

**PLANNING COMMISSION – February 12, 2025**  
**CONDITIONS OF APPROVAL**

**50 Los Gatos-Saratoga Road**  
**Architecture and Site Application S-23-042**  
**Conditional Use Permit Application U-23-017**  
**Subdivision Application M-23-009**

**Consider a Request for Approval to Demolish Existing Hotel Structures (Los Gatos Lodge), to Construct a Multi-Family Mixed-Use Residential Development (155 Units), a Conditional Use Permit for a Mixed-Use Development, a Condominium Vesting Tentative Map, Site improvements Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned CH:PD:HEOZ. APNs 529-24-032, 529-24-001, and 529-24-003. No Additional Environmental Review is Necessary Pursuant to CEQA Guidelines Section 15183, Because the Project’s Environmental Impacts were Adequately Addressed in the 2020 General Plan EIR and/or 2040 General Plan EIR, as Applicable.**

**Property Owner: Keet S. Nerhan**  
**Applicant: SummerHill Homes, LLC**  
**Project Planner: Sean Mullin**

**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 June 30, 2023, and these conditions of approval conform to those ordinances, policies, and standards. This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans 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.
3. **BELOW MARKET PRICE (BMP) UNIT:** The developer shall provide 26 for sale BMP units (16 low income units and 10 moderate income units) 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. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of Building and/or Grading Permits. Per Town Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within an updated arborist report.
  8. 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.
  9. ARBORIST REQUIREMENTS: Prior to issuance of Building and/or Grading Permits, the developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the Building Permit plans and completed prior to issuance of a building permit where applicable and shall remain through all phases of construction.
  10. TREE FENCING: Prior to issuance of Building and/or Grading Permits, protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed as shown on the Tree Protection Plan (Sheet T-5) of the approved plans prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
  11. TREE STAKING: Prior to final inspection, all newly planted trees shall be double-staked using rubber tree ties.
  12. LANDSCAPING: Prior to issuance of the Certificate of Occupancy for the 155<sup>th</sup> unit, all landscaping must be completed.
  13. 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.
  14. PROJECT IDENTIFICATION SIGNAGE: Project identification signage on the project site shall be removed within 30 days of final action on the applications.
  15. PEDESTRIAN ACCESS PATH: Prior to issuance of the Certificate of Occupancy for the 155<sup>th</sup> unit, the pedestrian access path connecting Los Gatos-Saratoga Road with Los Gatos High

School shown along the west property line shall be completed.

16. ROOFTOP EQUIPMENT: Prior to final inspection, any new or modified roof mounted equipment shall be fully screened.
17. MONUMENT SIGN: The monument/neighborhood sign shown on Sheet L2.1 requires separate approval of a Sign Permit and a separate Building Permit.
18. WORKER ENVIRONMENTAL AWARENESS TRAINING: Prior to issuance of tree removal, demolition, Building, and/or Grading Permits, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, San Francisco dusky-footed woodrat, special-status bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which disturbance activities will occur shall be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. A letter report documenting the completion of training shall be prepared and submitted to Town of Los Gatos, where it shall be kept on file.
19. SPECIAL-STATUS BAT SPECIES: The following measures shall be implemented to avoid loss of or harm to special-status bat species:
  - a. Prior to issuance of tree removal, demolition, Building, and/or Grading Permits, approximately 14 days prior to tree removal or any construction activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the construction easement. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.
  - b. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to Town of Los Gatos no more than 14 days prior to tree removal or any construction activities, where it shall be kept on file, and no further measures are required.
  - c. If special-status bat species or their roosting sites are found, the bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
  - d. The nursery season is typically from May 1 to October 1. If special-status bat species are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost

site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost for special-status bat species is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

20. PROTECTED NESTING BIRDS: Prior to issuance of tree removal, demolition, Building, and/or Grading Permits, to avoid impacts to nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.
  - a. Two surveys for active bird nests shall occur within 14 days prior to start of ground disturbance, with the final survey conducted 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. Surveys shall be conducted at the appropriate times 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 shall be prepared and submitted to the Town of Los Gatos and no further protective measures are 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 shall be prepared and submitted to the Town of Los Gatos.

21. DUSKY-FOOTED WOODRATS: Prior to issuance of tree removal, demolition, Building, and/or Grading Permits, this project will implement the following standard measures to minimize impacts on woodrats and active woodrat nests on the project site.
- a. PRECONSTRUCTION SURVEY. A qualified biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrat nests within 30 days of the start of work activities. If active woodrat nests are determined to be present in, or within 10 feet of the impact areas, the conditions below (Avoidance and/or Nest Relocation) will be implemented, as appropriate. If no active woodrat nests are present on or within 10 feet of impact areas, no further conditions are warranted.
  - b. AVOIDANCE. Active woodrat nests that are detected within the work area will be avoided to the extent feasible. Ideally, a minimum 10-foot buffer will be maintained between project activities and woodrat nests to avoid disturbance. In some situations, a small buffer may be allowed if, in the opinion of a qualified biologist, nest relocation (below) would represent a greater disturbance to the woodrats than the adjacent work activities.
  - c. NEST RELOCATION. If avoidance of active woodrat nests within and immediately adjacent to (within 10 feet of) the work areas is not feasible, then nest materials will be relocated to suitable habitat as close to the project site as possible (ideally, within or immediately adjacent to the project site).

Relocation efforts will avoid the peak nesting season (February-July) to the maximum extent feasible. Prior to the start of construction activities, a qualified biologist will disturb the woodrat nest to the degree that all woodrats leave the nest and seek refuge outside of the construction area. Disturbance of the woodrat nest will be initiated no earlier than one hour before dusk to prevent the exposure of woodrats to diurnal predators. Subsequently, the biologist will dismantle and relocate the nest material by hand. During the deconstruction process, the biologist will attempt to assess if there are juveniles in the nest. If immobile juveniles are observed, the deconstruction process will be discontinued until a time when the biologist believes the juveniles will be capable of independent survival (typically after 2 to 3 weeks). A no-disturbance buffer will be established around the nest until the juveniles are mobile. The nest may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur.

22. PROTECTION OF OFFSITE WATERS/WETLANDS: Prior to issuance of tree removal, demolition, Building, and/or Grading Permits, the applicant shall provide evidence that waterways adjacent to the project site through the use of best management practices for erosion control and vehicle/equipment fueling shall be protected. This shall include the installation of silt fencing between the project site and the adjacent drainage channel. The silt fencing shall prevent soil from washing off the project site into offsite waterways. Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering the adjacent drainage channel. Designated fueling areas should be on a level grade and must be at least 50 feet from any waterway.
23. ENERGY CONSERVATION AND ENERGY EFFICIENCY:
- a. The use of energy conservation techniques and technology in existing and proposed

- developments to improve energy conservation is encouraged.
  - b. The use of renewable energy sources and alternative fuels is encouraged.
  - c. Examine the feasibility of incorporating site layouts that allow for passive solar and heating and cooling.
  - d. Incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping and sun screens.
  - e. Use energy- and resource-efficient and ecologically sound designs, technologies, and building materials, as well as recycled materials to promote sustainability;
  - f. Reductions in the use of nonrenewable resources in building construction, maintenance, and operations is encouraged.
  - g. Green roofs and common space for community gardens is encouraged.
  - h. Achievement of third-party green building certification, such as the GreenPoint Rated program, LEED rating system, Living Building Challenge, or an equivalent is encouraged.
24. CULTURAL/ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS: Prior to issuance of a tree removal, demolition, and/or grading permit for the project, a Secretary of the Interior-qualified archaeologist shall prepare a tribal cultural resources monitoring plan, in consultation with and approved by a culturally-affiliated Native American tribe(s). The plan shall be reviewed and approved by the Community Development Director. The plan shall include (but not be limited to) the following components:
- a. Preconstruction training program for all construction and field workers involved in site disturbance: On-site personnel shall attend a mandatory pre-project training led by a Secretary of the Interior-qualified archaeologist and a Native American representative. The training will occur prior to any ground disturbing activities and issuance of tree removal permits. The training will outline the general cultural sensitivity of the area and the procedures to follow in the event cultural materials and/or human remains are inadvertently discovered. The archaeologist will provide the following documentation to the Town of Los Gatos Planning Division: date (or dates) of the training, signatures of construction personnel at the training session(s), and materials used in the training. The applicant shall provide a copy of the contract to the Planning Division, prior to issuance of tree removal, Building, and/or Grading Permits.
  - b. Specifically, where monitoring will be conducted and under what circumstances, based on soil types, geology, distance to known sites, and other factors;
  - c. Person(s) responsible for conducting monitoring activities, including a request to the culturally-affiliated Native American tribe(s) for a tribal monitor;
  - d. Person(s) responsible for overseeing and directing the monitor;
  - e. How the monitoring shall be conducted and the required format and content of monitoring reports;
  - f. Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
  - g. Protocol for notifications in case of encountering cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);

- h. Methods to ensure security of cultural resources sites;
  - i. Protocol for notifying local authorities (i.e. Sheriff, Police) should site looting or other illegal activities occur during construction.
  - j. During the course of the monitoring, the archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.
  - k. If tribal cultural materials are encountered, all soil-disturbing activities within 50 feet in all directions of the find shall cease until the resource is evaluated. The archaeologist shall immediately notify the lead agency of the encountered resource. After making a reasonable effort to assess the identity, integrity, and significance of the encountered resource, in consultation with a culturally-affiliated Native American tribe(s), the archaeologist shall present the findings of this assessment to the Community Development Director. If the find is determined by the archaeologist to be potentially significant, the archaeologist, in consultation with the Community Development Director, a culturally-affiliated Native American tribe(s), and the developer, shall determine an appropriate treatment plan in accordance with CEQA Sections 20183.2 and 21084.3 and with CEQA Guidelines Section 15126.4(b)(3), to the extent applicable.
25. WATER CONSERVATION:
- a. Landscaping and hardscaping shall be designed to minimize water usage and enhance water conservation.
  - b. The landscaping shall comply with the Bay-Friendly Landscaping Guidelines and the landscaping standards in the GreenPoint Rated Building Guidelines.
  - c. Water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls, shall be installed.
  - d. The development shall meet all applicable wastewater treatment demands and Federal and State regulations.
26. BEST MANAGEMENT PRACTICES: The following measures shall be implemented during construction activities to reduce PM2.5 concentrations:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, with priority given to the use of recycled water for this activity when feasible.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes (as required by the Bay Area Air Quality Management District. Clear signage shall be provided for construction workers at all access points.

- g. 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.
  - h. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds on site exceed 20 mph.
  - i. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
  - j. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
  - k. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
27. GEOTECHNICAL REPORT AND SEISMIC DESIGN: Prior to issuance of Building and/or Grading Permits, preparation of a design level geotechnical report and implementation of seismic design features is required:
- a. Site the development away from high risk geologic and seismic hazard zones or, if located in a high-risk zone, incorporate construction techniques or specialized technologies to reduce risk. Restrict new development and redevelopment based on the levels of risk and potential severity of geologic hazards.
  - b. A geotechnical report prepared by a licensed engineering geologist and/or geotechnical engineer identifying all site geologic, seismic, and geotechnical engineering conditions and potential hazards and include appropriate design measures to mitigate potential fault ground rupture/deformation impacts to acceptable levels. The report shall specify construction methods to protect existing and future residences, from identified hazards.
  - c. A licensed geologic/geotechnical engineer shall complete the Town Geologic Hazards Checklist to demonstrate that potential hazards have been identified and that proposed structures, including grading cuts and fills, will be designed to resist potential earthquake effects.
  - d. Incorporate all engineering and design recommendations included in the *50 Los-Gatos Saratoga Road, California Preliminary Geotechnical Exploration* ("geotechnical report") prepared for the project by ENGeo Incorporated in February 2024 and included in the peer review report by Cotton, Shires and Associates, Inc. on April 1, 2024.
28. EROSION CONTROL PLANS: Prior to issuance of Building and/or Grading Permits:
- a. Provide an effective erosion control plan to minimize soil erosion. The erosion control plans shall be implemented prior to construction operations and maintained throughout the construction process.
  - b. Ensure that the grading of slopes and sites proposed for development will be minimized.
  - c. Implement bioswales and other innovations so runoff from parking lots drain into landscaped areas and rainwater percolates into the ground.



29. CONSTRUCTION NOISE:
- a. Construction activities shall comply with Section 16.20.035 of the Town Code.
  - b. Construction activities shall not result in interior residential noise levels exceeding 45 dB.
  - c. Appropriate site and building design, sound walls, minimum landscape buffers of five feet, and/or the use of noise attenuating construction techniques and materials be used in order to protect existing and proposed residential areas from noise, in order to reduce project construction noise and associated impacts.
30. CONSTRUCTION VIBRATION:
- a. The use of vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration is prohibited.
  - b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration, identifies as sensitive to daytime vibration (FTA 2005).
  - c. Notify neighbors of scheduled construction activities that would generate vibration which would require standard conditions of approval to minimize exposure to construction vibration.
31. REUSABLE MATERIALS: All reusable materials from residential, commercial, and construction/renovation activities shall be recycled.
32. 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.

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

***Building Division***

34. PERMITS REQUIRED: A Demolition Permit is required for the demolition of the existing structures. A separate Building Permit is required for the construction of each new detached structure.
35. 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.
36. 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.
37. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
38. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
39. 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.
40. 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.

41. 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.
42. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
43. 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
44. 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.
45. SITE ACCESSIBILITY: Prior to issuance of a certificate of occupancy for each unit, 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 unit. 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.
46. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans and provide its location. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) 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. 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 REVIEWER AND PUBLIC WORKS INSPECTOR – The Town will procure a third-party engineering firm to perform Plan Review and Inspection Services. Applicant shall provide a \$50,000 initial deposit to the Town for these Services plus additional Town fees as necessary. This deposit is 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 required inspection services. Third-party consultant 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 8.82 acres, is \$45,908.10. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the Town Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the certificate of occupancy for each building.
53. TRAFFIC IMPACT FEES – The project is subject to the Town's Traffic Impact Fee for the generation of an estimated 518 net new average daily trips based on the traffic study submitted by Hexagon Transportation Consultants dated October 7, 2024. 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 \$571,872. Payment of all

Impact Fees are required prior to the issuance of the certificate of occupancy for each building.

54. CONSTRUCTION ACTIVITIES MITIGATION FEE (ORDINANCE 2189) - Per the Town's Comprehensive Fee Schedule, the project is subject to the Town's Construction Activities Mitigation Fee based on new buildings. The fee is \$1.43 per square foot of new residential building area. The fee shall be calculated based on the square footage total for all units shown on the construction plans to the approval of the Town Engineer. Payment of this fee shall be paid prior to issuance of the certificate of occupancy for each building
55. PERMITS REQUIRED BY OTHER AGENCIES – The applicant shall obtain all applicable permits from federal, state, and local agencies as required to construct the proposed improvements. The applicant is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, Fish and Wildlife (1603), JARPA (The Bay Area Joint Aquatic Resources Permit Application), Regional Water Quality Control Board, Santa Clara County Roads and Airports, Valley Water, or Habitat Permit. If project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required Town permits. If the Town is required to be a party to the permit application and a fee is required, the applicant shall reimburse the Town for its cost. A copy of these permits shall be provided to the satisfaction of the Town Engineer prior to the issuance of the PPW permit.
56. CALTRANS PERMIT – Prior to the issuance of the first building permit, the applicant must submit evidence to the Public Works Department of approval by the State of California for the performance of any work within the State right of way. If the Town is required to be a party to the permit application and a fee is required, the applicant shall reimburse the Town for its cost. The Applicant is encouraged to contact the Caltrans permit office as soon as possible to learn what is required to obtain Caltrans approval and issuance of a State Encroachment Permit.
57. 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. A grading permit will be issued prior to or concurrently with the Building Permit as approved by the Town Engineer. Submittals are accepted through Accela only. The grading permit application shall include detailed grading plans and associated required materials. Prior to approval of the grading permit, the applicant shall provide faithful performance and payment securities for the performance of the work described and delineated on the approved grading plan, interim erosion and sedimentation control plan (if required), and final erosion and sedimentation control plan, 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 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. Plan check fees are based on the scope of onsite work.

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 the standards of Chapter 12 of the Town Code. (3) Requirements for fencing or other protection of grading which would otherwise be hazardous. (4) Requirements for dust, erosion, sediment and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads, and haul routes. (5) Requirements for safeguarding watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels. (6) Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced. (7) Temporary and permanent landscape plans.

58. ENCROACHMENT PERMITS, BONDS, AND INSURANCE – The applicant must obtain an encroachment permit, posting 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. This encroachment permit shall be obtained prior to the issuance of a foundation building permit and prior to any work being done in the Town's right of way. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No permanent structures are permitted within the Town right-of-way, or within any easement unless otherwise approved by the Town Engineer. All public improvements shall be made according to the Town's latest adopted Standard Plans, Standard Specifications, and Engineering Design Standards, subject to approved waivers or reductions of development standards. The applicant shall have street improvement plans prepared for all work in the public right of way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any altered work. The project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.

Prior to issuance of the encroachment permit, the applicant shall submit any applicable temporary traffic control plans 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 traffic control plan shall comply with the State of California Manual of Uniform Traffic Control

Devices (MUTCD), and standard construction practices.

Final construction plans and specifications shall be approved by the Town Engineer and released for construction prior to the issuance of the encroachment permit. 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 a pothole plan for Town review and approval. Applicant shall provide the pothole result to the Town Engineer prior to final design.

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.

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

- a. **STREET MARKINGS** - The applicant shall install necessary street markings of a material and design approved by the Town Engineer. 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.
- b. **SIDEWALK IMPROVEMENTS** - The applicant shall construct 8' wide sidewalk along the Saratoga-Los Gatos Road project frontage between the Caltrans interchange and the Bella Vista Avenue overcrossing. The improvements shall be designed and shown on the project off-site construction plans to the approval of the Town Engineer. Sidewalk improvements shall be constructed prior to issuance of the occupancy certificate for the 101st unit. In-lieu of the sidewalk design and construction, the Town Engineer may accept an offer of payment in lieu of the construction of the improvements. The sidewalk in-lieu payment shall then be used to pay for future sidewalk improvements, or other related multi-mobility enhancements, in the vicinity of the project. The estimated value of the sidewalk improvements has been provided by the developer and approved by the Town Engineer with a value of \$245,000. Should the Town decide to pursue the payment option in-lieu of the sidewalk construction, payment in-lieu of sidewalk construction shall be paid prior to the issuance of the occupancy certificate for the 101st unit.
- c. **CURB RAMP(S)** - The applicant shall construct all ADA curb ramps at the project intersection of Alberto Way at Saratoga-Los Gatos Road to accommodate pedestrian traffic to allow for crossing along the east side of the intersection and to access the sidewalk on the northside of Los Gatos-Saratoga Rd in accordance with the latest Caltrans State Standard Drawings and to the approval of the Town Engineer. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer. These six (6) curb ramps shall be constructed prior to occupancy of the first building. Ramps on the north side of Los Gatos-Saratoga Road will be required so long as their construction does not require significant signal modifications to the approval of the Town Engineer.

- d. SEWER CLEAN-OUT - The applicant shall install the sewer lateral clean-out at the property line in accordance with the West Valley Sanitation District standards. Sewer clean-out(s) shall be constructed prior to occupancy of the first building.
  - e. MULTI-USE PATHWAY – The applicant shall construct a multi-use pathway along the western portion of the property between the Alberto Way intersection and the Los Gatos High School boundary in the location as shown on the approved plans. The pathway shall provide 12' clear width and include a 10' wide paved section along its entirety and include, at a minimum, an egress point at the southern terminus to allow users to exit the trail when the school has closed its access point. The pathway shall be designed and constructed to withstand the weight of maintenance vehicles (10,000 lbs.). The terminus of the pathway at the southern end shall provide access to the shared property line between the development site and Los Gatos High School as shown on the approved plans. There shall not be a condition where users of the pathway are trapped at the southern end without any egress options. If the applicant wishes to install a fence between the development area and the pathway, an egress point shall be provided as shown on the approved plans. The multi-use pathway shall be completed prior to the issuance of the certificate of occupancy for the units in Buildings 1 through 4. The applicant shall enter into a Multi-use Pathway Maintenance Agreement with the Town to maintain in perpetuity the pathway in a safe and useable condition as determined by the Town Engineer. The agreement shall be recorded prior to the certificate of occupancy of for the units in Buildings 1 through 4. Language to ensure adherence to the Multi-use Pathway Maintenance Agreement shall be incorporated into the project's CC&Rs.
- 59. PARKING AREAS – The applicant shall submit plans for all required off street parking areas showing proper grading, drainage, ramps profile, and parking dimensions in conformance with Town parking standards, subject to approved waivers or reductions of development standards. The plans shall be approved by the Town Engineer prior to the issuance of the first building permit.
  - 60. PARKING AREA DRAINAGE – Parking areas and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The applicant shall pave the streets and alleys to meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.
  - 61. BICYCLE PARKING – The applicant shall provide both long-term bicycle storage and short-term bicycle racks on-site, as shown on the approved site plan, to the approval of the Town Engineer.
  - 62. 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. The Town shall allow removal of all trees as shown on the approved plans and as approved by the Arborist report.
  - 63. PHASED PERMITS – The applicant may, with the approval of the Town Engineer, phase



construction permits to expedite the construction process. If this is done, each phase of the work will require a separate and complete set of plans to be submitted, reviewed, and approved prior to the issuance of the said permit. Overlapping of permits may occur, if approved by the Town Engineer. No work on the next phase of construction, in advance of the permitted work may occur. No “at risk” work will be permitted. Phased work may include the following unless approved by the Town Engineer:

- a. Clearing-Grubbing/Rough Grading
- b. Fine Grading
- c. Underground Utilities
- d. Site Improvements
- e. Off-Site Improvements

Plans shall be submitted, reviewed, and approved by the Town Engineer prior to the commencement of work.

64. 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. All improvements shall be designed and constructed in accordance with applicable 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, at a minimum:

- 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 be in compliance with the Town's Standard Specification section 2.38.
  - h. The signal head alignment on the northern side of the intersection shall align with the outbound travel lanes from the development to the approval of the Town Engineer. If modifications to the signals are needed, a Traffic Signal Plan shall include a conduit schedule, conduit plan, pole locations, streetlights, intersection striping, power connection, and meter locations.
  - 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. 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 except transformers and any other equipment required by the utility provider to be placed above ground, as shown on the approved plans). A note shall be placed on the joint trench composite plans which states that the plan agrees with applicable 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.
65. STANDARD PLAN COMPLIANCE – The project shall comply with the Town's Standard Plans to the approval of the Town Engineer, subject to approved waivers and reductions of development standards. Street improvements, all street sections, the design of all off-site storm drainage facilities shall be in accordance with applicable 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.
66. 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.
  67. UTILITIES – All new services to the development shall be "underground service" designed and installed in accordance with the various utility regulations. Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.
  68. UTILITY RESPONSIBILITIES – Storm sewer utilities in private areas shall be privately owned and privately maintained. 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. The sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Public utilities within utility easements on private property remain the responsibility of the individual utility companies to maintain.
  69. 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, and either Comcast, Frontier, AT&T, or Verizon, as applicable, with a note indicating either a list of improvements that are necessary to serve the project, or a statement that there are no required improvements to the existing network. Early coordination with the utility companies is necessary to obtain this letter since a detailed review of the project demands will be necessary to confirm system capacity. Coordination of Town utilities shall be through the Town Engineer.
  70. 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.
  71. 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 publicly-accessible parking areas, driveways, and streets. Private spaces 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.

72. **STORM DRAINAGE STUDY** – The applicant shall submit a Storm Drainage Study for the development including pre- and post-development peak discharge rates for 2-, 10-year, and 100-year (50-percent, 10-percent, and 1-percent annual chance) storm events including supporting hydraulic calculations for proposed pipe sizing. The study must also address sizing computation and design details for stormwater quality 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.). The Applicant shall submit the study for review and approval by the Town Engineer. 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 will be required to mitigate the impact by modifying the existing utilities necessary to accommodate 120 percent of the projected 10-year storm event flow from existing and proposed development through the system. An evaluation indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year event. The Town Code requires that new structures not experience flooding within the livable space. The improvements shall be addressed on the construction drawings, to the approval of the Town Engineer, prior to the issuance of the first building permit.
73. **STORMWATER MANAGEMENT PLAN** – Prior to the issuance of any construction phase permit, the applicant shall submit and receive approval from the Town Engineer of a Storm Water Management Plan (“SWMP”). The SWMP shall comply with the California Water Board regulations and delineate site design measures, source control measures, low-impact-development (LID) treatment measures, hydromodification management measures, and construction site controls as appropriate. The Plan must indicate erosion protection measures for the inlet structures (e.g., pipe outlets, pump dissipator pipes, and/or bubblers). For the BAHM analysis, the applicant must provide additional information regarding the four pump stations’ pump operations and intended routing during various runoff conditions (i.e., treatment runoff vs. HM 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 continue to be 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. Submit sizing calculations and pump curves for the pumps in subsequent submittals. This is required to ensure that they can handle the water quality design flow rate throughout the storm event.
  - c. The applicant must integrate an alarm system that will notify a 24-hour response

service of any stormwater pump failure. Maintenance response service shall have a maximum 24-hour response time to address pump failures. Language must be included in the CC&Rs stipulating the HOA executes an agreement with a maintenance firm capable of responding within an hour of an alarm.

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.

The SWMP shall analyze the existing and final conditions inclusive of all proposed facilities and features. The plan must include accommodations for historic drainage traversing the parcel. The applicant must provide an updated C3 Data Form and supporting calculations outlining the designer's approach to compliance with the current Municipal Regional Stormwater Permit. In the event that the building/grading permit plans differ significantly from the entitled plans, the Town Engineer may require a modification of the Planning approval prior to release of any building permit. The Applicant's Stormwater Management Plan will be reviewed by the Town's C3 consultant. A deposit was collected during the entitlement phase for work with the Town's C3 consultant. Construction level documents will now be reviewed by the Town's C3 consultant. The applicant will be required to make supplemental deposit(s) if the current deposit is exhausted or nearly exhausted.

74. 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.
75. SITE DRAINAGE – Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language 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.
76. CLEAN, INSPECT, AND REPAIR STORM LINE – If the project plans to 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, to Town standards, and be completed prior to building permit issuance. The video of the inspection shall be

reviewed with the Department of Parks and Public Works and any cracked or broken sections of the line along the project frontage shall be repaired by the Applicant at their expense, to the approval of the Town Engineer. The required repairs shall appear on the Improvement Plans submitted by the applicant for permit plan check. All necessary repairs to the storm line shall be completed and approved prior to connection to the storm drainage system from the project site.

77. 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.
78. SWPPP AND EROSION CONTROL – The applicant shall prepare and submit a comprehensive stormwater pollution prevention plan (SWPPP) inclusive of interim and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The applicant shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the applicant is to implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The applicant shall provide the Town Engineer the assigned Notice of Intent (NOI) permit number received after filing a Notice of Intent under the Construction Stormwater General Permit.

The erosion control plans and SWPPP shall be in compliance with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Link to website:  
[https://www.waterboards.ca.gov/rwqcb2/board\\_decisions/adopted\\_orders/2022/R2-2022-0018.pdf](https://www.waterboards.ca.gov/rwqcb2/board_decisions/adopted_orders/2022/R2-2022-0018.pdf)

Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. The applicant must take measures to ensure continuous compliance with the Construction General Permit. All test submitted to the regional board must also be submitted to the Town Engineer. Any fees or penalties assessed against the Town in response to the applicant's failure to comply with the Permit must be paid by the

applicant.

The Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

79. SITE TRIANGLE AND TRAFFIC VIEW AREA – Fencing, landscaping, and permanent structures shall be less than 3-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.
80. GEOTECHNICAL ENGINEER REVIEW FOR GRADING – 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 for the peer review of this report has been paid during the entitlement review. The Town will route the design level geotechnical report to the Town’s peer review consultant once the design level report is submitted. 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.
81. 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.
82. 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 Parks and Public Works 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.

83. 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.
84. GARBAGE/RECYCLE STORAGE AND SERVICE – The applicant shall provide an adequate area for storing garbage and recycling collection containers for scheduled servicing by the Town’s solid waste collection provider, as shown on the approved plans. 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 the site plan for construction.
85. SITE LANDSCAPING COORDINATION – The site landscaping shall be coordinated between the stormwater treatment area and the overall site landscaping plan area. The landscaping within the stormwater treatment area may not count towards the site landscaping requirement. Stormwater treatment areas should be identified on the site first, and then site landscaping added 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 but may pass under the stormwater treatment facilities as long as the sewer line is below the lowest point of the stormwater treatment facility and the sewer pipe does not contain any joints within the stormwater treatment area to the approval of the Town Engineer. It is the applicant’s responsibility to coordinate the civil stormwater treatment facilities and the plans from the project landscaper.
86. TRAFFIC SIGNAL MODIFICATIONS – The Applicant shall modify the project driveway interface with Los Gatos-Saratoga Rd as needed to accommodate the final configuration of the driveway and frontage improvements. These modifications may include traffic signal modifications, lane configuration changes, and associated striping modifications. All designs shall be to the approval of Caltrans, as applicable, and the Town Engineer. Any required improvements shall be installed prior to the occupancy certificate of the first building. Any improvements within the Caltrans right of way shall be subject to approval by Caltrans.
87. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) – Prior to issuance of the 101st certificate of occupancy, a detailed, sustainable, and measurable TDM program with accountability requirements to ensure the TDM measures are achieved shall be implemented by the developer. The TDM programs or facilities shall encourage transit use for all types of trips.

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

88. DEDICATION OF EASEMENT – The applicant shall dedicate a 16-foot wide Public Access Easement (PAE) along the northwest side of the project, as shown on the vested Tentative Map to the Town for public use of the multi-use pathway. The Applicant shall also



dedicate Emergency Vehicle Access Easements (“EVAE”), Private Storm Drain Easements (“PSDE”), Private Sanitary Sewer Easements (“PSSE”), Public Utility Easements (“PUE”), and Waterline Easements (“WLE”) as noted on the vesting Tentative Map. All easements shall be conveyed by on the Final Map and perfected with a grant deed documentation including plats and legals depicting the dedications. The applicant shall prepare the easement conveyance documents for review to the approval of the Town Engineer. The easement shall be recorded with the County of Santa Clara prior to the issuance of the building permit.

89. 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.
90. SUBDIVISION (FINAL) MAP – The applicant shall have a Final Map prepared by a person authorized to practice land surveying in California that delineates all parcels created or deleted and all changes in lot lines in conformance with the Los Gatos Town Code and the Subdivision Map Act. The Final Subdivision Map shall be approved by the Department of Parks and Public Works and recorded by the County Recorder’s Office prior to the issuance of the first building permit.

The Final Map shall be presented to the Town Council for review and action. The Town Council meeting will be scheduled approximately fifty (50) days after the Final Map is deemed technically correct and Improvement Plans with supporting documents, reports, and agreements are approved by the Town. Executed Final Map shall be recorded prior to the issuance of any grading or building permits. Existing buildings shall be demolished prior to the recordation of the map if they will conflict with any newly created lot line.

A map guarantee shall be submitted to the Town by the Applicant’s title company prior to release of the map to the title company for recordation. Prior to the Town’s release of the Subdivision (Final) Map to the title company, the applicant may, at the discretion of the Town Engineer, be required 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.

91. 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, street lights, 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 project Final Map. The SIA shall be approved by the Town Council prior to approval of the final map.
92. MONUMENTS – The applicant shall arrange for the engineer to have all monuments set

per the recorded final 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.

93. 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. The CC&Rs shall be reviewed and approved prior to the Town Council approval of the final map.
94. 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 subdivision or tract maps with respect to the subject property or properties 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.

95. 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.
96. 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.
97. 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" overlay with asphalt concrete on the south side of Los Gatos-Saratoga Road along the entire property length between the center median island and the property frontage. Prior to overlay, any base failure repair or required dig-outs identified by the PPW Inspector shall be completed. The Town Engineer shall approve and the applicant shall construct roadway repairs prior to the final certificate of occupancy. Prior to issuance of the grading permit, the applicant shall submit a pre-construction roadway report for the north side of Los Gatos-Saratoga Road along the project frontage. The report shall be prepared by a licensed civil engineer and identify any existing base failures or other deficiencies along the northside in the roadway. The applicant shall be responsible for damage identified to the roadway system resulting from the construction activities. Note that a Caltrans permit will be required for work within the Caltrans right-of-way, unless otherwise approved by the Town Engineer.

98. **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 the Parks and Public Works Department upon request. The agreement shall include the following:
- a. This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the Town shall have the authority to perform maintenance and/or repair work and to recover the costs from the property owner.
  - b. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the Town.
  - c. Any repairs or restoration/replacement and maintenance shall be in accordance with Town-approved plans.
  - d. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Management Facilities Maintenance Agreement. The applicant shall reimburse the Town for the cost of regular site inspections as required under the Municipal Regional Permit.
  - e. Language to ensure adherence to the Stormwater Treatment Facilities Maintenance Agreement shall be incorporated into the project's CC&Rs.
  - f. This agreement shall be executed prior to occupancy of the first building.
99. **STORMWATER MANAGEMENT FACILITIES INSPECTION** – The Stormwater Management Facilities Maintenance Agreement shall require inspections be performed which shall adhere to the following:
- a. To comply with the State Stormwater requirements and the NPDES permit, the applicant shall secure a QSD or QSP to maintain all erosion control and BMP measures during construction. The applicant's QSD or QSP shall provide the Town weekly inspection reports to the approval of the Town Engineer.

- b. Stormwater facility inspections shall be done at least twice per year, once in Fall by October 1st, in preparation for the wet season, and once in Winter by March 15th. 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. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report.
  - d. Before commencing any grading or construction activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
  - e. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
  - f. 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 facilities and reduce the intended use of the facilities.
  - g. 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 ft x 20 ft grid pattern over the surface of the completed stormwater facility unless otherwise approved by the Town Engineer.
  - h. 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.
100. DISPOSAL AREA STORMWATER DISCHARGE – New buildings, such as food service facilities and/or multi-family residential complexes or subdivisions, shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area. 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.

101. LANDSCAPE MAINTENANCE AGREEMENT – The Applicant shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Applicant agrees to maintain the vegetated areas along the project's Los Gatos-Saratoga Road frontage located within the public right-of-way for which the Town is responsible for maintaining. The agreement must be accepted by the Town Attorney and executed prior to the issuance of the final certificate of occupancy.

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

102. PUBLIC WORKS CONSTRUCTION ACTIVITIES – The Town shall be notified at least ten (10) working days prior to the start of any construction work, and at that time the contractor shall provide a project construction and phasing schedule and a 24-hour emergency telephone number list. The schedule shall be in Microsoft Project, or an approved equal, and shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated weekly. The approved construction and phasing schedule shall be shared with the Los Gatos-Saratoga Union High School District (LGSUHD) to avoid traffic impacts to surrounding school functions. An approved construction information handout(s) shall also be provided to LGSUHD to share with school parents.
  - a. The General Contractor shall always provide a qualified supervisor on the job site during construction.
  - b. All work shown on the improvement plans shall be inspected to the approval of the Town Engineer, as applicable. Uninspected work shall be removed as deemed appropriate by the Town Engineer.
  - c. Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 8:00 a.m. and 6:00 p.m., Saturday 9:00 a.m. to 4:00 p.m. for general construction activities. No work shall be done on Sundays and 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 the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by the Parks and Public Works Department. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Signs outlining the project construction times shall be posted at conspicuous locations on site where it is visible to the public. The signs shall be per the Town Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Building Department to obtain a sample Town

Standard sign outlining hours of operation.

- d. The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the Town Engineer finds that the following criteria are met:
  - i. Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or,
  - ii. Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the Town Engineer.
  - iii. 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.
  - iv. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant impacts.
  - v. The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the extended construction activity.
  - vi. 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.
  - vii. The Town Engineer may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption 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.
  - viii. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.
- e. 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 ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- f. The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction:
  - i. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
  - ii. Travel speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
  - iii. 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.

- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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, or the project may receive a stop work order. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
- ix. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- x. 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.
- xi. 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.
- xii. 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.
- xiii. 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.

103. HERITAGE TREE PROTECTION MEASURES – The applicant shall submit a tree protection plan showing how all on and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities and maintained throughout the period of construction. The Project Arborist shall complete inspections on an as-needed basis during the construction period and shall submit a monthly report of findings in an email or letter to the Town Engineer and Town Planner assigned to this project.
104. 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 improvements required 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.

105. HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for business impacts during the holiday season (starting the week of Thanksgiving 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.
106. MATERIAL HAULING ROUTE AND PERMIT – For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route and receive a haul permit that conforms to Town of Los Gatos Standards to the approval of the Town Engineer. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant sponsor 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 Hwy. 17 to Saratoga-Los Gatos Road to Alberto Way to site. 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. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto Town streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on site. Any job related dirt and/or debris that impacts the public right of way shall be removed immediately. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains. Violation of such may be cause for suspension of work.

107. 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).

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

108. 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 storm drain facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair in the event that 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 rate.
  - b. Label new and redeveloped storm drain inlets with the phrase "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:**

- 109. 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.
- 110. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A08) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2
- 111. FIRE ALARM SYSTEM AND STANDPIPE: Fire alarm and standpipe requirement will be determined during building permit.
- 112. PUBLIC/PRIVATE FIRE HYDRANT(S) REQUIRED: (As Noted on Sheet C.8) Provide public/private fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 2,625 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C. No combustible shall occur prior to new hydrants installation.
- 113. REQUIRED FIRE FLOW: (Letter and hydraulic analysis received) The minimum required fireflow for this project is 2,625 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1].
- 114. FIRE DEPARTMENT CONNECTION: (As Noted on Sheet C.8) 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].

115. BUILDINGS AND FACILITIES ACCESS: (As Noted on Sheet C.8) 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].
116. FIRE APPARATUS (ENGINE) ACCESS ROADWAY REQUIRED: (As Noted on Sheet C.8) Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 30 feet inside and 50 feet outside, and a maximum slope of 15 percent. Surface shall be capable of supporting 75K pounds. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
117. TURNING RADIUS: (As Noted on Sheet C.8) The minimum inside turning radius is 30 feet and outside turning radius is 50 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends.
118. REQUIRED SECONDARY FIRE DEPARTMENT ACCESS: The required secondary Emergency Vehicle Access (EVA) is shown at the south/west corner of the property, passing through the Los Gatos High School sports fields, and connecting to New York Ave. The Fire Marshal may approve an alternate location for the EVA if it meets SCCFD access road standards. Construction of the EVA shall be completed prior to occupancy of the 101st unit; however, building permits may be issued for construction of all 155 units prior to construction of the EVA. The EVA shall be constructed to all SCCFD access road standards, including width (20 feet), loading capacity (75,000 lbs), and signage (identification & no parking).
119. GROUND LADDER ACCESS: (As Noted on Sheet L1.0) Ground-ladder rescue from second and third floor rooms with egress windows, 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. Ladder access (one for each emergency egress window) of an all-weather supportive surface along with an approved access walkway leading from the fire apparatus access road to them, shall be provided.
120. FIRE LANES REQUIRED: (As Noted on Sheet C.8) The minimum clear width of fire department access roads shall be 20 feet. Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code.
121. 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 applicant(s). 2022 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

122. **TIMING OF INSTALLATION:** When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. CFC Sec. 501.3, 501.4.
123. **ADDRESS IDENTIFICATION:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
124. **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.
125. **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]