

**PLANNING COMMISSION – August 27, 2025 - Draft
CONDITIONS OF APPROVAL**

31 University Avenue

Architecture Site Application S-25-004

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.

Property Owner: SRI Old Town, LLC

Applicant: Rick Nelson, MBH Architects

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: 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, DRC, 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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. 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.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the

construction plans.

8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
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, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
11. DEMOLITION AFFIDAVIT: Prior to issuance of a building permit, a demolition affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.
12. PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture and Site application.
13. 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.

14. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the renovation of two existing

commercial tenant spaces.

16. **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.
17. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be included on plan sheets within 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.
18. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division before submitting the building permit application.
19. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
20. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be directly printed onto a plan sheet.
21. **SITE ACCESSIBILITY:** At least one accessible route within the site boundary shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements, and spaces that are on the same site.
22. **ACCESSIBLE PARKING:** The parking lots and 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 and adjacent parking, accessible parking spaces shall be dispersed and located as close as possible to the accessible entrances.
23. **BACKWATER VALVE:** As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans, including its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) require backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. **HAZARDOUS FIRE ZONE:** All projects in the Town of Los Gatos require Class A roof assemblies.
25. **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.
26. **CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs):** The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
27. **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 AND PUBLIC WORKS:

Engineering Division

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

- 28. PAYMENT OF PARKS AND PUBLIC WORKS ("PPW") ENGINEERING PLAN CHECK FEE AND INSPECTION FEE – At the time of the first construction submittal, the Applicant shall submit for approval an off-site construction plan and a detailed construction project cost estimate prepared and stamped by the Applicant's civil engineer for improvements outside of the building. The cost estimate shall break out off-site improvements separately. This cost estimate will be used to determine the Encroachment Permit Fee per the Town's adopted fee schedule in effect at the time application is made. A final construction cost estimate shall be provided once the project plans are approved. This cost estimate will be used to determine if any additional encroachment permit fee is due. This adjustment fee, if any must be paid prior to the issuance of any construction related permit. The applicant shall not be eligible for any refund, even if the engineer's estimate is reduced in subsequent submittals. The Town Engineer, at his or her sole discretion, may require different unit prices be used in the engineering cost estimate.
- 29. 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 through an Encroachment Permit application with the Town. All public improvements shall be made according to the Town's latest adopted Standard Plans, Standard Specifications, Engineering Design Standards, and the Entitled Plan Set. The Applicant is required to confirm the location of existing utility lines along the project frontage by potholing, as necessary. Prior to any potholing, Applicant shall submit a separate encroachment permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right of way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
 - a. Once the Public Improvement Plans have been approved and all fee have been paid, the Town will issue 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. The Applicant shall include with their encroachment permit application 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.

- b. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans.
- c. Right-of-way improvements shall include, at a minimum, the following items:
 - i. STREET TREES - The Applicant shall plant at least one (1) street tree along the project frontage as shown on the entitled plan set. The street tree plans shall be per Town Standard Drawings and must include Town Standard tree grates as shown on Sheet T-1C of the approved plans.
 - ii. TREE GRATES – The Applicant shall install at least one (1) Town Standard Tree Grates as shown on Sheet T-1C of the approved plans. Tree grates shall be 4'x6', black power coated model OT-T24 by Urban Accessories, or approved equal. 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. 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, parking stall 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.
 - iii. SIDEWALK - The Applicant shall replace to existing Town standards all sidewalk on the east and north side of the project site. The actual amount of sidewalk to be replaced shall be determined by the Public Works Construction Inspector in the field prior to construction. 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 and as modified in the approved entitlement plans.
 - iv. CURB RAMP(S) - The Applicant shall re-construct one (1) curb ramp in accordance with the latest Caltrans State Standard Drawing at the corner of University Avenue and Elm Street. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer.
 - v. CURB AND GUTTER - The Applicant shall replace to existing Town standards all new curb and gutter shown replaced on Sheet C4.0 of the entitled plan set as

determined by the Public Works Construction Inspector in the field prior to construction. New curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical).

- vi. BICYCLE PARKING – The Applicant shall provide at least two (2) short-term inverted “U” type bicycle racks on-site to the approval of the Town Engineer.
- vii. STORM WATER CATCH BASIN(S) - The Applicant shall repair the curb at the storm water catch basin located on University Avenue near the intersection of University Avenue and Elm Street in accordance with the Town Standard Drawing.
- viii. STREET LIGHT(S)
 - 1. The Applicant shall relocate two (2) post top street light(s) per sheet A004 of the entitled plan set per Town Standard Drawing EL-6 to EL-7. 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 street lights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the Town Engineer. The light fixtures shall be Holophane Granville GVP2 series, with 100 Watt power, Black finish, Modern Style housing, 4K color temperature, standard finial, black terminal color, or approved equal. The light shall have IES Classification Type III or V. The pole shall be Holophane North Yorkshire NYS series, with cast iron and steel construction, 13’8” height, Fluted tapered shaft style (FTB), 20” round base, P08 tenon, LAB mounting bolts, black finish (BK) and with receptacle (RXXXY). The base shall fit the Town Standard 12” bolt circle pattern per detail EL-7 and shall be constructed on a street light base per Town Standards. 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.
 - 2. A letter shall be provided by PG&E stating that public street light billing will be per Rule LS2A. Private lights shall be metered with billing addressed to the homeowners’ association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
- 30. TREE REMOVAL PERMIT – The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal or relocation of existing trees on-site or in the public right-of-way prior to the issuance of a building permit or demolition building permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.
- 31. CONSTRUCTION PHASE PLAN SUBMITTAL REQUIREMENTS – The Public Improvement Plans (referred to as “Improvement Plans”) shall be submitted to the Parks and Public Works Department. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details.

- a. Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website. The Improvement Plans shall include:
 - b. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.
 - c. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
 - d. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.
 - e. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.
 - f. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.
 - g. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.
 - h. A Photometric Lighting Plan analyzing the full-width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.
 - i. A Landscaping Plan for the project site and the full width of the public right-of-ways adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.
 - j. General Notes found in the Town of Los Gatos General Guidelines.
 - k. 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
32. STANDARD PLAN COMPLIANCE – The project shall comply with the Town's Standard Plans to the approval of the Town Engineer. Street improvements, all street sections, and the design of all off-site storm drainage facilities shall be in accordance with most

current Town Standard Specifications and Standard Plans approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.

33. 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. 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.
34. UTILITY COMPANY COORDINATION – The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit “Will Serve” letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current “Carrier of Last Resort”) with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Improvement Plan review.
35. PREPARATION OF ELECTRICAL PLANS – All street lighting 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.
36. EXTERIOR SITE LIGHTING STANDARDS – The Applicant shall submit a photometric plan for off-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38 as part of the Improvement Plans. 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. 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.
37. 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.
38. 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
39. 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.
40. EROSION CONTROL – The Applicant shall include in the Improvement Plans interim (if needed) 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 Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional 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.
41. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.

42. PRECONSTRUCTION MEETING – After the issuance of any 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.
43. 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.
44. 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.

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

45. DEDICATIONS – The Applicant or owner shall dedicate a new sidewalk easement and quitclaim the existing sidewalk easement around the site so that the new easement follows the proposed building contours. These actions shall be recorded with the County, and an electronic copy (PDF) of the recorded quitclaimed existing easement and newly recorded sidewalk easement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to issuance of a building permit.
46. TEMPORARY CONSTRUCTION EASEMENT – Prior to the issuance of a 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.

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.

47. 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.

48. **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.
49. **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 University Avenue and Elm Street frontages 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.

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

50. **PROJECT CONSTRUCTION SETUP** – All storage and office trailers will be kept off the public right-of-way.
51. **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.
52. **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.
53. **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.
54. **PROJECT CONSTRUCTION SUPERVISION** – The Contractor shall always provide a qualified supervisor on the job site during construction.
55. **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.
56. PROJECT CONSTRUCTION HOURS – Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:
- a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
 - b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
 - c. An emergency situation exists where 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.
57. 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.
58. PROJECT CONSTRUCTION EXCAVATION – The following provisions to control traffic

congestion, noise, and dust shall be followed during site excavation and construction:

- a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
- g. 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.
- h. 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.

59. **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 shall be determined by the Town's Land Development Inspector. 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.
60. **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.

61. DOWNTOWN 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 in the Downtown area 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.
62. 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).
63. 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

64. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – Post construction storm water pollution prevention requirements shall include:
- a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully-loaded hourly rates.
 - b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
 - c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based 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 DIRECTOR OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

65. 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.
66. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet 0011) 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 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. *Sprinklers shall be installed for the entire structure.*
67. FIRE ALARM: Fire alarm requirement will be a deferral submittal item.

68. **REQUIRED FIRE FLOW:** (Letter received) The fire flow for this project is 2968 GPM at 20 psi residual pressure. If an automatic fire sprinkler system will be installed, the fire flow will be reduced by 25%, establishing a required adjusted fire flow of 2226 GPM at 20 psi residual pressure. Note: The minimum required number of spacing of the hydrants shall be in accordance with CFC Table C102.1.
69. **FIRE DEPARTMENT CONNECTION:** (As noted on Sheet 001) The fire department connection (FDC) for the structure in support of the sprinkler system shall be installed at the street on the street address side of the building. IT shall be located within 100 feet of a public fire hydrant and within ten (10) feet of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two -and-one-half (2-1/2") inch national standard threaded inlet couplings. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow [SCCFD, SP-2 Standard].
70. **KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS:** (As noted on Sheet A004) 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 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].
71. Note that a plan review is required prior to any proposed tenant improvement.
72. 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].