

ORDINANCE

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE
FROM CH TO CH:PD
FOR PROPERTY LOCATED AT
16212 LOS GATOS BOULEVARD (APNs: 523-06-010 and 523-06-011)**

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property located at 16212 Los Gatos Boulevard (Santa Clara County Assessor Parcel Number 523-06-010 and 523-06-011) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from CH (Highway Commercial) to CH:PD (Highway Commercial, Planned Development).

SECTION II

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

A. A Negative Declaration (ND) was completed for the proposed development and no significant impacts are associated with the application. The ND is adopted.

SECTION III

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

1. Lot merger of two adjoining lots into one lot.
2. Construction of a two-story mixed-use commercial building.
3. Landscaping, parking, and right-of-way improvements shown and required on the Official Development Plans.
4. Dedication of easements to the Town of Los Gatos as shown on the Official Development Plans.
5. Uses permitted are those specified in the CH (Highway Commercial) zone by Sections 29.60.420 (Permitted Uses), as it exists at the time of the adoption of this Ordinance, or as they may be amended in the future.

SECTION IV

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS:

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

SECTION V

Architecture and Site Approval is required before construction of the new mixed-use commercial building, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.110 (PD Ordinance) of the Town Code.

SECTION VI

The attached Exhibit A (Map), and Exhibit B (Official Development Plans) as modified by the Town Council on August 6, 2019, are part of the Official Development Plan. The following performance standards must be complied with before issuance of construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the Architecture and Site approval process. Colors and building materials shown on the Official Development Plans are not approved and shall be reviewed during the Architecture and Site application approval process.
2. TOWN COUNCIL MODIFICATIONS. The Official Development Plans shall comply with the front setback requirements of the CH zone, and the parking requirement shall be reduced by up to five spaces.
3. TOWN INDEMNITY. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
4. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site (A&S) application and approval is required for the mixed-use commercial building. The Architecture and Site applications shall be reviewed by the Development Review

Committee. Architectural details shall be refined as part of this process with input from the Town's Consulting Architect.

5. ARCHITECTURAL MODIFICATIONS: At time of submittal of an Architecture and Site application for the new mixed-use commercial building, options shall be investigated to further break up the massing associated with the second-story deck area at the corner of Los Gatos Boulevard and Shannon Road, to the satisfaction of the Community Development Director.
6. FINAL LANDSCAPE PLAN. A final landscape plan shall be reviewed by the Town's Consulting Landscape Architect and approved as part of the Architecture and Site process.
7. WATER CONSERVATION ORDINANCE REQUIREMENT. The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review prior to the issuance of a building permit.
8. SETBACKS. The minimum setbacks are those specified by the CH zoning district or as otherwise shown on the Conceptual Development Plans.
9. BUILDING HEIGHT. The maximum height of the new mixed-use commercial building shall be 29 feet, 11 inches, as specified on the Conceptual Development Plans.
10. BUILDING FLOOR AREA. The maximum floor area for the project site, including the existing building to be retained, shall be 13,629 square feet, as specified on the Conceptual Development Plans.
11. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties, to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Lighting specifications shall be reviewed as part of the Architecture and Site process.
12. TREE PRESERVATION: All recommendations of the Town's Consulting Arborist shall be followed. Refer to the report prepared by Walter Levison, dated November 20, 2017, for additional details. The Arborist Consultant shall reevaluate the plans for the new mixed-use commercial building during Architecture and Site review.
13. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of building permits.
14. REPLACEMENT TREES. New trees shall be planted to mitigate the loss of trees being removed. The number of trees shall be determined using the canopy replacement table in the Tree Protection Ordinance. New trees shall be double staked and shall be planted prior to final inspection and issuance of occupancy permits.

15. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Refer to the report prepared by Walter Levison, dated November 20, 2017, for requirements. Fencing shall be six-foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
16. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.
17. SPECIAL-STATUS BATS: 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 October 1), they will be evicted as 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.

18. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:

- a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
- b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
- c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
- d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

19. FINAL UTILITY LOCATIONS. The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.
20. PLAN INCONSISTENCY. Any inconsistencies between sheets shall be limited to whichever is more restrictive.
21. GENERAL PROVISIONS. This Planned Development shall comply with provisions in Article V of Chapter 29 Town Code, unless more restrictive provisions are required in other performance standards for the subject Planned Development.

Building Division

22. PERMITS REQUIRED: A Building Permit is required for the construction of the new two-story commercial building. An additional Building Permit is required for the renovation of the existing single-story commercial building.
23. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12. The Town of Los Gatos will be adopting the updated 2019 California Building Standards Code to be effective January 1, 2020. Any Building Permit application made after January 1, 2020 will be required to comply with the newly updated and adopted codes.
24. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
25. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
26. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
27. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and

three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.

28. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
 - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.
 - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.
 - c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NO_x and PM₁₀. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NO_x and PM₁₀ using the appropriate air quality and/or particulate monitor.
29. 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.
30. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
31. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as

specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

- a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
32. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
 33. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
 34. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 35. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
 36. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
 37. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all

requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.

38. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blue Print for a fee or online at www.losgatosca.gov/building.
39. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - 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 & PUBLIC WORKS:

Engineering Division

40. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Developer's expense.
41. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.

42. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
43. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
44. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any grading or building permits. Please note that this process may take approximately six to eight (6-8) weeks.
45. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
46. PUBLIC WORKS INSPECTIONS: The Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of work that went on without inspection.
47. RESTORATION OF PUBLIC IMPROVEMENTS: The Developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition

equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

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

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

56. DRIVEWAY: The driveway conforms to existing pavement on both Los Gatos Boulevard and Shannon Road shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
57. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading or building permits, the Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
58. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
59. PRECONSTRUCTION MEETING: Prior to the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
60. GENERAL: The Developer shall comply with all Town, County, State and Federal laws and regulations applicable to this land division.

61. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded before any grading or building permits may be issued.
62. DEDICATIONS: The following shall be dedicated by separate instrument. The dedication shall be recorded before any permits are issued:
 - a. Public Utility Easement (PUE): Five (5) feet wide, along to the property's Los Gatos Boulevard and Shannon Road frontages.
 - b. Public Access Easement (PAE): Five (5) feet wide, along the property's Shannon Road frontage.
63. SOILS REPORT: One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
64. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, concrete slab-on-grade construction, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
65. SOILS REVIEW: Prior to Town approval of a development application, the Developer's engineers shall prepare and submit a design-level geotechnical/geological investigation for review by the Town's consultant, with costs borne by the Owner/Applicant, and subsequent approval by the Town. The Developer's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The Developer's soils engineer must review the geotechnical elements of all final Plans and Specifications for conformance with the recommendations in their report and submit a Plan Review Letter which conveys their approval to the Town prior to issuance of grading or building permits.
66. SOILS ENGINEER CONSTRUCTION OBSERVATION AND TESTING: The Developer's soils engineer must provide observation and testing of the geotechnical elements of the

- project during construction. The results of the construction observation and testing shall be documented in an “as-built” letter/report prepared by the Developer’s soils engineer and submitted to the Town before a certificate of occupancy is granted.
67. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project’s design-level geotechnical/geological investigation as prepared by the Developer’s engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town’s consultant and costs shall be borne by the Developer.
68. IMPROVEMENT AGREEMENT: The Owner/Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner/Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% performance and 100% labor and materials prior to the issuance of any encroachment, grading or building permit. The Owner/Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. A copy of the executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any grading or building permits.
69. WATER METER: The proposed water meters, currently shown within the Shannon Road right-of-way, shall be located within the property in question, directly behind the public right-of-way line. The Owner/Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
70. SANITARY SEWER CLEANOUT: A sanitary sewer lateral clean-out shall be installed at the property line, if one does not already exist within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner/Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
71. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permit or the recordation of a map. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance

of any grading or building permits unless otherwise allowed by the Town Engineer.

- a. Shannon Road
 - i. Curb, gutter, sidewalk, street lights, signing, striping, traffic signal, storm drainage and sanitary sewers along the property frontage as directed by the Town Engineer.
 - ii. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the project (north) side, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- b. Los Gatos Boulevard
 - i. Curb, gutter, sidewalk, street lights, signing, striping, traffic signal, storm drainage and sanitary sewers along the property frontage as directed by the Town Engineer.
 - ii. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the project (east) side.

72. SHANNON ROAD SIDEWALK AND PLANTER STRIP: The project will be required to provide a 10-foot sidewalk and 5-foot detached planter strip unless otherwise approved by the Town Engineer along the Shannon Road frontage in accordance with the Town's Pedestrian and Bicycle Master Plan. The developer will provide a 5-foot wide Public Access Easement (PAE) along the Shannon Road frontage to include the portion of the public sidewalk that is located on private property. No right-of-way dedication or public street easement will be required. Installation of a vertical curb at the back of walk may be necessary to separate the pedestrian zone from the stormwater treatment area immediately adjacent to the back of walk. Said curb will be located outside the 5-foot PAE. The proposed 5-foot Public Utility Easement (per COA 23) will overlap with the 5-foot PAE. Stormwater treatment will be permitted within 5 feet of the property line provided the bio-retention areas are lined to prevent seepage into the Town's property. The responsible engineer in charge will provide a stamped and signed letter stating facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, sidewalk, etc.) will not be adversely affected.
73. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.

74. GREEN INFRASTRUCTURE MEASURES: Projects which propose work within the Town's right-of-way, including but not limited to pavement restoration, street widening, construction of curb, gutter and/or sidewalk, right-of-way dedication, etc., will be evaluated by Staff to determine its potential for the implementation of Green Infrastructure measures and associated improvements.
75. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach(es), curb ramp(s), signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (upgrade and/or repaint) etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
76. GREEN BICYCLE FACILITIES: The Developer shall install green bike lanes and bike boxes in all directions of improved streets and intersections as directed by the Town Engineer. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
77. ADA COMPLIANCE: The Developer shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.
78. PARKING LOTS: Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The amount of impervious area associated with parking lots shall be minimized by utilizing design features such as providing compact car spaces, reducing stall dimensions, incorporating efficient parking lanes, and using permeable pavement where feasible, and adhering to the Town's Parking Development Standards. The use of permeable paving for parking surfaces is encouraged to reduce runoff from the site. Such paving shall meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.
79. UTILITIES: The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable

television service. The Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.

80. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
- a. The Town standard "T" trench detail shall be used.
 - b. A Town-approved colored controlled density backfill shall be used.
 - c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
 - d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half ($\frac{1}{2}$) inch medium asphalt. The initial lift(s) shall be of three-quarter ($\frac{3}{4}$) inch medium asphalt.
 - e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
 - f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.
81. SIDEWALK REPAIR: The Developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
82. CURB AND GUTTER REPAIR: The Developer shall repair and replace to existing Town

standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

83. DRIVEWAY APPROACH: The Developer shall install two (2) Town standard commercial driveway approaches. The new driveway approaches shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
84. CURB RAMPS: The Developer shall construct four (4) curb ramps in compliance with ADA Standards and remove an existing curb ramp, all of which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
85. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
86. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, ADA ramps, pedestrian crosswalk, street lights, and traffic signals at the project frontage as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
87. FRONTAGE IMPROVEMENTS (SIGNALIZED INTERSECTION): The Developer shall upgrade existing traffic signals to current Town standards including, and may not be limited to, LED signal indication, ADA pedestrian signal and pushbuttons, video detection system, signal controller, fiber optic traffic communication, Emtrac fire preemption device, LED

intersection lighting as directed by the Town Engineer. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits.

The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

88. TRAFFIC IMPROVEMENTS (OFF-SITE IMPROVEMENT): Traffic improvements may be required as determined by the required traffic study. Construct off-site improvements as required. Plans shall be prepared by the Developer's design professionals and submitted to the Town Engineer for approval prior to construction. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

89. TRAFFIC IMPROVEMENTS (COMPLETE STREET): The Developer shall be required to improve the Los Gatos Boulevard/Shannon Road/Roberts Road intersection as delineated in the Los Gatos Safe Routes to School Plan, Bicycle and Pedestrian Master Plan and General Plan Complete Street elements. These improvements may include but are not limited to:

- a. Reduction of the northbound travel lanes on Los Gatos Boulevard between Shannon Road and Magneson Loop from three (3) lanes to two (2).
- b. Widening of the sidewalk along northbound Los Gatos Boulevard to a width of ten (10) feet between Shannon Road and Magneson Loop and installation of separated sidewalk, with the final configuration approved by the Town Engineer.
- c. Widening of the sidewalk along westbound Shannon frontage to a width of ten (10) feet between Los Gatos Boulevard and eastern project limits and installation of sidewalk as a shared pedestrian/bicycle path, with the final configuration approved by the Town Engineer.
- d. Removal of the pork chop island at the northeast corner of the Los Gatos Boulevard/Shannon Road intersection.
- e. Relocation of the crosswalk across Los Gatos Boulevard from the northeast corner of the Los Gatos Boulevard/Shannon Road intersection to the southwest corner of the Los Gatos Boulevard/Roberts Road intersection (as determined by the Traffic Impact Analysis).
- f. A protected green bike lane along the project's Los Gatos Boulevard frontage.
- g. A minimum 40-foot curb to curb street width along the project's Shannon Road frontage.

Plans for the improvements must be approved by the Town prior to the issuance of any

- grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
90. STREET LIGHTS AND TRAFFIC SIGNAL INSPECTION FEES: The Developer shall pay \$3,000.00 for the Town's inspection of street lights and traffic signal-related work installed by the Developer. The fees shall be due at time of building permit application.
 91. TRAFFIC SIGNAL MODIFICATION PLAN: A Traffic Signal Modification Plan is required and must be submitted and approved prior to issuance of any grading or building permits. This plan shall be prepared by a licensed traffic engineer.
 92. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM): The Developer shall prepare a Transportation Demand Management Plan for the Town of Los Gatos approval prior to the issuance of any grading or building permits. The TDM shall include measures, including but not limited to, bicycle facility provisions, shower and clothes locker 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. The TDM shall also include a TDM coordinator and identify the requirement for an annual TDM effectiveness report to the Town of Los Gatos.
 93. TRAFFIC STUDY: Any development of land use that generates greater traffic impacts than those assumed in the traffic study report may require an updated traffic study in accordance with the Town's Traffic Impact Policy.
 94. TRAFFIC IMPACT MITIGATION FEE: The Developer shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The amount based on the current resolution is \$311,550.00. The fee shall be paid before issuance of any building permits. The final traffic impact mitigation fee for this project will be based upon the Town Council resolution in effect at the time the building permit is issued, shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time the building permit is issued (using a comparison between the existing and proposed uses), and shall be paid before issuance of a building permit.
 95. CONSTRUCTION VEHICLE PARKING: No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public (Town) streets without written approval from the Town Engineer.
 96. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved prior to the issuance of an Encroachment, Grading or Building Permit. This plan shall include, but not be limited to, the following measures:
 - a. Construction activities shall be strategically timed and coordinated to minimize

traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.

- b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
97. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an Encroachment, Grading or Building Permit.
98. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
99. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
100. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
101. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair

activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

102. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer's design professional shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information. In addition, the developer shall submit a construction traffic flow map with estimation of construction vehicle volumes, flow patterns, and schedule of operation. Construction will be sequenced to take advantage of breaks in the academic calendar of local schools. If construction is to occur during school hours, a minimum of one flagger shall be present during drop-off and pick-up times for traffic and pedestrian control purposes.
103. WVSD (West Valley Sanitation District): A Sanitary Sewer Clean-out is required for each property at the property line, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.
104. STORMWATER MANAGEMENT: Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. The Developer is required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.
105. BEST MANAGEMENT PRACTICES (BMPs): The Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to

comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.

106. STORMWATER DEVELOPMENT RUNOFF: All new development and redevelopment projects are subject to the stormwater development runoff requirements. The Developer shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.
107. REGULATED PROJECT: The project is classified as a Regulated Project per Provision C.3.b.ii. and is required to implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d..
108. SITE DESIGN MEASURES: All projects shall incorporate at least one (1) of the following measures:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas.
 - d. Use permeable pavement surfaces on the driveway, at a minimum.
 - e. Use landscaping to treat stormwater.
109. BIORETENTION SYSTEM: The bioretention systems shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention systems shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.
110. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
111. LANDSCAPING: In finalizing the landscape plan for the bioretention basins, it is recommended that the landscape architect ensure that the characteristics of the

selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.

112. LANDSCAPE MAINTENANCE AGREEMENT: The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to maintain the vegetated areas along the project's Los Gatos Boulevard and Shannon Road frontages located within the public right-of-way. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
113. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
114. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be

cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.

115. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
 - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
 - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until

vegetation is established.

116. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
117. **CONSTRUCTION ACTIVITIES:** All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
118. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facilities may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
119. **STORM WATER MANAGEMENT PLAN:** A storm water management shall be included with the grading permit application. The plan shall delineate source control measures and BMPs together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit.
120. **STORM WATER MANAGEMENT PLAN NOTES:** The following note shall be added to the

storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the MRP. Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."

121. STORM WATER MANAGEMENT PLAN CERTIFICATION: Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here:
http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL.
122. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by the Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property owner and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.
123. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
124. GREASE TRAPS: The Developer shall meet all requirements of the Santa Clara County Health Department and West Valley Sanitation District for the interception, separation or pretreatment of effluent.
125. GREASE INTERCEPTOR: Food service facilities (including restaurants and grocery stores) shall have a sink or other area for cleaning floor mats, containers, hood filters and equipment that is connected to a grease interceptor prior to discharging into the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned and shall be plumbed to the sanitary sewer whether it is located indoors or is a covered outdoor area.
126. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a

person or persons authorized to do so at all times during working hours. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.

127. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
128. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
129. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

130. FIRE SPRINKLERS REQUIRED: *Noted on page A0.0 of the plans for the new building.* 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 903.2.19 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures. CRC Sec. 903.2 as adopted and amended by LGTC.
131. TURN RADIUS (CIRCULATING): The minimum outside turning radius is 42 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends. Identify the above required turn radius entering the site from Shannon and Los Gatos Blvd.
132. TIMING OF INSTALLATION: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be

- installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4.
133. EMERGENCY RADIO RESPONDER COVERAGE: Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. Refer to CFC Sec. 510 for further requirements.
 134. FIRE ALARM REQUIREMENTS: Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72.
 135. THIS TWO WAY COMMUNICATION SYSTEM: Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2016 edition), the California Electrical Code (2013 edition), the California Fire Code (2016 edition), The California Building Code (2016 edition), and the city ordinances where two way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.
 136. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and out Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
 137. 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). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
 138. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers

shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on August 6, 2019 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on August 20, 2019 and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____