for the Planning Commission and Town Council hearings.

(A) Finding required for the California Environmental Quality Act (CEQA):

An Initial Study and Mitigated Negative Declaration were prepared for this project, determining that this project will not have a significant impact on the environment with adoption of the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program to mitigate potential impacts to less than significant level. Each of the mitigation measures identified in the Mitigated Negative Declaration are included in the Conditions of Approval attached hereto as Exhibit A.

(B) Finding required for consistency with the Town's Applicable General Plan:

The proposed project is consistent with the General Plan, subject to the approval of the requested exceptions to the maximum allowable density pursuant to the Builder's Remedy provisions of the Housing Accountability Act [California Government Code Section 65589.5 (d)]. Pursuant to Senate Bill 330, the General Plan applicable to the proposed project consists of the 2020 General Plan Land Use and Community Design Elements and the remainder of the 2040 General Plan, excluding those two Elements, as they existed on the date the applicant submitted its SB 330 preliminary application.

The applicable General Plan Land Use Element designates the project site as Low-Density Residential and Public. The site is zoned R-1:8:HEOZ (Single-Family Residential: Housing Element Overlay Zone) and R-1:8 (Single-Family Residential). In addition, the property is identified as Housing Element Site E-2 in the Town's Housing Element Sites Inventory.

The purpose of the Housing Element Overlay Zone (HEOZ) is to increase the supply and diversity of housing types, tenure, and affordability within the Town of Los Gatos. Through the application of appropriate densities, concessions, and fee deferrals or waivers, the HEOZ encourages the development of housing affordable to all income levels on sites identified as suitable for residential development. The Housing Element specifically identifies sites within the Town, including Site E-2, as key opportunities for meeting the Town's housing needs.

The R-1:8 zoning district is intended to provide development standards for single-family residential neighborhoods that ensure adequate light, air, privacy, and open space; minimize traffic and parking congestion; and protect residential areas from encroachment by incompatible commercial or industrial uses.

Although the proposed multi-family residential development exceeds the density otherwise permitted by the General Plan and zoning regulations, the project qualifies for consideration under the Builder's Remedy provisions of the Housing Accountability Act. With approval of the requested exceptions to the General Plan land use designation, zoning regulations, and maximum allowable density, the proposed project advances the housing objectives of the Housing Element and is therefore consistent with the applicable General Plan and its elements.

(C) Findings required to deny a Subdivision application:

As required by Section 66474 (a) through (g) of the State Subdivision Map Act, the map shall not be denied if any of the findings listed in that Section are made. **None of the findings could be made to deny the application with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d).**

Instead, the Town Council makes the following affirmative findings:

- That the proposed map is consistent with all elements of the General Plan, with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d), because the property is zoned for residential use and is identified as Housing Element Site E-2 in the Town's Housing Element Sites Inventory.
- That the design and improvement of the proposed subdivision is consistent with all Town standards that can be applied in conformance with the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d).
- That the site is physically suitable for the type of development, because the site is designated for residential development based on its General Plan

designation, zoning, and physical characteristics. The property is designated Low Density Residential and Public in the General Plan and is zoned R-1:8 and R-1:8:HEOZ, both of which allow residential uses. The site is also identified as Housing Element Site E-2 in the Town's Housing Element Sites Inventory, confirming its suitability as an opportunity site for housing production. Its location within an established residential neighborhood supports infill development, and the proposed project is designed to respond to site constraints such as topography, access, drainage, and adjacent uses. With the implementation of required site design, landscaping, drainage, and accessibility standards, the site can accommodate the proposed residential development in a manner consistent with applicable Town policies and State housing law.

- That the site is physically suitable for the proposed density of development, with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d), because the proposed project is designed to respond to site constraints such as topography, access, drainage, and adjacent uses.
- That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat with implementation of the Mitigation Monitoring and Reporting Program and the Conditions of Approval.
- That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

(D) Findings required for compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with granting the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d).

(E) Findings required for compliance with the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development, with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5 (d).

(F) Findings required to deny a project under the State Builder's Remedy Law:

As required by the Housing Accountability Act, California Government Code Section 65589.5 (d), a qualifying housing development project invoking the Builder's Remedy shall not be denied by the Town, or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, unless it makes written findings, based on the preponderance of the evidence in the record, as to one of the following: **None of the findings could be made to deny the application.**

1. The Town did not have a certified sixth cycle Housing Element by January 31, 2023.
2. The housing development project would not have a specific, adverse impact on the public health or safety.
3. The denial of the housing development project or imposition of conditions is not required in order to comply with specific state or federal law.
4. The housing development project is not proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. On the date the application for the housing development project was deemed complete, the Town had not adopted a revised Housing Element that was in substantial compliance with California Government Code Section 65589.5 (d) of the Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use Designation.

(G) Findings required for consistency with California Government Code Section 65863 regarding state Regional Needs Allocation (RHNA) requirements, the Town's Housing Element Sites Inventory; and No Net Loss Findings can be made:

As required for approval of a development of any parcel with greater units by income category than was identified in the Town's Housing Element for that parcel: The project would provide a greater number of low- and above moderate-income units than anticipated in the Housing Element Sites Inventory, which identified the site for 26 above moderate-income units. The project would result in a net cumulative gain of 28 low-income units and 84 above moderate-income units for the site.

1. The proposed development's residential density is consistent with the Housing Element, and the remaining sites identified in the Housing Element are adequate to meet the requirements of California Government Code

Section 65583.2 and to accommodate the Town's share of the regional housing need pursuant to California Government Code Section 65584.

2. The remaining sites in the Housing Element inventory are adequate to meet the requirements of California Government Code Section 65583.2 and to accommodate the RHNA pursuant to California Government Code Section 65584. The remaining unmet need for the Town's RHNA at each income level and the remaining capacity of the Housing Element is provided in the table below.

No Net Loss Evaluation					
Evaluation of the Proposed Project's Impact on the Anticipated Development Potential Assumed in the Housing Element Site Inventory for the Subject Property					
	Units by Income Category				
	Very Low	Low	Moderate	Above Moderate	Net Total
Anticipated Development Potential Included in the Sites Inventory of the Housing Element	0	0	0	26	26
Proposed Project	0	28	0	110	138
Net Site-Level Impact from the Proposed Project to Housing Element Assumed Development Potential	0	+28	0	+84	+112

The remaining capacity at each income level of the Housing Element is greater than the remaining unmet RHNA need at each income level. The Town is not required to identify additional sites to accommodate the remaining RHNA as a result of this project.

(H) Considerations required in review of Architecture and Site applications:

As required by Section 29.20.150 of the Town Code, the applicable considerations in review of an Architecture and Site application were all made in reviewing this project and the Town Council makes the following required determination: Per the project's Transportation Analysis, the intersection level of service analysis demonstrates that the study intersections will continue to operate at acceptable levels of service with the addition of project-generated traffic and are not expected to experience significant queuing impacts. The project includes a comprehensive approach to site planning, landscaping, architecture, and infrastructure designed to ensure compatibility with surrounding development and compliance with Town standards with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy

provision of the Housing Accountability Act, California Government Code Section 65589.5 (d). The landscape plan incorporates drought-tolerant, climate-appropriate plantings, including trees, shrubs, and groundcover, to enhance visual quality, provide year-round interest, and screen parking, utilities, and service areas. Tree replacement plantings is provided in accordance with Town requirements. The site layout is designed to respond to site conditions and adjacent residential uses, with building placement and orientation intended to reduce massing impacts, protect privacy, support solar access, and provide functional open space. Stormwater drainage improvements are incorporated to manage runoff, reduce peak flows, and prevent adverse impacts to neighboring properties in compliance with applicable standards. The architectural design uses coordinated materials, colors, and articulated building forms to ensure compatibility with the surrounding neighborhood. Site lighting and furnishings are designed to support safety and usability while minimizing visual impacts and reinforcing a cohesive residential character. The project will comply with all applicable accessibility requirements under Title 24 and Town standards, and no hazardous waste facilities are proposed.

2. The Town Council of the Town of Los Gatos approved Architecture and Site Application (S-24-052), Subdivision Application (M-24-074), and Mitigation Negative Declaration Application (ND-26-001) to construct a multi-family residential development (138 units), a Condominium Vesting Tentative Map, remove large protected trees, and site improvements requiring a Grading Permit under Senate Bill 330 (SB330) on vacant properties zoned R-1:8:HEOZ and R:1:8, located at 14789 Oka Road subject to the attached Conditions of Approval included as (Exhibit A).
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th of August 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

TOWN COUNCIL – August 18, 2026

CONDITIONS OF APPROVAL

14789 Oka Road

Architecture and Site Application S-24-052

Vesting Tentative Map Application M-24-017

Mitigated Negative Declaration ND-26-001

Consider a Request for Approval to Construct a Multi-Family Residential Development (138 Units), a Condominium Vesting Tentative Map, Remove Large Protected Trees, and Site Improvements Requiring a Grading Permit Under Senate Bill 330 (SB 330) on a Vacant Properties Zoned R:1:8:HEOZ and R-1:8. APNs 424-08-074 and-035. An Initial Study and Mitigated Negative Declaration Have Been Prepared. Property Owner: Yuki Farms, LLC. Applicant: Erik Hayden, Urban Catalyst. Project Planner: Erin Walters

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This project is vested to the ordinances, policies, and standards in effect on December 19, 2023, and these conditions of approval conform to those ordinances, policies, and standards. This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, Development Review Committee, or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested, pursuant to 29.20.335.
3. **COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R):** CC&Rs must be approved by the Town and recorded with the County prior to recording of map.
4. **BELOW MARKET PRICE (BMP) UNITS:** The developer shall provide 28 BMP units (low income) for sale to be sold at a price that is affordable to the target household low-income range, as required by the Town's applicable BMP Program Guidelines and the applicable BMP Resolution. A deed restriction shall be recorded prior to the issuance of any Building Permits for residential units, stating that the BMP unit must be sold and maintained as a below market price unit pursuant to the Town's BMP Ordinance and Guidelines.
5. **AFFORDABLE HOUSING AGREEMENT:** Prior to issuance of Building Permits for residential units, the developer shall enter into an Affordable Housing Agreement with the Town for provision of the required BMP units and to facilitate their sale pursuant to the BMP Program Guidelines and BMP Resolution in place at the time of Building Permit issuance.
6. **PHASING OF THE CONSTRUCTION OF BMP UNITS:** The BMP units shall be constructed and Certificates of Occupancies secured in proportion with or prior to the construction of the market rate units.

EXHIBIT A

7. PUBLIC ART: The applicant shall comply with the requirements of Chapter 25, Article VII of the Town Code. The payment of the Los Gatos Public Art Fund in-lieu fee must be made prior to the issuance of any Building Permit for the development project.
8. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of Building and/or Grading Permits. Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within an updated arborist report.
9. REPLACEMENT TREES: New trees shall be planted to mitigate the loss of trees being removed. The number of trees and size of replacement trees shall be determined using the canopy replacement table in the Town Code.
10. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.
11. ARBORIST REQUIREMENTS: Prior to issuance of Building and/or Grading Permits, the developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the Building Permit plans and completed prior to issuance of a Building Permit where applicable and shall remain through all phases of construction.
12. TREE FENCING: Prior to issuance of Building and/or Grading Permits, protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed as shown on the Tree Protection Plan of the approved plans prior to issuance of demolition and Building Permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
13. TREE STAKING: Prior to final inspection, all newly planted trees shall be double staked using rubber tree ties.
14. LANDSCAPING: Prior to the Certificate of Occupancy for the 138th unit, all landscaping must be completed.
15. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan, including landscape and irrigation plans and calculations, shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. The final landscape plan shall be reviewed by the Town's consultant prior to issuance of Building Permits. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
16. PROJECT IDENTIFICATION SIGNAGE: Project identification signage on the project site shall be removed within 30 days of final action on the applications.
17. ROOFTOP EQUIPMENT: Prior to final inspection, any new or modified roof mounted equipment shall be fully screened.
18. MONUMENT SIGN: A monument/neighborhood sign will require separate approval of a Sign Permit and a separate Building Permit.
19. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood

- lights shall be used unless it can be demonstrated that they are needed for safety or security. The lighting plan shall be reviewed during building plan check.
20. RECONFIGURATION OF NORTHERN PROJECT ENTRANCE DRIVEWAY: Prior to the recordation of the Final Map or the issuance of any Grading and/or Building Permit, the applicant shall submit a plan for the relocation of the northern project entrance driveway for review and approval by the Town Engineer. The plan shall depict the northern entrance perpendicularly intersecting Oka Road and continuing in a straight line for at least 50 feet, or as approved by the Town Engineer.
21. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

ENVIRONMENTAL REVIEW MITIGATION MEASURE CONDITIONS*

23. *NESTING RAPTORS AND MIGRATORY BIRDS- VI-1: If tree removal or ground disturbing activities are scheduled to commence during the breeding season (February 1st through August 31st), a pre-construction nesting bird survey shall be conducted by a qualified biologist within seven days prior to such activities to identify possible nesting activity. Survey results shall be submitted to the Town of Los Gatos Planning Division. If active nests are not found, further mitigation is not required. If one or more active nests are found, a construction-free buffer of suitable dimensions shall be established around any

active raptor or migratory bird nest for the duration of the project, or until an on-site qualified biologist has determined that the chicks have fledged and are foraging independently from their parents. The buffer shall be identified on the ground with flagging or fencing. The buffer distance shall be determined by the on-site qualified biologist based on the species, level of disturbance activity, location of the nest, and the topography between the nest and the construction activity; the construction-free buffer shall consist of a minimum starting distance of 250 feet for raptors and 25 feet for other birds. Proof of compliance with this mitigation measure shall be provided to the Town of Los Gatos Planning Division.

24. *SPECIAL -STATUS BAT SPECIES -IV-2: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked. If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required. If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to Grading Permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:
- a. If bats are found roosting outside of the nursery season (May 1 through described under (b) below. If bats are found roosting during the nursery season, they will 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 will 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 CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.
 - b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees 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 methods conducted under the direction of a qualified bat biologist 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 of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation

25. *TREE REPLACEMENT IV-3: Prior to approval of final project improvement plans, the project applicant shall prepare a tree replacement plan for the three protected trees being removed to comply with the Town ordinances. The plan shall include the planting of suitable native species that align with the Town's guidelines for tree replacement. The tree replacement plan shall include the following standards and requirements: All replacement trees shall be planted within six months of the removal of the protected trees, preferably during the appropriate planting season to ensure high survival rates.
 - a. Newly planted trees shall receive regular watering, mulching, and protection from pests. A certified arborist shall monitor their health and provide necessary care during the first two years to ensure successful establishment.
 - b. With respect to Tree #375: the tree shall be replaced with six, 24-inch box Coast Live Oaks (*Quercus agrifolia*). The replacement trees shall be strategically planted within the property to ensure optimal growth conditions and to restore the ecological benefits provided by the removed tree. Each replacement tree shall be placed in locations that would not interfere with existing infrastructure or future construction plans.
 - c. With respect to Tree #17: the tree shall be replaced with three, 24-inch box native shade trees, such as Valley Oaks (*Quercus lobata*) or California Sycamores (*Platanus racemosa*). The foregoing species would be suitable to the local climate and would provide substantial ecological benefits. The trees shall be planted in designated areas that would allow for their full mature growth potential, ensuring the trees would not impede future development.
 - d. With respect to Tree #64: the tree, which is in poor health, shall be replaced with three, 24-inch box native trees, such as Black Walnuts (*Juglans hindsii*) or California Buckeyes (*Aesculus californica*). The replacement trees would enhance biodiversity and provide long-term benefits to the local environment. The planting locations shall be chosen to maximize the trees' chances of thriving without conflicting with existing or planned structures.
 - e. Progress reports shall be submitted to the Town's Planning Division at regular intervals, detailing the health and growth of the replacement trees. Photos and site inspections shall accompany the reports to verify compliance with the replacement plan.
26. *CULTURAL RESOURCES V-1: If historic, archaeological, or paleontological resources are encountered during subsurface excavation activities, all construction activities within a

100-foot radius of the resource shall cease until a qualified archaeologist determines whether the resource requires further study. The Town shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. If the resource is determined to be significant under CEQA, the Town and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file the report with the appropriate information center (California Historical Resources Information System), and provide for the permanent curation of the recovered materials.

27. *CULTURAL RESOURCES V-2: If human remains, or remains that are potentially human, are found during construction, all work shall be halted immediately within 100 feet, and a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Santa Clara County Coroner (pursuant to Section 7050.5 of the State Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill (AB) 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or MLD must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to the Town's satisfaction.
28. *GEOLOGY AND SOILS VII-1: Prior to approval of any Building Permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Investigation prepared for the proposed project by Cornerstone Earth Group to ensure that the recommended standards are incorporated into the project design and construction,

including all relevant CBSC standards, to the satisfaction of the Town's Engineer. Such recommendations shall include, but are not limited to, the following:

- a. Foundations shall be designed to tolerate the anticipated total and differential settlements, consistent with Section 8: Foundations, of the Geotechnical Investigation;
- b. Surficial soils underlying on-site locations intended for project improvements, including buildings and pavement areas, shall be removed to avoid settlement;
- c. The removed surficial soils shall be replaced with engineered fill, consistent with Section 6: Earthwork, of the Geotechnical Investigation; and
- d. Compliance with all applicable 2022 California Building Code (CBC) standards shall be required, as detailed in Section 7 of the Geotechnical Investigation.

All grading and project improvement plans shall be reviewed by a licensed engineer and approved by the Town of Los Gatos Building Division and the Parks and the Town of Los Gatos Engineering Division.

29. ***HYDROLOGY AND WATER QUALITY X-1:** Prior to any ground-disturbing activities, the project applicant shall prepare and submit an erosion and sediment control plan for review and approval by the Town of Los Gatos 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 acre. A maximum of two 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 methods 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. The project contractor shall provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plan and SWPPP shall be prepared 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) shall be developed 48 hours prior to any likely precipitation event, defined by a 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 (<https://www.cpc.ncep.noaa.gov/>) which shall accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division shall 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.

30. *NOISE XIII-1: Prior to approval of Grading Permits, the following criteria shall be established and noted on grading plans, subject to review and approval by the Town:
- a. Ensure that construction activities are limited to the hours of 8:00 AM to 6:00 PM on weekdays and between the hours of 9:00 AM and 4:00 PM on Saturdays. Construction shall not be permitted on Sundays or holidays;
 - b. A temporary eight-foot noise barrier shall be constructed along the north property line of the project site to shield adjacent residential land uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier to provide a five dBA noise reduction;
 - c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;
 - d. Unnecessary idling of internal combustion engines shall be strictly prohibited;
 - e. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If the equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors;
 - f. Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction;
 - g. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors;
 - h. Control noise from construction workers' radios to a point where radio noise is not audible at existing residences bordering the project site; and
 - i. Designate a disturbance coordinator responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the number in the notice sent to neighbors regarding the construction schedule.

Proof of compliance with the above measures shall be submitted to the Town of Los Gatos Building Department for review.

31. *NOISE XIII-2: Prior to commencement of project construction activities, the project applicant shall prepare a Construction Vibration Plan to reduce construction vibration levels to less than or equal to 0.5 in/sec PPV. The project contractor shall ensure compliance and implementation of the plan throughout the construction period. All plan tasks shall be in accordance with industry-accepted standard methods. The Construction Vibration Plan shall be submitted to the Town of Los Gatos Community Development Department and include, but not be limited to, the following measures:

- a. A list of all heavy construction equipment known to produce high vibration levels to be used for this project (e.g., dozers, graders, excavators, saws, trucks, and vibratory rollers) shall be submitted to the Town, as well as a list of smaller equipment (less than 18,000 pounds) to be used near the northern project site boundaries.
 - b. A smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor shall be used when compacting materials within 30 feet of any adjacent residential buildings. For all other equipment, smaller equipment (less than 18,000 pounds) shall be used within areas 15 feet adjacent to existing residential buildings. The smaller equipment shall be individually identified among the list of equipment as a subset of equipment allowed for use at the project site boundaries.
 - c. Avoid dropping heavy equipment and using vibratory rollers within 30 feet of the sensitive receptors adjoining the project site. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent buildings to the north.
 - d. Select orchard tree removal methods that do not involve large impact tools within 15 feet of the shared property line with the residences to the north. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.
 - e. Designate a Disturbance Coordinator responsible for registering and investigating claims of excessive vibration. The contact information of the coordinator shall be clearly posted on the construction site.
32. TRANSPORTATION XVII-1: Prior to approval of final improvement plans, he plans shall include all relevant recommendations as included in the Transportation Analysis prepared by Hexagon Consultants, Inc., for the proposed project. Such recommendations shall include, but not be limited to, the following:
- a. Large landscaping trees planted near the project site entrances shall be maintained so that the tree canopies are above 10 feet high to preserve sightlines and ensure the sight of exiting drivers is not obstructed; and
 - b. Red curb equal to at least one car length shall be striped adjacent to both sides of each entrance road along Oka Road.
- The foregoing recommendations shall be incorporated into the project design and construction to ensure the sight of drivers exiting the project site and driving along Oka Road shall not be obstructed. All project improvement plans shall be reviewed by a licensed engineer and approved by the Town of Los Gatos Engineering Division and the Town's Engineer.

Building Division

33. PERMITS REQUIRED: A Building Permit is required for the construction of each new multi-family structure. Separate Building Permits will be required for the PV on each structure.

34. **APPLICABLE CODES:** The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2026, are the 2025 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
35. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be included on plan sheets within the construction plans. A Compliance Memorandum detailing how the conditions of approval will be addressed shall be prepared and submitted with the Building Permit application.
36. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division prior to submitting for the Building Permit application process.
37. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
38. **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 the 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.
39. **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.
40. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at the 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
- 41. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be directly printed onto a plan sheet.
- 42. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, 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.
- 43. 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 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.
- 44. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans and provide its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
- 45. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
- 46. 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 online at www.losgatosca.gov/building.
- 47. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
- 48. 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. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

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

49. THIRD-PARTY PLAN CHECK FEE AND INSPECTION FEE (Special projects only) – The Town will procure a third-party engineering firm to perform Plan Review and Inspection Services. Applicant shall provide an initial deposit of **\$50,000** for consultant plan review and inspection services, **plus a \$10,000 deposit** for staff time to process the project. The deposits are required at the time of the project's first Building Permit submittal. Once the deposits are received, the Town will select the consultant and initiate the plan review process. The Town will maintain a separate deposit for consultant services and another for staff time. The Applicant's deposits will be charged on a time and materials basis. A supplemental deposit will be required if either of the remaining deposits are expected to be exhausted prior to completion of the work. Permitted work will not be allowed to continue without available funds to complete the required inspection services. Third-party engineering services will be required for the duration of the construction and project closeout phases.
50. STORM DRAINAGE FEE – The Applicant shall pay Storm Drainage Fees in accordance with the Town's Adopted Schedule of Fees and Charges in effect at the date of application for the future construction of drainage facilities serving new buildings, improvements, or structures to be constructed which substantially impair the perviousness of the surface of land. The estimated fee, based on the site area of 6.78 acres, is **\$35,282.63**. This fee is only an estimate. The actual impact fee will be calculated based on Building Permit plans submitted, and the fees approved by the Town Council and in place at the time of the first submittal. The Applicant shall pay this fee to PPW prior to issuance of the first Building Permit.
51. TRAFFIC IMPACT FEES – The project is subject to the Town's Traffic Impact Fee for the generation of an estimated 993.6 net new average daily trips based on the traffic study submitted by Hexagon Transportation Consultants dated May 5, 2025. The Town's Fee Schedule in effect at the time of vesting indicates a fee of \$1,104 per additional average daily trip. This results in an estimated total amount due of **\$1,096,934.40**. Payment of this Impact Fee is required prior to the issuance of the first certificate of occupancy. An incremental payment approach of this fee may be approved by the Town Engineer at his/her sole discretion.
52. CONSTRUCTION ACTIVITIES MITIGATION FEE (ORDINANCE 2189) – Per the Town's Comprehensive Fee Schedule, the project is subject to the Town's Construction Activities Mitigation Fee based on the square footage of new buildings. The fee is \$1.43 per square foot of new residential and non-residential building area. The fee shall be calculated based on the square footage total for all units shown on the construction plans to the approval of the Town Engineer. Payment of this fee shall be paid prior to issuance of the first Building Permit. PERMITS REQUIRED BY OTHER AGENCIES – The Applicant shall obtain all applicable permits from federal, state, and local agencies as

required to construct the proposed improvements. The Applicant is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, Fish and Wildlife (1603), The Bay Area Joint Aquatic Resources Permit Application (JARPA), Regional Water Quality Control Board, Santa Clara County Roads and Airports, Valley Water, or Habitat Permit. If the project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to PPW prior to issuance of any required Town permits. If the Town is required to be a party to the permit application and a fee is required, the Applicant shall reimburse the Town for its cost. A copy of these permits shall be provided to the satisfaction of the Town Engineer prior to the issuance of the first Building Permit.

53. **GRADING PERMIT** – A Grading Permit is required for all site grading and drainage work that is outside the perimeter of a building, retaining wall footing, or other structure authorized by a valid Building Permit. The Applicant must submit a Grading Permit application after the appeal period of the entitlement approval process has passed. The applicant may submit a Rough Grading Plan and a Fine Grading Plan, if the applicant provides notification of its intent to do so. Submittals are accepted through Accela only. The Grading Permit application shall include detailed grading plans and associated required materials listed below. Plan check and inspection costs will be deducted from the applicant's deposits paid to PPW. Prior to approval of the Grading Permit, the Applicant shall pay all fees due and provide faithful performance and payment securities for the performance of the work described and delineated on the approved grading plan, final erosion and sedimentation control plan, and interim erosion and sedimentation control plan (if required), in an amount to be set by the Town Engineer (but not to exceed one hundred (100) percent) of the approved estimated cost. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney: (1) Bond or bonds issued by one or more duly authorized corporate sureties on a form approved by the Town; (2) Deposit with the Town, money, or negotiable bonds of the kind approved for securing deposits of public monies; or (3) other instrument of credit from one or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment. The Grading Permit shall be issued prior to or concurrently with the issuance of the first Building Permit or first Tree Removal Permit, unless otherwise allowed by the Town Engineer. The permit shall be limited to work shown on the grading plans approved by the Town Engineer. In granting a permit, the Town Engineer may impose any condition deemed necessary to protect the health, safety, and welfare of the public, to prevent the creation of a nuisance or hazard to public or private property, and to assure proper completion of the grading including but not limited to: (1) Mitigation of adverse environmental impacts; (2) Improvement of any existing grading or correction of any existing grading violation to comply with Town Code; (3) Requirements for fencing or other protection of grading which would otherwise be hazardous; (4) Requirements for dust, erosion, sediment, and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads, and haul routes; (5) Requirements for safeguarding watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels; (6) Assurance that the land area in which grading is

proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced; (7) Temporary and permanent landscape plans.

54. PUBLIC IMPROVEMENTS – Prior to the issuance of any Building Permit and prior to any work being done in the Town's right of way, the Applicant must submit Public Improvement Plans for review and approval. All public improvements shall be made in accordance with the Town's latest adopted Standard Plans, Standard Specifications, and Engineering Design Standards. The Applicant is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, Applicant shall submit an Encroachment Permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right of way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
- a. Once the Public Improvement Plans have been approved, the Applicant shall submit an application for an Encroachment Permit. The Encroachment Permit requires the Applicant to post the required bonds and insurance and provide a one (1) year warranty for all work to be done in the Town's right of way or Town easement. New concrete shall be free of stamps, logos, names, graffiti, etc. Any new concrete installed that is damaged shall be removed and replaced at the Contractor's sole expense. Prior to issuance of the encroachment permit, the Applicant shall submit a temporary traffic control plan ("TTCP") inclusive of all modes of travel for any lane or sidewalk closures. Special provisions such as limitations on working hours, protective enclosures, or other means to facilitate public access in a safe manner may be required. The TTCP shall comply with the State of California Manual of Uniform Traffic Control Devices ("MUTCD") and standard construction practices.
 - b. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans.
 - c. Right-of-way improvements shall include, at a minimum, the following items:
 - i. STREET WIDENING - The Applicant shall widen Oka Road along the entire frontage in agreement with section A shown on C3.1 of the 8/15/2025 revision 5 of the sheet found in the entitlement plan set. The Applicant shall install new street section, curb, gutter, landscape strip, landscaping, and sidewalk and relocate affected utilities as directed by the Town Engineer. All work shall be shown on the required improvement plans.
 - ii. STREET TREES - The Applicant shall plant **14** street trees along the project frontage to match what is shown on the entitled plan set sheet L4 dated 5/2/25 under revision 3. The street tree plans shall be per Town Standard

Drawings, as shown in the approved entitlement plan set, and ultimately, as approved by the Town Engineer.

- iii. STREET MARKINGS - The Applicant shall install necessary street markings of a material and design approved by the Town Engineer and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs, and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans and are subject to approval by the Town Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.
- iv. SIDEWALK - The Applicant shall install a new public sidewalk along the entire frontage, as shown on Sheets C4.1 and C4.2 of the entitlement plan set dated with Revision 5 as 8/15/25. Bonding for offsite improvements shall be determined from the Engineer's estimate and the Town's project cost estimating tool.
- v. CURB AND GUTTER - The Applicant shall construct new Town Standard curb and gutter along the entire frontage as shown on Sheet C4.1 and C4.2 of the entitlement plan set dated with Revision 5 as 8/15/25. New curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical).
- vi. DRIVEWAY APPROACH(ES) - The Applicant shall install Two (2) Town Standard driveway approach(es) as shown on the approved plans. The new driveway approach shall be constructed per the Town Standard Drawing. The entrance onto Hayden Lane must be reconfigured to intersect Oka Road at a 90-degree angle in agreement with the Town's Standard Specifications Section 2.24 – "Access Point Angles".
- vii. SEWER CLEAN-OUT - The Applicant shall install the sewer lateral clean-out on private property just behind the property line in accordance with the West Valley Sanitation District standards. Sewer clean-out(s) shall be constructed prior to occupancy of the first building.
- viii. WATER METER - The Applicant shall install the water meter on private property just behind the property line in accordance with the San Jose Water Company standards. Water meters shall be installed prior to occupancy of the first building.
- ix. STREETLIGHT(S) -
 - 1. Cobra Head. The Applicant shall provide and install at least two (2) standard aluminum electrolier streetlight(s) per Town Standard Drawing EL-1 to EL-5. The Applicant is responsible for all PG&E service fees and hook up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the streetlights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the Town Engineer. The

new streetlight shall have 32' mounting height per Standard Drawing EL-3, with mounting arm length per Standard Drawing EL-4, the Fixture shall be Leotek GC1 or GC2 series in an approved configuration per detail EL-2 or approved equal. The arm shall be installed at the location as shown on the approved plans.

- a. A letter shall be provided by PG&E stating that public street light billing will be per Rule LS2A. Private lights shall be metered with billing addressed to the homeowners' association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
- b. Public street lighting will not be required/allowed per General Plan update and Hillside designation. On-lot lighting shall be incorporated and promoted.

- 55. TREE REMOVAL PERMIT – The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal of existing trees on-site or in the public right-of-way prior to the issuance of a Building Permit or demolition Building Permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.
- 56. PHASED PERMITS – The Applicant may, with the approval of the Town Engineer, phase the permits to expedite the construction process. If this is done, each phase of the work will require a separate and complete set of plans to be submitted, reviewed, and approved prior to the issuance of the said permit. Overlapping of permits may occur, if approved by the Town Engineer. No work on the next phase of construction, in advance of the permitted work, may occur. No “at risk” work will be permitted. Only the below phased permitted work will be allowed:
 - a. Clearing-Grubbing/Rough Grading
 - b. Fine Grading
 - c. Underground Utilities
 - d. Site Improvements
 - e. Off-Site Improvements
 - f. Plans shall be submitted, reviewed, and approved by the Town Engineer prior to the commencement of work.
- 57. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS – The Grading Permit Plans (optionally broken into “rough” and “fine” grading applications) and Public Improvement Plans (together referred to as “Improvement Plans”) shall be submitted to Parks and Public Works Department along with a title report dated no older than 30 days from the date the Improvement Plans are submitted. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details.
 - a. 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. The Improvement Plans shall include:

- b. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a "Table of Responsibilities" summarizing ownership, access rights, and maintenance responsibilities for each facility (streets, utilities, parks, landscaping, etc.), a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.
- c. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
- d. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.
- e. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.
- f. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.
- g. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.
- h. A Photometric Lighting Plan analyzing the full width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.
- i. A Landscaping Plan for the project site and the full width of the public rights-of-way adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.
- j. A Composite Plan showing civil, landscape, electrical, and joint trench locations combined on one drawing to identify potential conflicts between disciplines. The Composite Plan shall include the size, location, and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or

Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground). A note shall be placed on the joint trench composite plans which states that the plan agrees with Town Codes and Standards and that no underground utility conflict exists.

- k. General Notes found in the Town of Los Gatos General Guidelines.
 - l. A statement in the general notes indicating the need to obtain a Caltrans Oversized/Overweight Vehicles Transportation Permit if oversized or overweight vehicles are expected to be used
 - m. A statement that all utility boxes in vehicular pathways shall be traffic-rated.
58. STANDARD PLAN COMPLIANCE – The project shall comply with the Town’s Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, and the design of all off-site storm drainage facilities shall be in accordance with most current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.
59. EXISTING FACILITY PROTECTION AND REPAIR – All existing public utilities shall be either protected in place, relocated, or repaired. The Applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the Applicant’s operations. This includes sidewalks, curb and gutter, streetlights, valley gutters, curb ramps, and any other existing improvements in the area that are not intended to be removed and replaced. The Applicant shall request a walk-through with the PPW construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to issuance of the first certificate of occupancy of the project.
60. UNDERGROUND UTILITIES – All new services to the development shall be placed underground in accordance with the various utility regulations. Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.
61. UTILITY RESPONSIBILITIES – The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. Currently, the public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.
62. UTILITY COMPANY COORDINATION – The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit “Will Serve” letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current “Carrier of Last Resort”) with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Grading Permit review.

63. PREPARATION OF ELECTRICAL PLANS – All street lighting electrical plans shall be prepared by a California registered professional engineer experienced in preparing these types of plans. The Applicant shall submit necessary stamped and signed Traffic Signal Plan with the Improvement Plans.
64. EXTERIOR SITE LIGHTING STANDARDS – The Applicant shall submit a photometric plan for on-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be designed as to limit light spillage beyond the property lines and to shield the light source from view from off site. The photometric plan shall be approved by the Town Engineer and shall be addressed on the construction plans submitted for the first Building Permit. Any subsequent Building Permits that include any site lighting shall also meet these requirements.
65. STORM DRAINAGE STUDY – The Applicant shall submit a Storm Drainage Study for the proposed development stormwater conveyance system evaluating pre- and post-development peak discharge rates for the theoretical 2-year, 10-year, and 100-year (50-percent, 10-percent, and 1-percent annual chance) storm events including supporting hydraulic calculations for proposed pipe network. The study must address sizing and design details for the stormwater treatment systems proposed with the development. The study shall include an evaluation of the project site drainage including topography, natural drainage patterns, and existing man-made diversions (structures, raised pads, fences, etc.). If the study indicates that the theoretical water surface elevation or hydraulic grade line of the proposed development during a 10 percent annual chance storm event is above ground level at any point, the Applicant shall construct and dedicate to the Town new downstream storm drainage facilities necessary to achieve a connection point water depth no more than 80 percent full during the projected 10 percent annual chance storm event. The study must evaluate the 1 percent annual chance storm event base flood elevation. The finish floor elevations of all structures shall be constructed to be reasonable safe from flooding per Town Code Section 29.90.080(1)(c.) which is typically done by constructing finished floors at 1-foot above base flood elevation. The Applicant shall submit the study for review and approval by the Town Engineer prior to the issuance of the first Building Permit.
66. STORMWATER MANAGEMENT PLAN – The Applicant shall develop and submit for approval a Storm Water Management Plan (“SWMP”) at the same time as the Improvement Plans are submitted. The SWMP will become part of the Operations and Maintenance Agreement that will be presented to Town Council at the time the Final Map is presented. The SWMP must comply with the California Water Board regulations and delineate site design measures, source control measures, low-impact-development (LID) treatment measures, hydromodification management measures, and construction site controls, as appropriate. The Plan must indicate erosion protection measures for the inlet structures (e.g. pipe outlets, pump dissipator pipes, and/or bubblers). For the Bay Area Hydrologic Modification (“BAHM”) analysis, the Applicant must provide pump

operations and intended routing during various runoff conditions (i.e., treatment runoff vs. Hydrologic Modification controls) and the rationale for the pump size selected relative to the treatment flow rate. The Applicant shall update the BAHM analysis to conform to project conditions to the satisfaction of the Town Engineer and include a summary of the changes made to the BAHM analysis since the entitlement plan review for review by the C3 consultant. The Applicant must select and indicate bioretention area plants capable of withstanding and surviving the higher design ponding conditions. If pumps are proposed, the Applicant must:

- a. Provide pump discharge rates that receiving bioretention areas are capable of treating, to avoid consistently overwhelming the bioretention areas.
 - b. The Applicant must include an alarm system that will notify the owner or operator of a pump failure.
 - c. If off-site improvements modify the quantities of regulated and unregulated off-site impervious area, the Applicant must update Section 2, item "d" and Section 8 of the C.3 Data Form to reflect those changes.
67. CHANGES IN BAY AREA HYDROLOGIC MODIFICATION – The Applicant shall verify and provide geotechnical report documentation of site soil characterization and associated infiltration rate, then update the BAHM, if necessary. The Applicant shall verify and updated the underdrain diameters, underdrain orifice, riser height, and riser diameter for the storm treatment measures ("STM") 1 through 30 (Planters), STM 38-44 (Oka Road), and STM 34 to match the plan sheet data details.
68. DEVELOPER STORM WATER QUALITY RESPONSIBILITY – The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 – Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
69. SITE DRAINAGE – The applicant must construct the onsite stormwater conveyance and treatment system in compliance with California Water Board regulations. No through curb drains will be allowed. Any storm drains (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language using methods approved by the Town Engineer on all storm inlets surrounding and within the project parcel. Furthermore, storm drains shall be designed to serve exclusively stormwater. Dual-purpose storm drains that switch to sanitary sewer are not permitted in the Town of Los Gatos. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
70. OFF-SITE DRAINAGE – The applicant must construct the offsite stormwater conveyance and treatment system in compliance with California Water Board regulations. The Applicant shall not alter any existing drainage patterns without approved Improvement Plans.
71. CLEAN, INSPECT, AND REPAIR STORM LINE – If the project will connect to the public storm drainage system, the Applicant is required to evaluate the conditions of the

existing storm lines along the project frontage by videotaping and providing the result to the Town Engineer. The Applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company and be completed prior to Building Permit issuance. The video of the inspection shall be reviewed with PPW and any cracked, broken, or otherwise compromised integrity is found, the areas of the line along the project frontage shall be repaired by the Applicant at the applicant's expense. The Applicant shall include the required repairs on the Improvement Plans submitted. All necessary repairs to the storm line shall be completed and approved prior to the project connecting to the storm drainage system

72. GRADING AND DRAINAGE WINTER MORATORIUM – All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan does not guarantee approval. Any approved and executed plan must be kept on-site while the project is under construction.

73. SWPPP AND EROSION CONTROL – The Applicant shall prepare and submit a comprehensive stormwater pollution prevention plan (SWPPP) inclusive of interim and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall ensure a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) monitors erosion and sediment control as required by the Construction General Permit. The Applicant must take measures to ensure continuous compliance with the Construction General Permit, and shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the Applicant is to implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24 hours to the Town Engineer for review and approval. The Applicant shall provide the Town Engineer with the assigned Notice of Intent (NOI) permit number received after filing a Notice of Intent under the Construction Stormwater General Permit. The erosion control plans and SWPPP shall comply with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). All tests submitted to the regional board must also be submitted to the Town Engineer. Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the

recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

74. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.

75. GEOTECHNICAL REVIEW – Prior to Building Permit issuance, the Applicant's Geotechnical Engineer shall submit a design level geotechnical report. The design level geotechnical report shall address the following:

- a. Clarify what the quantitative improvement will be if the upper 2 to 4 feet of soil were improved by over excavating and replacing as engineered fill, as they have suggested in Section 6.3;
- b. Given that pad grades will be raised by up to about two feet, the Geotechnical Consultant should revisit their settlement calculations, calculate new settlement magnitudes, especially for the units closest to the Los Gatos Creek Channel, and evaluate if mitigation measures (deep foundation, ground improvement, etc.) are warranted for the additional settlement; and
- c. Confirm with Balance that they use Cornerstone's recommended Soil Group/infiltration rate for their stormwater modelling.

The report will require a peer review by the Town's geological and geotechnical consultant. A deposit and fee for the peer review will be required per the Town's current fee schedule, unless there are any remaining deposit funds from the entitlement phase. The Town will route the design level geotechnical report to the Town's peer review consultant once the report is submitted and deposit and fee are available. Once approved, the geotechnical engineer shall review the grading and drainage plan and proposed pavement and foundation design to verify that the design is in accordance with their recommendations. The Applicant's Geotechnical Engineer's approval shall be conveyed to the Town either by letter or by signing and stamping the plans. All grading operations and soil compaction activities shall be per the approved project's design level geotechnical report. The Applicant shall add this condition to the general notes on the grading plan.

76. GEOTECHNICAL ENGINEER OBSERVATION – All grading activities shall be conducted under the observation of, and tested by, a licensed geotechnical engineer. A report shall be filed with the Town of Los Gatos for each phase of construction stating that all grading activities were performed in conformance with the requirements of the project's design level geotechnical report. The Applicant shall submit a Final Geotechnical Construction Observation and Testing Summary in an "as-built" letter/report prepared and submitted to the Town prior to issuance of the certificate of occupancy. The Applicant shall add this condition to the general notes on the grading plan.

77. FLOODPLAIN MANAGEMENT – Unless otherwise approved by the Town Engineer, the Applicant shall submit to the Town Engineer a letter stamped and signed by the Engineer in Charge stating that: 1) all requirements of Chapter 29, Article 9 of the Town Code have been satisfied; 2) all other required state and federal permits have been obtained; 3) the site is reasonably safe—a state where hazards and conditions leading to harm are controlled, and a person can expect an environment to be free from dangers that a reasonable person would anticipate—from flooding; and 4) the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point. If the site is filled above the base flood elevation, the lowest pad and floor elevations shall be certified by a California registered professional engineer or land surveyor and provided to the Town Engineer.
78. PRECONSTRUCTION MEETING – After the issuance of any Grading or Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:
- a. They have read and understand these project Conditions of Approval;
 - b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and,
 - c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.
79. STREET RESURFACING - The project construction is expected to impact Oka Road. To mitigate this damage, the project shall grind and pave the entire width of Oka Road from lip of gutter to lip of gutter along the entire project frontage or to the nearest pavement marking with a minimum 2.5" hot mix asphalt concrete including pavement section dig-outs and repairs, as directed by the Town Engineer. The extent of the dig-outs and local repairs is to be determined by the Town Engineer. Prior to resurfacing the street, the utility trench shall be backfilled using the Town's standard "T" trench detail including Town-approved controlled density fill. The asphalt thickness of the T trench section shall be a minimum of four (4) inches, meet Town standards, or shall match the existing pavement thickness, whichever is greater. The final lift of the grind and overlay shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt. The Contractor shall schedule a pre-paving meeting with the PPW Inspector on the day the paving is to take place. Restoration of a street under moratorium must be restored in kind as determined by the Town Engineer. Restoration materials shall be approved by the Town Engineer prior to placement. All existing striping and pavement markings shall be replaced in-kind with thermoplastic upon completion. All pavement restorations shall be completed and approved by the Town Engineer before occupancy.
80. GARBAGE/RECYCLE STORAGE AND SERVICE – The Applicant shall provide adequate area for the purposes of storing garbage, composting and recycling collection containers for

scheduled servicing by the Town's solid waste collection provider. The collection containers shall not be placed in the public rights-of-way except during the period of time necessary to allow removal of the waste. brought to the service area on the day of service and returned to the storage enclosure by the property owner that same day. The containers are not to be in public view or in the public rights-of-way prior to or beyond the scheduled service times. A letter from West Valley Collection and Recycling confirming serviceability and site accessibility shall be provided to the Town Engineer for approval prior to the approval of an occupancy permit.

81. OVERHEAD UTILITY CLEARANCE – For projects that have overhead utility lines on-site that travel over new buildings, the Applicant shall obtain a letter from the utility company indicating that there is adequate overhead clearance from the utility to the proposed building. The letter shall be submitted with the first set of improvement plans submitted. The plans shall show the existing utility pole, any necessary proposed pole protection (including overhead clearance warning identification), and shall be confirmed satisfactory with the utility company. The letter shall be to the approval of the Town Engineer.
82. SITE LANDSCAPING COORDINATION – The Applicant shall coordinate the overall site landscaping and the stormwater treatment area landscaping. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the facility. Sanitary sewer facilities cannot be aligned through stormwater treatment facilities.
83. TRANSPORTATION DEMAND MANAGEMENT ("TDM") PLAN – The Applicant shall submit a Transportation Demand Management Plan prior to the issuance of any Building Permit. The TDM plan shall include 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 percent vehicle trip reduction. The TDM plan shall also include a TDM Coordinator and identify the requirement for an annual TDM effectiveness report to be submitted to the Town of Los Gatos.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME

84. DEDICATION – PUBLIC RIGHT OF WAY – The Applicant or owner shall dedicate in fee to the Town a five (5) foot wide strip of land adjacent to Oka Road to meet the Town's right-of-way width requirements in accordance with the Vested Tentative Map. This dedication shall be included in the Owner's Statement on the Final Map. The Applicant shall include on the Final Map a statement of Town Council acceptance of the fee title of the dedication
85. DEDICATION – SIDEWALK EASEMENT - The Applicant shall dedicate a 2.4-foot sidewalk easement to the Town for public use that is located on the property side of the 5-foot dedication made under the previous Condition of Approval as shown on the Vested Tentative Map. This dedication shall be included in the Owner's Statement on the Final

Map. The Applicant shall include on the Final Map a statement of Town Council acceptance of the public easement dedication.

86. QUITCLAIM OF EASEMENT(S) – The Applicant shall abandon a 10-ft Sanitary Sewer Easement as shown on the approved vested tentative map. This abandonment shall be recorded, and an electronic copy (PDF) of the recorded quitclaim shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of a grading or Building Permit.
87. TEMPORARY CONSTRUCTION EASEMENT – Prior to the issuance of a grading or Building Permit, it shall be the sole responsibility of the project to obtain any and all proposed or required easements and/or permissions necessary to perform any work on neighboring private property herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
88. SUBDIVISION (FINAL) MAP – The Applicant shall have a Final Map prepared by a person authorized to practice land surveying in California that delineating all parcels created or deleted and all changes in lot lines in conformance with the Los Gatos Town Code and the Subdivision Map Act. Existing buildings shall be demolished prior to the recordation of the map if they conflict with any newly created lot line(s). The Town Council must approve all Final Maps. The Town Council meeting will be scheduled approximately fifty (50) days after the Final Map, Public Improvement Plans, Stormwater Treatment Facilities Maintenance Agreement, Landscape Maintenance Agreement, and Subdivision Improvement Agreement are approved by the Town Engineer. The Final Map shall be approved by PPW and recorded by the County Recorder's Office prior to the issuance of the first Building Permit. In lieu of the Town Clerk's Office coordinating the recordation of the Final Map(s) with the County, the Applicant may submit a map guarantee by the Applicant's title company for the release of the signed Final Map to the title company for recording. Prior to the Town's release of the Final Map, the Town Engineer may require the Applicant to submit to the Town an electronic copy of the map in the AutoCAD Version being used by the Town at the time of recordation. It is the Applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after Town approval.
89. SUBDIVISION IMPROVEMENT AGREEMENT ("SIA") – The Applicant shall enter as a contractor into an agreement with the Town per Town Code Section 24.40.020, Gov. Code Section 66462 (a), and shall arrange to provide Payment and Performance bonds each for 100 percent of the cost and a Warranty Bond valued at 10 percent of public infrastructure improvements to be constructed in the public right-of-way. These improvements shall include, but not be limited to, roadway construction, sidewalks, curb and gutter, storm lines, and streetlights. Additionally, a Monument Bond must be provided in the amount equal to the engineer's estimated costs to install. Town Standard insurance shall be provided per the terms of the agreement. The agreement will be forwarded to the Town Council for approval with project Final Map. The SIA shall be approved by the Town Council prior to the Final Map recordation.
90. MONUMENTS – The Applicant shall arrange for the engineer to have all monuments set per the recorded map. A certificate letter from the Surveyor or Engineer stating the monuments are set per plan shall be provided to the Town Engineer prior to occupancy.

91. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R) – The Applicant shall prepare and submit draft project Covenants, Conditions and Restrictions (CC&R) for the project. The CC&Rs shall be submitted with the project map for review and approval of the Town Engineer, the Town Attorney, and the Planning Manager. The CC&Rs shall include relevant project Conditions of Approval and shall include language that restricts the Homeowner's Association from making changes to the CC&Rs without first obtaining approval from the Town. References to the Stormwater Treatment Facilities Maintenance Agreement obligations shall be incorporated. The CC&Rs shall be reviewed and approved prior to the Town Council approval of the Final map.

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

92. ELEVATION CERTIFICATE – An elevation certificate per FEMA requirements must be completed by a Land Surveyor or Civil Engineer. The elevation certificate shall be submitted and approved by the Town Engineer prior to issuance of the first building certificate of occupancy.
93. RECORD DRAWINGS – The Applicant shall submit a scanned PDF set of stamped record drawings and construction specifications for all off-site improvements to the Department of Parks and Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The Applicant shall also provide the Town with an electronic copy of the record drawings in the AutoCAD Version being used by the Town at the time of completion of the work. The Applicant shall also submit an AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.
94. RESTORATION OF PUBLIC IMPROVEMENTS – The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.
95. PAVEMENT RESTORATION – Due to construction activities, new utility cuts along the project frontage, and the anticipated project's truck traffic, the Applicant shall grind and provide a 2.5" overlay with asphalt concrete the south side of Oka Road along the entire property length between the center median island and the property frontage. Prior to overlay, any base failure repair or required dig-outs identified by the PPW Inspector

shall be completed. The Town Engineer shall approve the roadway repair prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.

96. **STORMWATER TREATMENT FACILITIES MAINTENANCE AGREEMENT** – The Applicant shall execute and record a Stormwater Treatment Facilities Maintenance Agreement to ensure perpetual maintenance of the regulated project’s treatment facilities. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. The Town-Standard Stormwater BMP Operation and Maintenance Agreement will be provided by PPW upon request. The agreement shall be executed prior to the issuance of any occupancy permit and include the following:
- a. The property owner shall operate and maintain all on-site stormwater treatment facilities in good condition and promptly repair/replace any malfunctioning components.
 - b. The property owner shall inspect the stormwater treatment facilities at least twice per year and submit an inspection report to PPW at PPW_Stormwater@losgatosca.gov no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report. Written records shall be kept of all inspections and shall include, at least, the following information:
 - i. Site address;
 - ii. Date and time of inspection;
 - iii. Name of the person conducting the inspection;
 - iv. List of stormwater facilities inspected;
 - v. Condition of each stormwater facility inspected;
 - vi. Description of any needed maintenance or repairs; and
 - vii. As applicable, the need for site re-inspection.
 - c. The property owner shall not make any design changes to the system with the Town’s approval.
 - d. The property owner(s) shall develop a maintenance and replacement schedule for the stormwater treatment facilities that describes maintenance frequency and responsibility. This maintenance schedule shall be included with the approved Stormwater Treatment Facilities Maintenance Agreement.
 - e. The property owner(s) shall reimburse the Town for the cost of site inspections required under the Municipal Regional Permit.
 - f. The property owner(s) shall authorize Town Staff to perform maintenance and/or repair work and to recover the costs from the property owner in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety.
97. **STORMWATER MANAGEMENT FACILITIES INSPECTION** – Prior to final inspection, the Applicant must facilitate the testing of all stormwater facilities by a certified QSP or QSD to confirm the facilities are meeting the minimum design infiltration rate. All tests shall be done on 20-foot x 20-foot grid pattern over the surface of the completed stormwater facility unless otherwise approved by the Town Engineer. All soil and infiltration properties for all stormwater facilities shall be evaluated by the geotechnical engineer. Percolation tests (using Double Ring Infiltrometer Testing) at horizontal and vertical (at

the depth of the stormwater facility) shall be conducted for each stormwater facility. A 50 percent safety factor shall be applied to the calculated percolation test and shall be used as the basis for design (the design percolation rate). The geotechnical report shall include a section designated for stormwater design, including percolation results and design parameters. Sequence of construction for all stormwater facilities (bioswales, detention/ retention basins, drain rock, etc.) shall be done toward final phases of project to prevent silting of the stormwater treatment facilities.

98. LANDSCAPE MAINTENANCE AGREEMENT – The Applicant shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the property owner agrees to maintain the vegetated areas along the project's Oka Road frontage located within the public right-of-way. The agreement must be accepted by the Town Attorney prior to the presentation of the SIA to Town Council.
99. EMERGENCY RESPONDER RADIO COVERAGE SYSTEM - All new buildings, including other structures such as, but not limited to, parking garages, storage facilities, etc., shall have approved radio coverage for emergency responders throughout their interiors. Prior to issuance of the final occupancy permit, the developer shall conduct a radio signal survey demonstrating compliance with Section 510 of the California Fire Code and the applicable provisions of NFPA 72 ("National Fire Alarm and Signaling Code") and NFPA 1221 ("Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems"). Radio coverage must meet a minimum signal strength of - 95 dBm, ensuring at least 95 percent coverage throughout general building areas and 99 percent coverage within critical areas, as defined by these standards. If the survey shows inadequate coverage, the developer shall install an approved Emergency Responder Radio Coverage System ("ERRCS"), such as an FCC-certified signal booster or distributed antenna system (DAS), meeting the requirements of the California Fire Code and referenced NFPA standards. All ERRCS installations must include battery backup, monitoring systems, and shall be tested and approved by the Fire Marshal (or designee) prior to occupancy.

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

100. PROJECT CONSTRUCTION SETUP – All storage and office trailers will be kept off the public right-of-way.
101. PUBLIC WORKS CONSTRUCTION NOTICE – The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
102. PROJECT CONSTRUCTION SCHEDULE – The contractor shall submit the project schedule in a static PDF 11"x17" format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same format as the original.

103. PROJECT CONSTRUCTION HANDOUT – The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
104. PROJECT CONSTRUCTION SUPERVISION – The Contractor shall always provide a qualified supervisor on the job site during construction.
105. PUBLIC WORKS CONSTRUCTION INSPECTION – All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall be removed as deemed appropriate by the Town Engineer.
106. PROJECT CONSTRUCTION HOURS – Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
 - a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
 - b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
 - c. An emergency situation exists where construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
 - d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
 - e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.
 - f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
 - g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.

- h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.
107. PROJECT CONSTRUCTION BMPs – All construction activities shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
108. PROJECT CONSTRUCTION EXCAVATION – The following provisions to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction:
- a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
 - b. Travel speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
 - c. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
 - d. Water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to ensure proper control of blowing dust for the duration of the project.
 - e. Watering on public streets and washing down of dirt and debris into storm drain systems is prohibited. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the PPW Inspector, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the Town Engineer. Where recycled water is not available, potable water shall be used. All potable construction water from fire hydrants shall be coordinated with the San José Water Company.
 - f. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the work week to the satisfaction of the Construction Inspector.
 - g. Construction grading activity shall be discontinued in wind conditions in excess of 25 miles per hour, or that in the opinion of the PPW Inspector cause excessive neighborhood dust problems.
 - h. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
 - i. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

- j. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
 - k. Prior to issuing of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
 - l. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.
 - m. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.
109. MATERIAL HAULING ROUTE AND PERMIT – For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using “compression release engine brakes” on residential streets. The haul route for this project, unless otherwise approved by the Town Engineer, shall be Oka Road to Lark Avenue to Highway 17. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the Applicant. Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval.
110. HERITAGE TREE PROTECTION MEASURES – The Applicant shall submit a tree protection plan showing how all on- and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities and maintained throughout the period of construction. The Project Arborist shall complete inspections on an as-needed basis during the construction period and shall submit a monthly report of findings in an email or letter to the Town Engineer and Town Planner assigned to this project.
111. PROJECT CLOSE-OUT – Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the

Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements related to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until all the required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.

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

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

114. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – Post construction storm water pollution prevention requirements shall include:

- a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully loaded hourly rates.
- b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
- c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum-based waste, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
- d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
- e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
- f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

- 115. 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 from, the Building Department all applicable construction permits.
- 116. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet C8.0) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2.
- 117. FIRE ALARM REQUIREMENTS: (As Noted on Sheet C8.0) Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72. Submit shop drawings (3 sets) and a permit application to the SCCFD for approval before installing or altering any system. Call (408)

341-4420 for more information.

118. PUBLIC/PRIVATE FIRE HYDRANT(S) REQUIRED: (As Noted on Sheet C8.0) Provide public/private 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 2,812 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.
119. REQUIRED FIRE FLOW: The minimum required fireflow for this project is 2812 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.1]
120. FIRE APPARATUS (ENGINE) ACCESS ROADWAY REQUIRED: (As Noted on Sheet C8.0) Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
121. FIRE DEPARTMENT CONNECTION: (As Noted on Sheet C8.0) The fire department connection (FDC) for the structure in support of the sprinkler system shall be installed at the street on the street address side of the building. 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. 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].
122. BUILDINGS AND FACILITIES ACCESS: (As Noted on Sheet C8.0) 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].
123. GROUND LADDER ACCESS: (As Noted on Sheet A.10 and sheet A.16) Ground-ladder rescue from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of seventy five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1031.2 NFPA 1932 Sec. 5.1.8 through 5.1.9.2.
124. FIRE LANES REQUIRED: (As Noted on Sheet C8.0) The minimum clear width of fire department access roads shall be 20 feet. Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code.
125. WATER SUPPLY REQUIREMENTS: 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.

126. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches 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.
127. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
128. 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]

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