

ORDINANCE 2197

**ORDINANCE OF THE TOWN OF LOS GATOS
ZONE CHANGE FROM CH to CH:PD AT 16005 LOS GATOS BOULEVARD
AND 625 BLOSSOM HILL ROAD**

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 16005 Los Gatos Boulevard and 625 Blossom Hill Road as shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from CH (Restricted Commercial Highway), to CH:PD (Restricted Commercial Highway, Planned Development).

SECTION II

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

1. Demolition of the existing auto dealership buildings;
2. Construction of 30,790 square feet of retail commercial space;
3. Construction of three Below Market Price single-family residences;
4. Construction of 22 single-family market rate residences; and
5. Landscaping, streets, parking, open space and other site improvements shown and required on the Official Development Plan.
6. Uses permitted are those specified in the underlying CH (Restricted Commercial Highway) zone by Sections 29.60.085 (Permitted Uses) and 29.60.090 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future, subject to any restrictions or other requirements specified elsewhere in this ordinance including, but not limited to, the Official Development Plan. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

Architecture and Site Approval is required before the demolition of the existing commercial buildings, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Zoning Ordinance.

SECTION V

The attached Exhibit A (Map) and Exhibit B (Development Plans), are part of the Official Development Plan. The following must be complied with before issuance of any grading or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

(Planning Division)

1. ARCHITECTURE AND SITE APPROVAL REQUIRED. The Official Development Plans and this ordinance establish the allowed uses and intensity of development. The Official Development Plans are conceptual in nature such that minor deviations may be approved through the Architecture and Site approval process if necessary to achieve architectural excellence. The Planning Commission shall be the deciding body of the Architecture and Site applications.
2. RECOMMENDATIONS OF CONSULTING ARCHITECT. The recommended project changes as made by the Town's Consulting Architect in his letter dated April 6, 2011 shall be incorporated during the Architecture and Site application process.
3. OPEN SPACE. The landscape plan shall provide details aimed at strengthening the integration of the open space with the residential development.
4. CONSTRUCTION ACCESS. Access to the project site during demolition and construction activities shall be provide via Los Gatos Boulevard and Blossom Hill Road and shall not be provided from Placer Oaks Road.
5. DEMOLITION. The demolition of the existing structures shall occur within 30 days of the approval of the Architecture and Site applications.

6. SETBACKS. The minimum setbacks permitted are documented on the approved plans attached as Exhibit B. If multiple measurements are provided the lesser measurement shall be the minimum.
7. PROJECT PHASING. Prior to issuance of a building permit for the 11th market rate unit, building permits for the commercial structures on the easterly portion of the site shall be issued. Building permits for the 22nd market rate unit shall not be finalized until such time as the building permits for the commercial structures are finalized. This condition is not intended to include building permits for tenant improvements for the commercial structures.
8. TRASH ROOM DOOR. A high quality exterior trash room door such as wood with wrought iron details, consistent with the materials used throughout the project shall be used for trash rooms in both Building 1 and Building 2. The details of this door shall be incorporated in the Architecture & Site application plans.
9. OUTDOOR LIGHTING. Outdoor lighting shall comply with Town Code and Building Code regulations. Tea/string lights are prohibited by Municipal Town Code regulations.
10. BMP. The developer shall work with the Town during the Architecture and Site approval process to make the required arrangements for the BMP units. The BMP units must receive approved building permits prior to the issuance of the building permit for the 11th market rate unit. The BMP contract shall be completed prior to issuance of a building permit. Final occupancy clearance of the BMP units shall occur prior to the final of the last market rate unit.
11. DEED RESTRICTION. Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's office, stating that the required BMP units must be sold as below market priced units pursuant to the Town's BMP regulations.
12. FINISH OF BMP UNITS. The internal finish of the BMP units shall be identical to that of the market rate units in the project, except that the developer may request Town approval of substitutions for luxury interior finishes, appliances and fixtures.
13. HOUSE SIZE. The footprint, square footage and height of each house shall be consistent with the Development Plans as shown in Exhibit B. No additional square footage shall be permitted for the residential uses.

14. COMMERCIAL DISPLAY WINDOWS. Display windows must be periodically cleaned, maintained and changed. Display glass shall not be blacked-out or obscured in any way by any materials(s) or objects(s) affixed in any manner to the outside or inside surfaces of the glass, with the exception of the tenant's standard vinyl safety window logos and flyers for nonprofit organizations.
15. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
16. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
17. TENTATIVE MAP. The Development Review Committee may be the deciding body of the tentative map.
18. AIR QUALITY MITIGATION MEASURE 1. To limit the project's construction-related dust, criteria pollutant, and precursor emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be implemented:
 - 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.
 - 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 is 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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 mechanic and determined to be running in proper condition prior to operation.
 - h. A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted at the site. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
19. BIOLOGICAL RESOURCES MITIGATION 2. With review and approval by the Town, all recommendations made by Arbor Resources (October 11, 2010 and any updates) will be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Recommendations are listed under Section 5.0, Recommendations, of the arborist's report. These include recommendations under the Design Guidelines section addressing tree retention and relocation, soil disturbance, mulching, trenching, drainage facilities, and installation of new trees. The report also provides recommendations for Protection Measures before and during construction, encompassing fencing, removal of hardscape, demolition, work within tree canopies, etc. The report's recommendations are included as Attachment 3 of the Initial Study.
20. CULTURAL RESOURCE MITIGATION 3. Construction personnel involved with earthmoving shall be alerted to the potential for the discovery of prehistoric materials and in particular, concentrations of historic artifacts. Prehistoric archaeological resources could include but not be limited to the following: darker than surrounding soils of a friable nature, concentrations of stone, bone or fresh water shellfish, artifacts of these materials, and evidence of fire (ash, charcoal, fire altered earth or rock) and of course, burials, both human and animal.
21. CULTURAL RESOURCE MITIGATION 4. In the event that archaeological traces are encountered, all construction within a 20-foot radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.
22. CULTURAL RESOURCE MITIGATION 5. In the event that it appears further earthmoving will affect a resource eligible for the California Register of Historic Resource (CRHR), a plan for evaluation of the resource through limited hand excavation should be submitted to the Town's Community Development Department for approval. If

evaluative testing demonstrates that the project will affect a CRHR eligible resource, a plan for the mitigation of impacts to the resource should be submitted to the Community Development Department for approval before construction is allowed inside the zone designated as archaeologically sensitive.

23. CULTURAL RESOURCE MITIGATION 6. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
24. CULTURAL RESOURCE MITIGATION 7. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
25. NOISE MITIGATION MEASURE 12. To minimize construction noise impacts on existing adjacent residences to the west, existing boundary fencing shall be retained throughout the noisier earthmoving phase of construction or proposed fencing along this boundary shall be constructed as early as possible (prior to project grading activities if feasible). To maximize the fence's noise attenuation effects, proposed fencing shall be solid with no gaps, cracks, or openings (e.g., high quality air-tight tongue-and-groove, board and batten, or shiplap design).
26. NOISE MITIGATION 13. As a condition of project approval, the Town will require the commercial-related trash collection activities to comply with Section 16.20.055 of the Noise Ordinance, which prohibits refuse collection with a refuse collection vehicle between the hours of 6:00 p.m. and 6:00 a.m. in a residential zone.
27. NOISE MITIGATION 14. To meet the Town's 55-dB (DNL) residential noise goal, balconies and decks shall be completely enclosed so that these spaces are no longer exterior spaces. If such a design is undesirable, as determined during the Site &

Architecture approval process, the following design requirements shall be implemented to achieve Town-recommended exterior noise guidelines in usable outdoor spaces on proposed senior apartments and single-family residences:

- a. To achieve compliance with the Town's 65-dB (DNL) exterior noise guideline at proposed senior apartments, 42-inch high acoustically-effective railings shall be constructed on the balconies of Units 1 to 4 along Los Gatos Boulevard. The balcony railing height is in reference to the nearest balcony floor elevation.

To achieve an acoustically-effective balcony railing, it must be constructed air-tight (i.e. without cracks, gaps, or other openings) and must provide for long-term durability, including the balcony floor. The railings can be constructed of masonry, wood, concrete, stucco, metal or a combination thereof, and must have minimum surface weight of 1.5 pound per square foot. If wood fencing is used, homogenous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight tongue-and-groove, board and batten, or shiplap construction can be used, provided that the construction is air-tight and the minimum surface weight is met. Translucent materials, such as glass, Lexan, or Plexiglas, may be incorporated into the barriers to provide for light and views; however, they must have a minimum thickness of 3/16 inches to meet the minimum surface weight requirement. Downspouts and scuppers are preferable over sheet draining. All connections with posts, pilasters, and the building shells must be sealed air-tight. No openings are permitted between the upper railing components and the balcony floor.

- b. To achieve compliance with the Town's 60-dB (DNL) exterior noise guideline at side and rear yards of proposed single-family residences, six-foot high acoustically-effective barriers between proposed homes on Lots 1 through 5 and along the west side of Lot 5, terminating near the garage (see Figure 1 of Attachment 7 for the locations of the recommended noise-control barriers). The barriers shall connect air-tight to the sides of the homes. The barrier height is in reference to the nearest building pad elevation.

To achieve an acoustically-effective barrier, it must be constructed air-tight, i.e., without cracks, gaps or other openings, and must provide for long term durability. The barriers can be constructed of masonry, wood, concrete, stucco, metal, earth

berm or a combination thereof, and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight tongue-and-groove, board and batten or shiplap construction can be used, provided that the construction is air-tight and the minimum surface weight is met. Gates may be incorporated into the barriers; however, they must meet the minimum surface weight and height requirements and must fit tight when closed. Astragals or stops shall be used over the hinge jamb and closure jamb gaps. A gap under a gate may be no more than 1-inch high. All connections with posts, pilasters and the building shell must be sealed air-tight. No openings are permitted between the upper barrier components and the ground.

28. NOISE MITIGATION 15. To achieve the acceptable interior noise levels of 45 dB (DNL) at proposed senior apartments (Title 24) and single-family residences, the following noise control measures shall be incorporated into the project design:

- a. All windows and glass doors of living spaces that are proposed within 270 feet of the Los Gatos Boulevard centerline and with a direct or side view of the roadway (Units 1 to 5) shall be kept closed at all times. All windows and glass doors on these units shall have a minimum Sound Transmission Class (STC) rating of 28. Mechanical ventilation shall be provided in these units.

All windows and glass doors of living spaces that are proposed within 120 feet of the Blossom Hill Road centerline and with a direct or side view of the roadway (Lots 1 to 5) shall be kept closed at all times. All windows and glass doors on these units shall have a minimum Sound Transmission Class (STC) rating of 28. Mechanical ventilation shall be provided in these units.

When windows and doors are maintained closed for noise control, some type of mechanical ventilation to assure a habitable environment must be provided. The mechanical ventilation requirements are specified in the Uniform Building Code (UBC) and described in Appendix B of the ELPA study, which is included as Attachment 7 of the Initial Study. The windows that are specified to be maintained closed are to be operable, as the requirement does not imply a "fixed" condition. All other windows of the project and all bathroom windows may have any type of

glazing and may be kept opened as desired unless the bathroom is an integral part of a living space without a closeable door.

In addition to the required STC ratings, the windows and doors shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window construction, the sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with the non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position.

The acoustical test report of all sound-rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will be adequately reduce traffic noise to acceptable levels. Many dual-pane windows and glass door assemblies have inherent noise reduction problems in the traffic noise frequency spectrum due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer

29. FINAL LANDSCAPE PLAN. The Town's Consulting Arborist shall review the final plans during the Architecture and Site approval process. At that time, the arborist shall determine the required tree protection measures and the proposed tree removal mitigation which shall be incorporated in the final building plans. Pursuant to Town Code, one and a half feet of vehicle overhang in the parking stalls adjacent to Los Gatos Boulevard shall be landscaped with appropriate low growing vegetation.
30. GOOD NEIGHBOR FENCE. The proposed eight foot high, solid wood "Good Neighbor" fence along the east side property boundary shall be constructed as early as possible (prior to project grading activities if possible) to help reduce construction noise at existing adjacent residences.
31. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance, Chapter 26, and Article IV of the Town Code. A fee as established by Town Council resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review prior to the issuance of building permit.
32. NEW TREES. All newly planted trees are required to be double staked to Town standards.

33. GENERAL. All newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on the site.
34. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and shrubs.
35. PROTECTIVE FENCING. Prior to any equipment arriving on site and prior to construction or building permits being issued, the applicant shall meet with the Town's Consulting Arborist, at the developer's expense, concerning the need for protective fencing around the existing trees and other required tree protection measures identified in this ordinance. Such fencing is to be installed prior to, and be maintained during, construction. The fencing shall be a five foot high chain link attached to steel poles driven at least 18 inches into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree, a fence base may be used, as in a typical chain link fence that is rented.
36. SIGNAGE. A residential neighborhood sign is permitted and shall be reviewed during the Architecture and Site approval process.
37. COMMERCIAL SIGN PROGRAM. A sign program shall be required for the commercial development and shall be review during the Architecture and Site approval process.

TO THE SATISFACTION OF THE BUILDING DEPARTMENT:

(Building Division)

38. PERMITS REQUIRED: A building permit shall be required for each new commercial building, each townhome, and each single family unit. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
39. 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.
40. SIZE OF PLANS: For sets of construction plans, maximum size 24" x 36."
41. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management Application from the Building Department Service Counter for each building to be demolished. Once the demolition

form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include 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.

42. STREET NAMES, HOUSE & SUITE NUMBERS: Submit requests for new street names and townhome and residence addresses and commercial building addresses and suite numbers to the Building Division prior to submitting for the building permit application process.
43. HAZARDOUS MATERIALS MITIGATION MEASURE 9. The project applicant and/or Town shall prepare a management plan to identify all suspected hazardous materials and specify applicable regulations that would determine appropriate handling and disposal of these materials. For suspected hazardous materials (contaminated soil and groundwater) that may be encountered during construction, the management plan shall include contingency plans for site safety, worker protection, sampling and investigation, and disposal or remediation; these shall be based on soil and groundwater sampling and testing that have been completed to date. The management plan shall be filed with the Town of Los Gatos and all other jurisdictional agencies prior to issuance of the demolition and grading permits.
44. HAZARDOUS MATERIALS MITIGATION MEASURE 10. If groundwater is encountered during project construction and dewatering is required, the project applicant shall undertake sampling and testing of the encountered groundwater in accordance with the contingency sampling and investigation plan. If groundwater is found to contain contaminants that exceed regulatory action levels, it may not be discharged into the existing storm drainage system. Removal and handling of the contaminated groundwater should be done in a manner acceptable to the RWQCB, the Town, and other jurisdictional agencies.
45. HAZARDOUS MATERIALS MITIGATION MEASURE 11. A state certified lead-based paint professional shall be retained to perform a lead-based paint survey of the existing structures and the recommendations of the professional shall be followed for abatement of any identified lead-based paint prior to demolition of the structures.

46. 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.
47. SHORING: Shoring plans and calculations will be required for all excavations which exceed four (4) 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 Cal/OSHA regulations.
48. 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 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 Walls
49. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residential units shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34-inches above the floor to the center of the backing, suitable for the installation of grab bars.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.
 - c. Primary entrance shall be a 36-inch wide door including a 5' x 5' level landing, no more than 1/2-inch out of plane with the immediate interior floor level and with an 18-inch clearance at the interior strike edge.
 - d. Door buzzer, bell or chime shall be hard wired at the primary entrance.
50. TITLE 24 ENERGY COMPLIANCE: Required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed) onto a sheet of the plans.

51. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
52. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
53. TITLE 24 – COMMERCIAL: The building shall comply with the latest California Title 24 Accessibility Standards.
54. TITLE 24 – RESTAURANT USE: Proper size grease trap shall be required for any restaurant use. The following agencies will review the grease trap requirements before issuance of the building permit:
 - a. West Valley Sanitation District (WVSD): (408) 378-2408
 - b. Environmental Health Department: (408) 885-4200
 - c. Town Public Works Department: (408) 399-7530
55. 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, signed by all requested parties, and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building
56. NONPOINT SOURCE POLLUTION STANDARDS SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (or Clean Bay Sheet 24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print for a fee.
57. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)

58. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division (408) 354-6872
 - b. Engineering/Parks & Public Works Department: John Gaylord (408) 395-3460
 - 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.
 - f. Bay Area Air Quality Management District: (415) 771-6000

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

(Engineering Division)

59. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
60. BENEFIT ASSESSMENT DISTRICT. The developer shall participate in a Benefit Assessment District for improvements on Los Gatos Boulevard should one be created by Town Council. If such District is created prior to the Final Map approval by Council the developer shall sign an Agreement to Participate which shall be recorded prior to subdivision approval.
61. GEOTECHNICAL MITIGATION MEASURE 8. The recommendations of the CEG geotechnical investigation and project review (October 21, 2009, and December 18, 2009) shall be incorporated in the final construction plans for the proposed project (Attachment 4 of the Initial Study). These recommendations address site preparation, earthwork operations, drainage, and foundations.

62. TRAFFIC MITIGATION MEASURE 16. A second eastbound left-turn lane shall be added on Blossom Hill Road and both left-turn storage lanes shall be extended to 250 feet (per lane) to accommodate future traffic levels.
63. TRAFFIC MITIGATION MEASURE 17. The project will be required to modify their fair share of the Blossom Hill Road/Los Gatos Boulevard intersection and upgrade existing traffic signal to current Town standards including but not limited to ADA ramps, pedestrian islands, signing, striping, vehicular signal heads, pedestrian signals, video detection, safety lighting, as directed by Town Engineer.
64. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
65. PUBLIC IMPROVEMENT SECURITY. The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to issuance of any permit. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.
66. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security as detailed above.
67. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
68. WEST VALLEY SANITATION DISTRICT. 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 prior to map recordation.
69. ABOVE GROUND UTILITIES. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes,

- hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Community Development prior to issuance of any permit.
70. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
 71. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.
 72. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
 73. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
 74. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations
 - b. Toe and top of cut and fill slopes
 75. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report

prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.

76. SIDEWALK CLOSURE. Any proposed blockage or partial closure of the sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
77. PARKING. Any proposed parking restrictions must be approved by the Los Gatos-Monte Sereno Police Department.
78. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
79. PLAN CHECK FEES. Plan check fees shall be deposited with the Town prior to submittal of plans to the Engineering Division of the Parks and Public Works Department.
80. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
81. THIRD PARTY SIGNAL INSPECTION FEES. Applicant shall pay/reimburse the Town for the inspection of street lighting and traffic signal related work by Town's street lighting and traffic signal contractor. An initial deposit of \$1500 shall be made prior to the issuance of any permit. Additional fees may be required and shall be fully borne by the applicant.
82. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

83. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
84. SOILS REPORT REVIEW. One copy of the final soils and geologic report shall be submitted with the grading permit / public improvement application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
85. SOILS ENGINEER PLAN REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
86. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee etc. The map shall be recorded before any permits are issued.
87. DEDICATIONS. The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.
 - a. Widening and full dedication (~7.5') along Blossom Hill Rd as shown on proposed tentative map – easement offering will not be acceptable.
 - b. Public Service/Utility Easement (PSE/PUE) as required and as shown on proposed tentative map.
 - c. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - d. Emergency Access Easement. Twenty-two (22) feet wide, as shown on proposed tentative map.
88. JOINT TRENCH PLANS. Joint trench plans shall be reviewed and approved by the Town prior to recordation of a map. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will be by Rule LS2A, and that private lights shall be metered with

billing to the homeowners association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

89. WATER DESIGN. Water plans prepared by SJWC must be reviewed and approved prior to issuance of any permit.
90. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
 - a. Blossom Hill Road - New curb, gutter, sidewalk and associated improvements associated with the roughly 7.5' widening including the return onto Blossom Hill Road and the adjacent pork chop island (including signal pole and associated equipment) as shown on the proposed plans. This work will include existing utilities along this widening including an existing power pole. Construction of the additional left turn lane pocket and associated modifications to existing improvements including median island relocation, striping and signal modifications.
 - b. Placer Oaks Road – Widening of existing improvements along project frontage including curb, gutter, installation of median island and tie in paving.
 - c. All other public improvements or modifications of existing improvements required to accommodate the proposed development including but not limited to curb, gutter, sidewalk, standard residential and modified commercial driveway entries, street lights, tie-in paving, half street grind and overlay, signing, striping, storm drainage and sanitary sewers, as determined to be required by the Town Engineer..
91. FRONTAGE IMPROVEMENTS. Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include curb, gutter, sidewalk, driveway approaches, curb ramps, street lighting upgrade/repainting (including replacing existing street light fixtures with LED fixtures), modifications to existing traffic signals, signage, striping etc. Proposed species and location of street trees will be reviewed during the permit phase. Magnolias will not be permitted due to damage their root system does to adjacent sidewalk.

92. PERIMETER STREET RESURFACING. Existing half streets along project perimeter will be required to be resurfaced/slurried and restriped at the completion of the project.
93. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
94. TRAFFIC IMPROVEMENTS. Traffic signal improvements shall include and may not be limited to replacement, relocation, and/or modification of signal equipment, poles, cabinets, conduits, etcetera as required for proposed widening. Improvements will also include upgrading existing video detection systems and cameras to current standard, replacing incandescent signal indication with LED modules, replacing 8" signal heads with 12", replace service pedestal with Type III and replacing safety lighting with LED luminaires. Modification of existing pork chop island(s) and re-stripe as needed to accommodate pedestrian, bicycle and modified vehicular turning movements. All relocation/replacement of existing improvements including high voltage overhead poles, traffic controller boxes and any other impacted facilities will be required of the applicant.
95. FAIR SHARE CONTRIBUTION FOR INTERSECTION IMPROVEMENTS. Lark Avenue and Los Gatos Boulevard - \$24,866 (based on 132 additional AM/PM peak hour trips). University Avenue and Lark Avenue - \$11,614 (based on 22 additional AM/PM peak hour trips). The final contribution shall be calculated from the final plans using a trip generation rate based on the final project use mix.
96. TRAFFIC STUDY RECOMMENDATIONS. All recommendations included in the TJKM Traffic Study dated December 23, 2009, including adding additional turning lane on east bound Blossom Hill Rd, extending existing southbound second left-turn lane on Los Gatos Blvd and installing signs and pavement markings for driveway access control. This condition shall include modification or installation of improvements including but not limited to pavement, curb, gutter, sidewalk, street lights, traffic signals (and associated interconnect) required to accommodate these recommendations. TJKM Traffic Study recommendations were based on total project trips of 1,646 ADT, 181 AM peak Hour Trips and 136 PM Peak Hour Trips. Should final mix of commercial component exceed these limits additional review will be required.

97. TRAFFIC IMPACT MITIGATION FEE (NET COMBINED COMMERCIAL & RESIDENTIAL). The developer shall pay a fee proportional to the project's share of transportation improvement needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The fee shall be paid before the building permit is issued. The traffic impact mitigation fee for this project, using the current fee schedule and the preliminary plans is estimated at \$320,000. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application, using a trip generation rate based on the final project use mix.
98. PRECONSTRUCTION PAVEMENT SURVEY. Prior to issuance of a Grading Permit, the project Applicant shall complete a pavement condition survey documenting the extent of existing pavement defects using a 35-mm or digital video camera. The limits of the survey shall be determined by the Town Engineer. In addition, a pavement deflection analysis conforming to the same limits as the photographic survey shall be performed to determine pavement strength. The results shall be documented in a report and submitted to the Town for review.
99. POSTCONSTRUCTION PAVEMENT SURVEY. The project Applicant will complete a pavement condition survey and pavement deflection analysis to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition and strength shall be determined using State of California procedures for deflection analysis. The results shall be documented in a report and submitted to the Town for review and approval. The Applicant shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
100. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before

installation of the final landscaping shall be included. Interim erosion control methods shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.

101. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
102. DUST CONTROL (SITES > 4 ACRES). The following measures should be implemented at construction sites greater than four acres in area:
 - a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - c. Limit traffic speeds on unpaved roads to 15 mph.

- d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - e. Replant vegetation in disturbed areas as quickly as possible.
103. CONSTRUCTION MANAGEMENT PLAN. The Developer shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
104. CONSTRUCTION STREET PARKING. 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).
105. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
106. NPDES. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
107. STORM WATER MANAGEMENT PLAN. A storm water management shall be included with the grading permit application. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town – additional deposit may be required. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.
108. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner / homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit No. CAS029718 and modified by Order No. R2-2005-0035. The agreement will specify that certain routine maintenance shall be performed by the property owner / homeowner's association and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements,

- permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.
109. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and property owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
 110. UTILITIES. The developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Underground conduit shall be provided for cable television service.
 111. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
 112. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
 113. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. . The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
 114. DRIVEWAY APPROACH. The developer shall install Town standard residential and commercial driveway approaches unless otherwise noted. The new residential driveway

- approach on Placer Oaks Drive shall be constructed per Town Standard Details and the commercial entries shall be modified to the approval of the Town Engineer.
115. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
 116. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
 117. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
 118. SANITARY SEWER BACKWATER VALVE. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative (Sec. 6.50.025). The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition.

Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.

119. **OUTDOOR COMMERCIAL TRASH ENCLOSURES.** Outdoor trash enclosures shall be covered and area drains connected to the sanitary sewer system shall be provided. Temporary trash enclosures and trash bins for individual residential units are exempt from this condition.
120. **CONSTRUCTION NOISE.** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
121. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
122. **HAULING OF SOIL.** Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all

trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

123. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: The applicant shall initiate a weekly neighborhood e-mail notification program to provide project status updates. The e-mail notices will also be posted on a bulletin board placed in a prominent location along the project perimeter.
124. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
125. FUTURE STUDIES. Any post project traffic or parking counts, or other studies imposed by Planning Commission or Town Council shall be funded by the applicant.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

126. PUBLIC FIRE HYDRANT(S). The developer shall provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 400 feet, with a minimum single hydrant flow of 1,500 GPM at 20 psi residual. If area fire hydrants exist, reflect their location on the civil drawings included with the building permit submittal. To prevent building permit delays, the developer shall pay all required fees to the water company ASAP.
127. PRIVATE ON-SITE FIRE HYDRANT(S). As an alternative to Performance Standard 119 above, provide 3 private on-site fire hydrants installed per NFPA Std. #24, at locations to be determined by the Fire Department. Maximum hydrant spacing shall be 250 or 500 feet, with a minimum acceptable flow of 1,500 GPM at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the required fire hydrant locations.
128. FIRE APPARATUS (ENGINE) ACCESS ROADS. The developer shall provide access roadways 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 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1.
129. EMERGENCY GATE/ACCESS GATE. Gate installations shall conform with Fire Department Standard Details and Specifications G-1 and, when open shall not obstruct any portion of the required width for emergency access road way or driveways. Locks, if

provided, shall be fire department approved prior to installation. Gates across the emergency access road way shall be equipped with approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed. Gates providing access from a road to a driveway or other roadway shall be at least 30 feet from the road being exited.

130. FIRE SPRINKLERS. Approved automatic sprinklers are required in all new and existing modified buildings when gross floor area exceeds 3,600 square feet or that are 3 or more stories in height. Exception: one-time additions to existing buildings made after 1/01/2008 that do not exceed 500 gross square feet. Note: covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. 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.
131. POTABLE WATER. Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility for 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 or record. Final approval of the system(s) under consideration will not be granted by the Fire Department until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s).
132. PREMISES IDENTIFICATION. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.
133. EMERGENCY ESCAPE/RESCUE. Ground-ladder rescue from second floor rooms shall be made possible for fire department operations. With the climbing angle of seventy-five degrees maintained, an approximate walkway width along either side of the building shall

be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access.

134. TIMING OF ROADWAY INSTALLATIONS. Required access roads, up through first lift of asphalt, shall be installed and accepted by the Fire Department prior to the start of combustible construction. Bulk combustible materials shall not be delivered to the site until installation is complete. During construction, emergency access roads shall be maintained clear and unimpeded. Note that building permit issuance may be withheld until installations are completed. Temporary access roads may be approved on a case by case basis.
135. TIMING OF REQUIRED WATER SUPPLY HYDRANTS. Installations of required fire service(s) and fire hydrant(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested and accepted.

TO THE SATISFACTION OF THE TOWN ATTORNEY

136. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on June 6, 2011, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on June 20, 2011. This Ordinance takes effect 30 days after it is adopted.

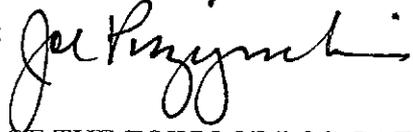
COUNCIL MEMBERS:

AYES: Steven Leonardis, Diane McNutt, Steve Rice, Barbara Spector, Mayor Joe Pirzynski

NAYS:

ABSENT:

ABSTAIN:

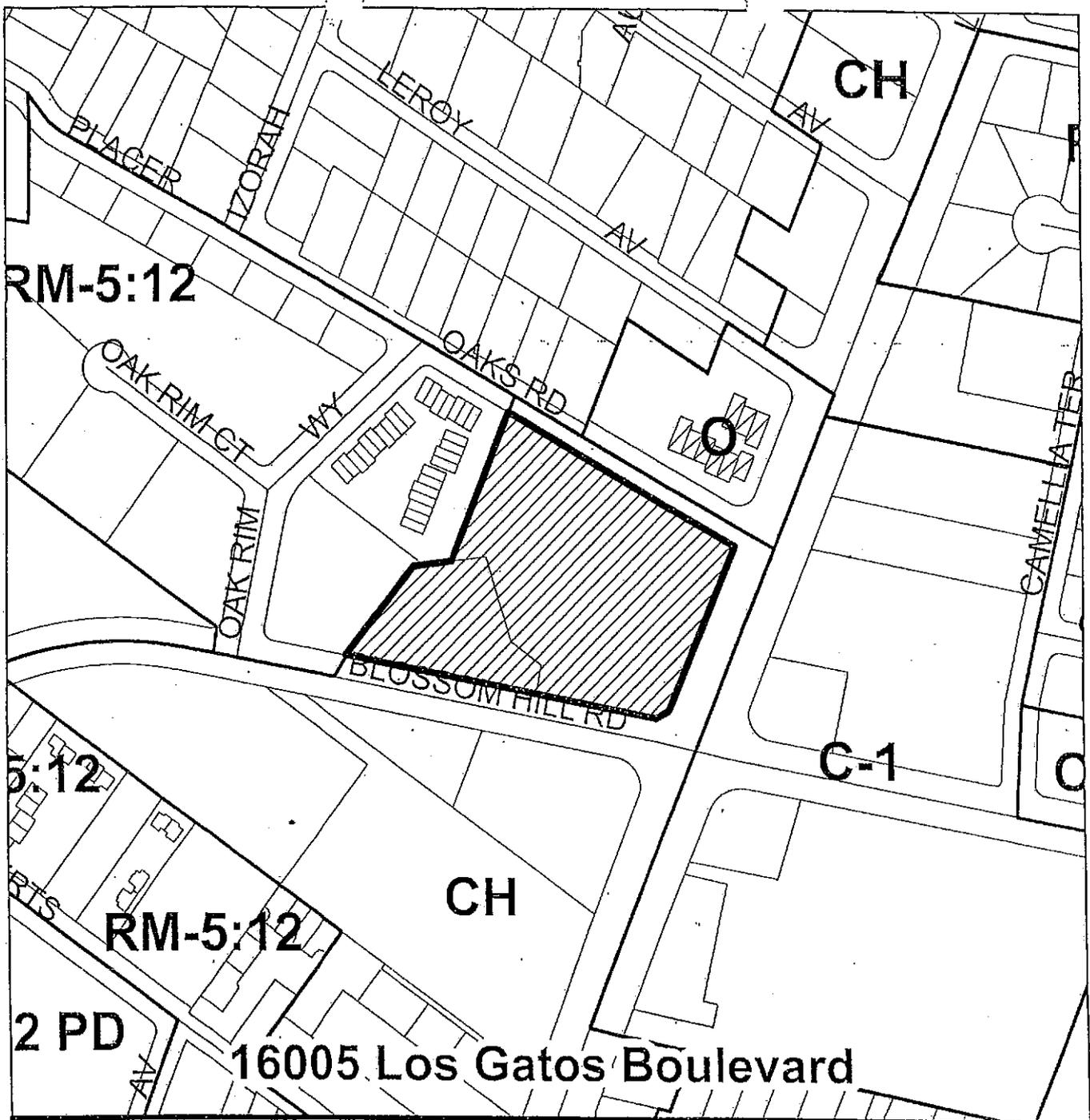
SIGNED: 

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



TOWN OF LOS GATOS

Application No. PD-07-145

A.P.N. # 529-16-025, 053

Change of zoning map amending the Town Zoning Ordinance.

Zone Change

From: CH To: CH:PD

Prezoning

Action by Planning Commission

Date: April 27, 2011

Approved by Town Council Date:

Ord:

Clerk Administrator

Janet Rose

Mayor

Joe Pizzino