

**PLANNING COMMISSION – March 26, 2025  
DRAFT CONDITIONS OF APPROVAL**

**143 and 151 E. Main Street**

**Architecture and Site Application S-24-007**

**Conditional Use Permit Application U-24-002**

**Vesting Tentative Map Application M-24-004**

**and Mitigated Negative Declaration ND-24-003**

**Consider a Request for Approval to Demolish Existing Commercial Structures, Construct a Mixed-Use Development (30 Multi-Family Residential Units) with Commercial Space on the Ground Floor, a Conditional Use Permit, a Condominium Vesting Tentative Map, and Remove Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned C-2. APNs 529-28-001 and -002. An Initial Study and Mitigated Negative Declaration Have Been Prepared.**

**Property Owner: David Blatt, CSPN LLC.**

**Applicant: Kenneth Rodrigues and Partners, Inc.**

**Project Planner: Ryan Safty**

**TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

***Planning Division***

1. **APPROVAL:** This project is vested to the ordinances, policies, and standards in effect on May 3, 2024, 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 and/or business operation 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.
3. **BELOW MARKET PRICE (BMP) UNIT:** The developer shall provide six for sale BMP units (low income) to be sold at a price that is affordable to the target household 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.
4. **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.

5. PHASING OF THE CONSTRUCTION OF BMP UNITS: The BMP units shall be constructed and Certificate of Occupancies secured in proportion with or prior to the construction of the market rate units.
6. OUTDOOR LIGHTING: Prior to final inspection, 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.
7. 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.
8. TREE STAKING: Prior to final inspection, all newly planted trees shall be double-staked using rubber tree ties.
9. LANDSCAPING: Prior to issuance of the Certificate of Occupancy, all landscaping must be completed.
10. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance (WELO), whichever is more restrictive. Submittal of a Landscape Documentation Package pursuant to WELO is required prior to issuance of Building and/or Grading Permits. This is a separate submittal from your Building Permit. A review deposit based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review. A completed WELO Certificate of Completion Appendix C) is required prior to final inspection/certificate of occupancy.
11. PROJECT IDENTIFICATION SIGNAGE: Project identification signage on the project site shall be removed within 30 days of final action on the applications.
12. ROOFTOP EQUIPMENT: Prior to final inspection, any new or modified roof mounted equipment shall be fully screened.
13. CC&RS: CC&Rs must be approved by the Town and recorded with the County prior to building permit issuance.
14. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
15. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
16. BUSINESS LICENSE: A business license is required from the Town of Los Gatos Finance Department prior to commencement of use.
17. REUSABLE MATERIALS: All reusable materials from residential, commercial, and construction/renovation activities shall be recycled.
18. 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.

19. 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:

20. *Mitigation Measure AQ-1*: The applicant shall prepare a Construction Management Plan for review and approval by the Town of Los Gatos Community Development Department prior to the start of any ground-disturbing activities, including tree removal. The Construction Management Plan shall include the following measures to reduce toxic air contaminant emissions during construction:
  - a. Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;
  - b. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes;
  - c. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and
  - d. All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.
21. *Mitigation Measure AQ-2*: The project applicant shall ensure that MERV 13 air filtration systems, or an equivalent system, are included in the design and operations of the proposed project. Prior to the issuance of building permits, the applicant shall submit detailed plans and specifications demonstrating compliance with this requirement to the Town of Los Gatos Building Department for review and verification. These plans shall identify the locations and specifications of the air filtration systems and confirm they meet the performance standards for particulate and airborne pollutant removal.

The air filtration systems must be operational prior to the issuance of a certificate of occupancy. Verification of proper installation and functionality shall be conducted by a licensed professional and documented in a final compliance report, which must be submitted to the Town of Los Gatos Building Department for approval. The property owner or operator shall also establish a maintenance plan for the air filtration system to ensure ongoing performance in accordance with manufacturer specifications.

22. *Mitigation Measure BIO-1:* To avoid impacts to nesting birds during the nesting season (January 15 through September 15), construction activities within or adjacent to the project site boundary that include any tree or vegetation removal, demolition, or ground disturbance (such as grading or grubbing) should be conducted between September 16 and January 14, which is outside of the bird nesting season. If this type of construction 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.
  - a. One survey for active bird nests shall occur within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. The survey shall be conducted at the appropriate time of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the Town of Los Gatos Community Development Department and no further mitigation is required.
  - b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the Town of Los Gatos.
23. *Mitigation Measure BIO-2:* 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 the arborist report dated October 24, 2024.

24. *Mitigation Measure CUL-1*: The following language shall be incorporated into any plans associated with tree removal, grading, and construction, "In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within 50 meters (165 feet) of the find until it can be evaluated. All potentially significant archaeological deposits shall be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For indigenous archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified Archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites."

25. *Mitigation Measure CUL-2*: The following language shall be incorporated into any plans associated with tree removal, demolition, grading, and construction, "In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Santa Clara County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the project proponent shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the

descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

26. *Mitigation Measure GEO-1*: The applicant shall prepare a soils report addressing, but not limited to: foundation and retaining wall design recommendations, and impacts associated with lateral spreading, subsidence, or collapse. The soils report shall be submitted to the Town Building Division for review and approval prior to issuance of a grading permit. All recommendations outlined in the soils report shall be incorporated into the project design.
27. *Mitigation Measure GEO-2*: The following measure shall be included in project plans, prior to issuance of a demolition permit:  
“If paleontological resources are uncovered during demolition, grading or other on-site excavation activities, construction activities in the area shall be suspended. The developer shall retain a qualified paleontologist to examine the site and identify protective measures to be implemented to protect the paleontological resource. The measures shall be subject to review and approval by the Community Development Director.”
28. *Mitigation Measure GHG-1*: The project developer shall incorporate the following GHG emissions reduction performance standard into the final project design:

- No permanent natural gas infrastructure shall be permitted as part of the project plans; no natural gas shall be made available through permanent natural gas infrastructure. The project shall be all electric.

Final plans for the development shall be reviewed by the Town Community Development Department prior to issuance of a building permit to ensure this performance standard is incorporated into the project design. Verification of development consistent with this performance standard shall be assured prior to approval of occupancy permits.

29. *Mitigation Measure HAZ-1*: The project developer shall conduct soil vapor testing on the project site prior to issuance of a grading permit. The results of the soil vapor testing shall be reviewed by the Town Engineer and only with approval by the Town Engineer can any grading and earth-moving construction activities take place.

If soil vapor testing comes back with concentration levels that exceed safety thresholds for residential uses, the Town Engineer shall determine if Environmental Solutions should provide recommendations for construction of the project. If soil vapor testing comes back with concentration levels below safety thresholds, no further action is necessary.

30. *Mitigation Measure N-1*: The project developer shall ensure that no individual piece of construction equipment produce a noise level exceeding 85 dBA at 25 feet. Prior to the start of ground disturbing activities, the applicant shall demonstrate compliance with this requirement to the Town of Los Gatos Building Department for review and verification.
- The project developer shall also ensure that best management practices are incorporated during construction activities. The following shall be placed on all ground-disturbing project plans:
  - All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.
  - Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.
  - All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.
  - Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.
  - Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing the contact phone number of a designated noise disturbance coordinator.
31. *Mitigation Measure N-2*: The project developer shall install mechanical ventilation or air conditioning for all residential units so that windows and doors can remain closed for sound insulation purposes. Implementation of this measure is subject to review and approval by the Town Building Department, prior to issuance of an occupancy permit.
32. *Mitigation Measure TRANS-1*: Project improvements plans shall include the following, subject to review and approval by the Town Engineer, prior to issuance of an occupancy permit:
- a. Stripe a loading space along the project frontage on E. Main Street;
  - b. Apply 10 feet of No Parking (Red Zone) on both sides of the project driveway on Church Street; and
  - c. Provide adequate landing space at the top and bottom of the garage ramps.

### ***Building Division***

33. **PERMITS REQUIRED**: A Demolition Permit is required for the demolition of the existing structure. A separate Building Permit is required for the construction of the new multi-family structure with commercial/retail space, and underground parking. An additional Building Permit will be required for the PV System that is required by the California Energy Code.
34. **APPLICABLE CODES**: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 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 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.

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. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application for the removal of each existing structure. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, submit the completed form to the Building Department with the Air District's J# Certificate, PG&E verification, and 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.
39. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
  - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.
  - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.
  - c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NOx and PM10. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NOx and PM10 using the appropriate air quality and/or particulate monitor.
40. 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.
41. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
42. 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
43. 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.
  44. 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.
  45. 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.
  46. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.40.020. 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.
  47. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
  48. 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](http://www.losgatosca.gov/building).
  49. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
  50. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    - a. Community Development – Planning Division: (408) 354-6874
    - b. Engineering/Parks & Public Works Department: (408) 399-5771
    - c. Santa Clara County Fire Department: (408) 378-4010

- d. West Valley Sanitation District: (408) 378-2407
- e. Santa Clara County Environmental Health Department: (408) 918-3479
- f. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

**TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:**

***Engineering Division***

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.

- 51. THIRD-PARTY PLAN CHECK FEE AND INSPECTION FEE – 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 plus a 20 percent fee for staff time to the Town for plan review and inspection services. This deposit and fee are required at the time of the project building permit submittal. Once this deposit is received, the Town will select the consultant and initiate the plan review process. The Applicant's deposit will be charged on a time and materials basis. A supplemental deposit will be required if the remaining deposit is 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.
- 52. STORM DRAINAGE FEE – The Applicant shall pay Storm Drainage Fees 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 0.425 acres, is \$2,212.13. The Applicant shall pay this fee to PPW prior to issuance of the first building permit.
- 53. TRAFFIC IMPACT FEES – The project is subject to the Town's Traffic Impact Fee for the generation of new average daily trips. 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 \$19,173.59. Payment of this Impact Fee is required prior to the issuance of the first building permit issuance.
- 54. CONSTRUCTION ACTIVITIES MITIGATION FEE (ORDINANCE 2189) – Per the Town's Comprehensive Fee Schedule in effect at the date of vesting, the project is subject to the Town's Construction Activities Mitigation Fee based on the square footage of new buildings, 47,580 SF. The fee is \$1.43 per square foot of new residential and non-residential building area. Therefore, the fee is calculated to be \$68,039.40. Payment of this fee shall be paid prior to issuance of the first building permit.
- 55. 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. Submittals are accepted through Accela only. The grading permit application shall include detailed grading plans and associated required materials. Plan check fees are based on the scope of onsite work. 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 of the grading and erosion and sedimentation control measures. 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 the issuance of the building 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; and (7) Temporary and permanent landscape plans.

56. 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 according to 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.

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 works 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.

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.

Right-of-way improvements shall include, at a minimum, the following items:

- a. STREET BEAUTIFICATION - The Applicant shall improve the street frontage as shown on the approved entitlement plan set.
- b. STREET TREES - The Applicant shall plant seven (7) street trees along the project frontage. The street trees shall be per the entitled set and will include Town Standard tree grates.
- c. TREE GRATES – The Applicant shall install eight (8) Town Standard Tree Grates as specified in the approved plans. Tree grates shall be 4'x6', model OT-T24 by Urban Accessories, and shall be black power coated. The tree grates shall be shown on the improvement plans to be located at the back of curb to the approval of the Town Engineer and shall be installed with the street trees prior to the first occupancy.
- d. 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.
- e. SIDEWALK - The Applicant shall replace to Town standards all sidewalk surrounding the project site. Sidewalk replacement shall be constructed per the Town Standard Drawings. Sidewalk work in the Villa Hermosa area shall comply with the Villa

- Hermosa Style per Standard Plan Nos. ST-224 and ST-225.
- f. CURB RAMP(S) - The Applicant shall construct four (4) bulb-out curb ramp(s) in accordance with the latest Caltrans State Standard Drawing. Both north-south curb ramps at the pedestrian crossing of Church Street on the north side of the project as well as both east-west curb ramps for the pedestrian crossing of High School Court on the east side of the project shall be constructed per this condition. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer.
  - g. CURB AND GUTTER - The Applicant shall replace to existing Town standards all curb and gutter surrounding the project site. New curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical) or ST-215 (Rolled).
  - h. DRIVEWAY APPROACH(ES) - The Applicant shall install one (1) Town Standard driveway approach(es) as shown on the approved plans. The new driveway approach shall be constructed per the Town Standard Drawing. The Applicant shall install 10-feet of red curb on both sides of the project driveway to allow vehicles better sight distance when entering and exiting the driveway.
  - i. DRIVEWAY REMOVAL - The Applicant is to remove all existing driveway approach and replace them with sidewalk, curb, and gutter per the Town Standard Drawings.
  - j. LOADING ZONE – The Applicant shall install a loading zone along the project frontage on E. Main Street in accordance with Town Standard as directed by the Town Engineer.
  - k. SEWER CLEAN-OUT - The Applicant shall install the sewer lateral clean-out within three-feet of the right-of-way on private property in accordance with the West Valley Sanitation District standards. Sewer clean-out(s) shall be constructed prior to occupancy of the first building.
  - l. PARKING LOTS – The Applicant shall submit plans for all required off street parking lots showing proper grading, drainage, ramps profile, and parking dimensions in conformance with Town parking standards. The plans shall be approved by the Town Engineer prior to the issuance of the first building permit.
  - m. BICYCLE PARKING – The Applicant shall provide both long-term bicycle lockers and short-term bicycle racks on-site, as shown on the approved site plan, to the approval of the Town Engineer.
  - n. STORM WATER CATCH BASIN(S) - The Applicant shall install standard storm water catch basins per approved Improvement Plans and in accordance with the Town Standard Drawing.
  - o. STREETLIGHT(S) - The Applicant shall provide and install three (3) new post top street light(s) per Town Standard Drawing ST-271. 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 Applicant shall provide banded banner brackets, to the approval of the Town Engineer, for each street light pole. The lights shall be shielded from residential units using an internal shielding device provide by

the manufacturer. The final location and style of street lights and poles are to be reviewed and approved by the Town Engineer during review of the submitted construction lighting plan. As these lights are a long lead-time item, it is recommended that the Applicant contact the manufacturer early in the construction phase of the project. 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.

57. 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. An arborist report may be required by the Town Arborist prior to the removal of any tree.
58. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS – The Grading Permit Plans and Public Improvement Plans (together referred to as “Improvement Plans”) shall be submitted as a set 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.

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:

- a. 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.
- b. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
- c. 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.
- d. 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.

- e. 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.
  - f. 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.
  - g. 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 comply with the Town's Standard Specification section 2.38.
  - h. A Traffic Signal Plan (as applicable) shall include a conduit schedule, conduit plan, pole locations, streetlights, intersection striping, power connection and meter locations, and as directed.
  - i. A Landscaping Plan for the project site and the full width of the public right-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.
59. 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, 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.
60. 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

sidewalk, 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.

61. UNDERGROUND UTILITIES – All new services to the development shall be placed underground in accordance with the various utility regulations. Transformers and switch gear cabinets within designated Underground Districts shall be placed underground unless otherwise approved by the Town Engineer. Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.
62. 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.
63. 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 Jose 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.
64. PREPARATION OF ELECTRICAL PLANS – All street lighting and traffic signal 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.
65. 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 so designed as to limit light spill beyond 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.
66. 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-year 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-year storm event. The study must evaluate the 100-year storm event base flood elevation, if applicable. The finish floor elevations of all structures must be constructed at least 1-foot above this elevation. The Applicant shall submit the study for review and approval by the Town Engineer prior to the issuance of the first building permit.

67. **STORMWATER MANAGEMENT PLAN** – The Applicant shall develop a Storm Water Management Plan (“SWMP”) that complies with the California Water Board regulations and delineates 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 Hydrology Model (“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 integrate an X+1 redundancy and generator backups at all required pump locations and 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.
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 – 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. No pump discharge to the Town storm drain system is allowed.
70. 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
71. GRADING & 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 in construction.
72. EROSION CONTROL – The Applicant shall prepare and submit 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 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 must 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 erosion control plans shall be in compliance with applicable measures contained in the most current California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP). 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.

73. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall be less than three-feet in height or have a minimum vertical clearance of 7.5-feet 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.
74. GEOTECHNICAL REVIEW – Prior to building permit issuance, the Applicant's Geotechnical Engineer shall submit a design level geotechnical report. 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 fee schedule in effect at the time of vesting, 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.
75. 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.
76. 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.
77. FLOOR DRAINS – All floor drains shall be plumbed to connect to the sanitary sewer system only. Site design must facilitate drainage away from building floor drains.
78. GARBAGE/RECYCLE STORAGE AND SERVICE – The Applicant shall provide adequate area within their property for the purposes of storing garbage and recycling collection containers for scheduled servicing by the Town’s solid waste collection provider. New food service buildings and/or multi-family residential complexes shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to be hydrologically isolated. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. Any drains installed in or beneath dumpsters and compactors shall be connected to the sanitary sewer. Any drains installed in or beneath tallow bin areas serving food service facilities shall be connected to the sanitary sewer system with a grease removal device prior to discharging. The Applicant shall contact the local permitting authority and/or West Valley Sanitation District for specific connection and discharge requirements. The collection containers shall be 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 right-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.
79. 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.
80. 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.
81. OFF-HOURS MATERIAL DELIVERY – The Applicant shall coordinate with the future site operators so that all site delivery of materials and goods are delivered off-hours and on-site. This will allow the on-site customer parking for the development site to be utilized during business hours and not be impacted by the staging of delivery vehicles. The Applicant shall provide a written plan, to ensure that this condition is satisfied, prior to occupancy of the first site building. The plan shall be to the approval of the Town Engineer.

82. 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 the 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 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

83. 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.
84. FINAL MAP – The Applicant shall have a condominium map prepared by a person authorized to practice land surveying in California 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 will conflict with any newly created lot line. 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 Subdivision 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 recordation. 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.
85. 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 of public infrastructure improvements to be constructed in the public right-of-way. These improvements shall include, but not be limited to, roadway construction, sidewalk, curb and gutter, storm lines, streetlights, and signal equipment. Town Standard insurance shall be provided per the terms of the agreement. The agreement will be forwarded to the Town Council for approval with the project Final Map. The SIA shall be approved by the Town Council prior or at the same time as the Final Map.

86. MONUMENTS – The Applicant shall arrange for the engineer to have all monuments set per the recorded map. A certificate letter by the Surveyor or Engineer stating the monuments are set per plan shall be provided to the Town Engineer prior to occupancy.
87. COVENANTS, CONDITIONS & 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.
88. LOT LINE ADJUSTMENT/LOT MERGER – It shall be the Applicant's responsibility to have a lot line adjustment/lot merger documentation prepared by a person authorized to practice land surveying in California, delineating all changes in lot lines in conformance with the Los Gatos Town Code and the Subdivision Map Act. The lot line adjustment shall be approved by the Department of Public Works, recorded by the County Recorder’s Office, and a recorded copy of the document returned to the Town prior to the issuance of any Town permits. 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 lot line adjustment/lot merger recorded after Town approval.
89. PAYMENT OF WEST VALLEY SANITATION DISTRICT FEES – All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any maps or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided to the Town Engineer prior to map recordation.

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.

90. 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.
91. 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.

92. 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 full width of East Main Street, High School Court, and Church Street along the project 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.
93. 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 occupancy of the first building 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](mailto: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 minimum, 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.
94. **STORMWATER TREATMENT 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 made at on 20 foot by 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 with appropriate safety factors) 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.
  95. **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 East Main Street, High School Court, and Church Street frontage located within the public right-of-way. The agreement must be executed and accepted by the Town Attorney prior to the issuance of any occupancy permit.
  96. **EMERGENCY RESPONDER RADIO COVERAGE** – All new buildings, including parking garages and hospitals, shall have approved radio coverage for emergency responders throughout their interiors. Prior to issuance of the final occupancy permit, the Applicant 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 Applicant 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. With approval of the Community Development Director and Police Chief, the requirements in this condition can be waived or modified when such change would not unnecessarily impair the provision of emergency communication as specified in this condition.



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

97. PROJECT CONSTRUCTION SETUP – All storage and office trailers will be kept off the public right-of-way.
98. 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.
99. 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 formats as the original.
100. 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.
101. PROJECT CONSTRUCTION SUPERVISION – The Contractor shall always provide a qualified supervisor on the job site during construction.
102. 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.
103. PROJECT CONSTRUCTION HOURS – Construction activities related to the issuance of any PPW permit shall be restricted 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 the 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.
104. 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.
105. 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 areas 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 wash 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 Jose 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 workweek 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 issuance 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.
106. 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: East Main Street to Highway 9 to Interstate 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.

107. 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 relative 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 such time as all 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.
108. HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for business impacts during the holiday season (defined as starting the Monday of Thanksgiving week through January 1), there shall be no construction activities within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the Town Engineer.
109. 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).
110. 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**

111. 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](http://www.flowstobay.org).
  - c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, 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:**

112. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
113. FIRE SPRINKLERS REQUIRED: (As Noted on Coversheet) 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 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. 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.
114. FIRE ALARM REQUIREMENTS: As Noted on Coversheet) 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.

115. FIRE HYDRANT REQUIRED: (As Noted on Sheet C-4.0) Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet. [CFC, Section 507.5.1].
116. PUBLIC FIRE HYDRANT REQUIRED: (As Noted on Sheet C-4.0) Provide a public fire hydrant at a final location to be determined jointly by the Fire Department and San Jose Water Company. Maximum distance of 337 feet from the building frontage, 500 ft between hydrants and a maximum of 100 feet from the FDC, with a minimum hydrant flow of 2400 GPM @ 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.
117. REQUIRED FIRE FLOW: The minimum require fireflow for this project is 2400 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3] Fire flow shall be met from the new hydrant and a fire flow letter shall be provided.
118. FIRE DEPARTMENT CONNECTION: (As Noted on Sheet C-4.0) The fire department connection (FDC) 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].
119. BUILDINGS AND FACILITIES ACCESS: (As Noted on Sheet C-6.0) 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].
120. REQUIRED AERIAL ACCESS: Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. 3.

Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. SCCFD SD&S A-1. During building permit, unobstructed aerial access shall be demonstrated include any trees that are along the required access side of the building.

121. PARKING: (As Noted on Sheet C-6.0) When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following:
  - Parking is permitted both sides of the street with street widths of 36 feet or more
  - Parking is permitted on one side of the street with street widths of 28 – 35 feet
  - No parking is permitted when street widths are less than 28 feetNOTE: Fire lane and turnaround striping shall be provided and verified by site inspection.
122. KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS: (As Noted on Sheet A2.0) Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The Knox Key Box shall be a of an approved type and shall contain keys to gain necessary access as required by the fire code official. Locks. An approved Knox Lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. [CFC Sec. 506].
123. GROUND LADDER ACCESS: (As noted on sheet L6.0) 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. TWO-WAY COMMUNICATION SYSTEM: (As Noted on Coversheet) Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2022 edition), the California Electrical Code (2022 edition), the California Fire Code (2022 edition), the California Building Code (2022 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.
125. EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS: (As Noted on Coversheet) 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. CFC Sec. 510.1.
126. 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). 2022 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

127. ADDRESS IDENTIFICATION: (As Noted on sheet A3.0) 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.
128. 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.
129. TURNING RADIUS: (As Noted on sheet C-6.0) The minimum outside turning radius is 50 feet. Use of cul-de-sacs is not acceptable where it is determined by the Fire Department that Ladder Truck access is required, unless greater turning radius is provided. Cul-De-Sac Diameters shall be no less than 72 feet. CFC Sec. 503.
130. STANDPIPES REQUIRED: (As Noted on Coversheet) Standpipe systems shall be provided in new buildings and structures where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905.
131. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]