



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/25/2017

ITEM NO: 3

DATE: JANUARY 20, 2017

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ARCHITECTURE AND SITE APPLICATION S-16-023, SUBDIVISION APPLICATION M-16-002, AND NEGATIVE DECLARATION ND-16-003.
PROJECT LOCATION: 15860-15894 WINCHESTER BOULEVARD.
APPLICANT: DOUG RICH, VALLEY OAK PARTNERS. PROPERTY OWNER: SOUTH BEACH PARTNERS LLC AND CUMULUS CAPITAL HOLDINGS LLC.
REQUESTING APPROVAL TO DEMOLISH THREE EXISTING SINGLE-FAMILY RESIDENCES, REMOVE A SECOND UNIT, REMOVE LARGE PROTECTED TREES, AND MERGE FOUR LOTS FOR THE PURPOSES OF CONSTRUCTING A NEW TWO-STORY OFFICE BUILDING WITH BELOW GRADE AND AT GRADE PARKING. APNS 529-11-013, -038, -039, AND -040.

DEEMED COMPLETE: JANUARY 5, 2017
FINAL DATE TO TAKE ACTION: JULY 5, 2017

RECOMMENDATION:

Approval, subject to the recommended conditions of approval.

PROJECT DATA:

General Plan Designation: Office Professional
Zoning Designation: O, Office
Applicable Plans & Standards: Commercial Design Guidelines
Parcel Size: 1.3 acres

PREPARED BY: JOCELYN PUGA
Associate Planner

Reviewed by: Planning Manager and Community Development Director

Surrounding Area:

	Existing Land Use	General Plan Land Use Designation	Zoning
North	Residential, Office, and Commercial	Office Professional	O
South	Residential	Medium Density Residential	O
East	Commercial	Service Commercial and Office Professional	LM and O
West	Office	Low Density Residential	O

CEQA:

It has been determined that this project will not have a significant impact on the environment. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level is recommended.

FINDINGS:

- As required by CEQA for adopting the Mitigated Negative Declaration.
- That the proposed project is consistent with the Commercial Design Guidelines.
- As required by Section 29.10.330 of the Town Code for the elimination of an existing secondary unit.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The project site is an approximately 1.31-acre parcel comprised of four parcels and is developed with three single-family residences and a second unit.

As noted in the table above, the surrounding area contains a mix of uses that are consistent with either the General Plan Land Use designation or zone, or both. Single-family residential, office, and commercial uses are located to the north of the project site. Commercial uses, including the Los Gatos Dog and Cat Hospital and the Los Gatos Body Shop are located to the east (behind the project site.) A residential development is located to the south of the project site and office uses are located across Winchester Boulevard to the west of the project.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the northeast corner of Winchester Boulevard and Shelburne Way. Access to the project site is provided on Winchester Boulevard and Shelburne Way.

B. Project Summary

The applicant is requesting approval of an Architecture & Site application and Subdivision application to demolish three existing single-family residences, remove a second unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking.

C. Zoning Compliance

An office use is a permitted use in the O zone.

DISCUSSION:

A. Project Summary

There are four existing parcels that the applicant is proposing to merge into a single 1.3-acre parcel.

The proposed project would create a new two-story office building totaling 30,070 square feet with 87 parking spaces below grade and 41 parking spaces at grade for a total of 128 parking spaces. Amenities and site improvements for the project include, bike storage, shower facilities for employees, and new landscaping.

The proposed building has a front setback of between 29 feet, nine inches and 38 feet, four inches along Winchester Boulevard; a side setback of 78 feet, one inch bordering a residential development to the south; a street side setback of 20 feet, five inches along Shelburne Way; and a rear setback of 69 feet, one inch bordering the Los Gatos Dog and Cat Hospital and the Los Gatos Body Shop.

The proposed 30,070-square foot commercial building would be up to 35 feet in height. Materials would consist of smooth troweled plaster, wood siding, metal panel siding, aluminum windows, and a standing seam metal roof. A color and materials board will be available at the public hearing.

B. Conceptual Development Advisory Committee

The proposed development of the site was presented to the Conceptual Development Advisory Committee (CDAC) on January 13, 2016. At that meeting the CDAC discussed the proposed use, traffic, parking, architecture, and site design. Meeting minutes are included as Exhibit 11. The applicant responded to the CDAC's comments in the project description/letter of justification included as Exhibit 5.

C. Zoning

The existing residential uses of the four properties are non-conforming in that they are not permitted in the O zone. Permitted uses in the O zone include offices, professional, medical, dental, and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales. The applicant is proposing a new office building for local companies to continue their growth in the Town (Exhibit 5).

The proposed project meets the required setbacks, lot coverage, and height requirements for the O zone.

The proposed land coverage would be 26.5 percent of the site and the maximum height would be 35 feet, both of which are consistent with the zoning designation for the site which allows up to 40 percent land coverage and has a 35-foot height limit.

The required and proposed setbacks in the O zone are described in the following table:

Setback	Required	Proposed
Front	25 feet	29 feet, nine inches to 38 feet, four inches
Side	10 feet	78 feet, one inch
Street Side	15 feet	20 feet, five inches
Rear	20 feet	69 feet, one inch

D. Second Dwelling Units – Approval and Demolition

A second dwelling unit permit was issued for the property located at 15860 Winchester Boulevard on December 11, 1985. The applicant is requesting to remove the second dwelling unit in order to accommodate a new 30,070-square foot office building, which would be consistent with the property's zoning designation of Office and the General Plan Land Use designation of Office Professional.

Section 29.10.330 of the Town Code requires the deciding body to make five findings to approve the elimination of a second dwelling unit. The first required finding is that the proposed elimination is consistent with the Town's Housing Element of the General Plan. The subject request is consistent with the Housing Element because it would not have a negative impact on the Town's housing stock. The number of approved applications for new second dwelling units exceeds the number of applications to demolish second dwelling units. The four remaining findings require the Commission to consider the maintenance of the Town's housing stock, the preservation of historically significant buildings, the property owner's desire or capacity to maintain the structure, and the economic utility of the building or structure, pursuant to Section 29.10.09030(e) of the Town Code for the issuance of a demolition permit (Exhibit 3). The applicant's project description/letter of justification discusses the request to propose a project that is consistent with the property's zoning and General Plan Land Use designation (Exhibit 5).

It should be noted that the existing residential use of the property is non-conforming and the property would not conform to the Town Code requirements for a new second unit if one were proposed today.

E. Design and Compatibility

The Town's Architectural Consultant reviewed the project to provide recommendations regarding the architecture and neighborhood compatibility. The Consulting Architect had no recommendations for changes and noted that the office project is well designed in a contemporary style and the elevation along Winchester Boulevard "is varied in height and façade treatment to break the building up into visually smaller elements" (Exhibit 10).

The proposed building is consistent with the applicable provisions of the Commercial Design Guidelines to provide a unified design around all sides of the building, to utilize high quality building materials, to screen all roof equipment, to subordinate the parking to the building, and to provide well designed landscaping along the adjacent street fronts.

F. General Plan

The 2020 General Plan Land Use designation for the site is Office Professional. The proposed project meets the Office Professional requirements for land coverage and height. This designation provides for professional and general business offices. This designation applies to various locations concentrated along the Town's commercial corridors, often in close proximity to neighborhood- or community-oriented commercial facilities, or as a buffer between commercial and residential uses. The intent of this designation is to satisfy the community's need for general business and professional services and local employment.

The proposed building is adjacent to residential, commercial, and office uses. The proposed building design is varied in height and façade treatments to visually break up the building into smaller elements. Additionally, the applicant has proposed a left side setback of 78 feet, one inch to create a larger buffer between the proposed building and the adjacent residential use.

In addition to maintaining neighborhood quality, the 2020 General Plan Land Use Element focuses on maintaining a “full-service” town that provides a range of goods and services that support economic vitality, while limiting adverse impacts on the quality of life of all the residents.

Applicable goals and policies of the 2020 General Plan include, but are not limited to the following:

- Goal LU-4: To provide for well-planned, careful growth that reflects the Town’s existing character and infrastructure.
- Policy: LU-6.3: Protect existing residential areas from adjacent non-residential uses by assuring that buffers are developed and maintained.
- Policy LU-6.5: The type, density and intensity of new land use shall be consistent with that of the immediate neighborhood
- Goal CD-1: Preserve and enhance Los Gatos’s character through exceptional community design.
- Policy CD-1.4: Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town’s ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.
- CD-2: To limit the intensity of new development to a level that is consistent with surrounding development and with the Town at large.
- CD-3.9: Parking structures and facilities shall have a low profile, be screened from view and be aesthetically pleasing.

G. Parking and Traffic

With 128 parking spaces on the site, the proposed project would meet the Town Code parking regulations, which require one parking space for every 235 square feet for office space. The majority of the parking spaces (87) would be located in the parking garage below grade, while the remaining 41 parking spaces would be located at grade level. The project also includes 36 bicycle parking spaces in the below grade parking garage.

Access to the parking spaces in the parking garage below grade will be from Shelburne Way and access to the parking spaces at grade level will be from Winchester Boulevard.

In preparation for the environmental review for this project, a Transportation Impact Analysis (TIA) was prepared by Hexagon Transportation Consultants, Inc. (Appendix E of the Mitigated Negative Declaration (MND), available online at <http://www.losgatosca.gov/15860-15894Winchester>).

The report was reviewed by the Town's traffic engineer, traffic consultant, and environmental consultant. The purpose of the TIA was to identify any potential traffic impacts from the proposed office use. The report found that the proposed office building is expected to generate 41 trips (33 in and eight out) during the AM peak hour and 50 trips (four in and 46 out) during the PM peak hour. Given that there are existing homes on the project site that are generating traffic, some of the trips from the site will not be new trips. Crediting the trips generated by the existing residential use on the project site, the proposed project would generate 39 net new AM trips (33 in and six out) and 47 net new PM trips (two in and 45 out) for a total of 86 net new peak hour trips.

The intersection level of service (LOS) analysis section of the TIA shows that the evaluated intersections would continue to operate at an acceptable LOS (LOS D or better). Additionally, the TIA also evaluated un-signalized intersections and found that they would operate at LOS B and LOS C for their respective worst approaches during the peak AM and PM hours under all scenarios.

In conclusion, the TIA found no significant impacts with an expected increase of 303 average daily trips (ADT) by the proposed project. Even though the TIA found that the proposed project's impact from traffic generation would be less than significant in accordance with CEQA and the Town's Traffic Impact Policy, pursuant to the Town's Traffic Impact Policy the project would be required to pay a traffic impact fee of \$266,337.

H. Trees

The Town's Consulting Arborist conducted two site surveys and provided two reports and an addendum dated February 12, 2016, June 10, 2016, and July 22, 2016 (Exhibit 7, 8, and 9).

The project proposes to remove 22 protected trees, of which four are considered to be large protected trees. The four large protected trees (#12, #18, #21, and #24) are Coast Live Oaks which are in good and fair/good condition and are proposed to be removed to accommodate the proposed office building.

The project proposes to retain 11 Coast Live Oak trees (trees #2 #3, #9, #16, #17, #22, #23, #25, #27, #29, and #41) and one Valley Oak tree (tree #40) located along Shelburne Way, Winchester Boulevard, and to the rear of the site bordering the Los Gatos Dog and Cat Hospital.

The Consulting Arborist met with staff and the applicant on-site for a second site survey to provide recommendations for protecting trees #2, #3, #9, #16, and #17, which are proposed to be retained. The recommendations are contained in Exhibit 9 and will be implemented by the applicant.

I. Environmental Review

An Initial Study and Mitigated Negative Declaration (MND) (Exhibit 1) have been prepared for the project by the Town's Environmental Consultant, EMC Planning Group Inc. (available online at www.losgatosca.gov/15860-15894Winchester). The 20-day public review period began on November 11, 2016 and ended on December 1, 2016. The project will not result in a significant effect on the environment because mitigation measures have been added for Air Quality, Biological Resources, Greenhouse Gas Emissions, Geology and Soils, and Hazardous Materials, mitigating potential impacts to a less-than-significant level. The Mitigation Monitoring and Reporting Program is provided along with the response to comments within Exhibits 12 and 13.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants within 300 feet of the subject property. Staff has received five public comments regarding the proposed architectural style, height of the building, tree impacts, privacy concerns, and traffic concerns (Exhibit 14).

The applicant held a community meeting on September 12, 2016. Details of the community meeting and attendees are included in Exhibit 6.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture & Site application and Subdivision application to demolish three existing single-family residences, remove a second unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking.

Although the applicant is requesting to eliminate three single-family residences and a second unit from the Town's housing stock, the Town currently approves new applications for second dwelling units ministerially, thus allowing property owners to create second dwelling units in other parts of Town as long as they meet current Town Codes. In addition, the proposed office use will be consistent with the zoning and General Plan designation for all four properties.

The MND prepared for the project found no significant environmental impacts from the operation of or construction of the proposed project.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application and Subdivision application subject to the recommended conditions of approval (Exhibit 4). If the Planning Commission finds merit with the proposed project, it should:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit 1 and 13);
2. Make the required finding that the project complies with the Commercial Design Guidelines (Exhibit 3);
3. Make the required finding as required by Section 29.10.330 of the Town Code for granting approval of the elimination of a secondary dwelling unit without replacement (Exhibit 3);
4. Make the required findings as required by Section 29.10.09030(e) of the Town Code for granting approval of the demolition of existing structures (Exhibit 3);
5. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture & Site application (Exhibit 3); and
6. Approve Architecture & Site Application S-16-023 and Subdivision Application M-16-003 with the conditions contained in Exhibit 4 and the development plans in Exhibit 15.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the applications.

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SUBJECT: 15860-15894 WINCHESTER BOULEVARD/S-16-023, M-16-002, and ND-16-003
JANUARY 20, 2017

EXHIBITS:

Previously received under separate cover:

1. Mitigated Negative Declaration

Received with this Staff Report:

2. Location Map
3. Required Findings and Considerations (two pages)
4. Recommended Conditions of Approval (21 pages)
5. Letter of Justification/Project Description (three pages), received March 3, 2016
6. Neighborhood Meeting Outcome and Attendees (two pages), received September 13, 2016
7. Consulting Arborist's First Report (46 pages), dated February 12, 2016
8. Consulting Arborist's Second Report (seven pages), dated June 10, 2016
9. Consulting Arborist's Addendum (two pages), dated July 22, 2016
10. Consulting Architect's Report (three pages), received May 5, 2016
11. January 13, 2016 Conceptual Development Advisory Committee Meeting Minutes (two pages)
12. Public Comments and Responses Regarding the Mitigated Negative Declaration (eight pages)
13. Mitigation Monitoring and Reporting Program, dated January 5, 2017
14. Public Comment (seven pages)
15. Development Plans (29 pages), received January 5, 2017

Distribution:

1. Doug Rich, Valley Oak Partners, 734 The Alameda, San Jose, CA 95126
2. South Beach Partners LLC and Cumulus Capital Holdings LLC, 125 South Market Street, Suite 1250, San Jose, CA 95113

15860-15894 Winchester Boulevard



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**PLANNING COMMISSION – January 25, 2017
REQUIRED FINDINGS AND CONSIDERATIONS:**

**15860-15894 Winchester Boulevard
Architecture and Site Application S-16-023
Subdivision Application M-16-002
Mitigated Negative Declaration ND-16-003**

Requesting approval to demolish three existing single-family residences, remove a second unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking. APNs 529-11-013, -038, -039, and -040.

APPLICANT: Doug Rich, Valley Oak Partners

PROPERTY OWNER: South Beach Partners LLC and Cumulus Capital Holdings LLC

FINDINGS:

Required Finding for CEQA:

- It has been determined that this project will not have a significant impact on the environment. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level is recommended.

Commercial Design Guidelines:

- The proposed building is consistent with applicable provisions of the Commercial Design Guidelines.

Required finding for the elimination of a secondary dwelling unit without replacement:

- As required by Section 29.10.330 of the Town Code for the elimination of a secondary dwelling unit, without replacement, the deciding body shall make the finding that the proposed elimination (without replacement) is consistent with the Town's Housing Element of the General Plan. In order to eliminate an existing second unit (whether or not it will be replaced), the deciding body must make the demolition findings pursuant to Section 29.10.09030 and made below.

Required finding for the demolition of an existing structure and/or second unit:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
 1. The Town's housing stock will be reduced by four units however; the proposed office use will be consistent with the zoning designation of Office and the General Plan land use designation of Office Professional.
 2. The existing structures have no architectural or historical significance.

3. The property owner does not desire to maintain the structures as they exist.
4. The economic utility of the structures was considered and replacement of the units would result in a non-conforming use.

CONSIDERATIONS

Required considerations in review of Architecture & Site applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

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**PLANNING COMMISSION – January 25, 2017
CONDITIONS OF APPROVAL**

**15860-15894 Winchester Boulevard
Architecture and Site Application S-16-023
Subdivision Application M-16-002
Mitigated Negative Declaration ND-16-003**

Requesting approval to demolish three existing single-family residences, remove a second unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking. APNs 529-11-013, -038, -039, and -040.

APPLICANT: Doug Rich, Valley Oak Partners

PROPERTY OWNER: South Beach Partners LLC and Cumulus Capital Holdings LLC

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as received by the Town on January 5, 2017. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, 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. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security. The lighting plan shall be reviewed during building plan check.
4. **GENERAL:** 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.
5. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
6. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations made by Deborah Ellis, MS, identified in the Arborist reports, dated as received February 12, 2016, June 10, 2016, and July 22, 2016, respectively, on file in the Community Development Department. A Compliance Memorandum shall be prepared by the applicant and submitted with the building permit application detailing how the recommendations have or will be addressed. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
7. **TREE FENCING:** Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no

further than 10 feet apart. Include a tree protection fencing plan with the construction plans.

8. **REPLACEMENT TREES:** New trees shall be planted to mitigate the loss of trees being removed. The number of trees and size of replacement trees shall be determined using the canopy replacement table in the Town Code. Town Code requires a minimum 24-inch box size replacement tree. New trees shall be double staked with rubber ties and shall be planted prior to final inspection and issuance of occupancy permits.
9. **WATER EFFICIENCY LANDSCAPE ORDINANCE:** The final landscape plan, including landscape and irrigation plans and calculations, shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. The final landscape plan shall be reviewed by the Town's consultant prior to issuance of building permits. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
10. **SALVAGE OF BUILDING MATERIALS:** Prior to the issuance of a demolition permit, the developer shall provide the Community Development Director with written notice of the company that will be recycling the building materials. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting the type and weight of materials, shall be submitted to the Town prior to the Town's demolition inspection.
11. **STORY POLES:** The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
12. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
13. **AIR QUALITY MITIGATION MEASURE AIR-1*:** BAAQMD-Recommend Basic Construction Mitigation Measures. 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 Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.

- e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to 15 mph.
 - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. 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.
 - i. 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.
 - j. 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.
 - k. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
 - l. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - m. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
14. **BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-1*: Special-status and Migratory Bird Species.** The following avoidance measures shall be required to avoid the project's potential effects on special-status and migratory bird species.
- a. If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no

more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for approval prior to initiation of construction activities. If no active bird nests are detected during the survey, then construction activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall be prepared to determine and clearly delineate a temporary protective buffer area around each active nest, with buffer area size depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with any applicable project permits. To ensure that no inadvertent impacts to an active bird nest will occur, no construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

15. **BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-2:** The applicant shall comply with the Town of Los Gatos Tree Protection Ordinance and a tree removal permit shall be obtained from the Town for the removal of any on-site trees that qualify as a protected tree. No new trees planted on site shall have a trunk diameter of less than 1.5 inches. Protective construction fencing shall be in place for all retained trees prior to the commencement of any site work. Any trenching within the dripline of existing trees shall be hand dug.
16. **BIOLOGICAL RESOURCES MITIGATION MEASURE BIO-3:** The applicant shall comply with the recommendations in the arborist report prepared for the proposed project by Deborah Ellis on February 12, 2016, June 10, 2016, and July 22, 2016.
17. **GEOLOGY AND SOILS MITIGATION MEASURE GEO-1:** The applicant shall include the recommendations of the 2015 geotechnical report on all bid and construction documents to ensure that the recommended standards for development of foundations, subsurface improvements, etc. are incorporated into the project design and construction. All foundation and grading plans shall be reviewed by a licensed engineer and approved by the Town's engineer.
18. **GREENHOUSE GAS EMISSIONS MITIGATION MEASURE GHG-1:** The applicant shall include at least one reserved van-pool parking space; at least two reserved car-pool parking spaces, and at least four electric charging stations (one of which should be available to a handicapped space).
19. **GREENHOUSE GAS EMISSIONS MITIGATION MEASURE GHG-2:** The applicant shall include solar energy or other alternative energy sources on project plans, providing 15 percent or more of the project's energy needs. Plans shall incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have

- an SRI of at least 29 and/or have solar panels.
20. HAZARDS AND HAZARDOUS EMISSIONS MITIGATION MEASURE HZ-1: Prior to the issuance of a demolition permit, the project applicant shall conduct sampling and testing of the existing building to determine the extent and presence of asbestos-containing building materials on the site. If measured levels exceed established thresholds, a work plan shall be developed and implemented to remove and dispose of the lead-containing materials in accordance with the established regulations.
 21. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

22. PERMITS REQUIRED: A separate Building Permit will be required for the subterranean parking garage podium structure and a separate Building Permit shall be required for the two-story office building. The trash enclosure shall also be on a separate permit. These are combination permits including electrical, mechanical, and plumbing work as necessary.
23. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the second 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.
24. SIZE OF PLANS: Four sets of construction plans, size 24" x 36" minimum, 30" x 42" maximum.
25. BUILDING ADDRESS: Submit requests for any building address changes or deletions to the Building Division prior to submitting for the building permit application process.
26. 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.
27. DEMOLITION REQUIREMENTS: Obtain Building Department Demolition Applications and Bay Area Air Quality Management District Applications from the Building Department Service Counter. Once the Demolition Forms have been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed Forms to the Building Department Service Counter with the Air District's J# Certificate(s), PG&E verification, and three (3) sets of Site Plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a Permit from the Town.
28. 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.
29. 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 Walls
30. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed) onto a sheet of the plans.
 31. 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.
 32. FIRE ZONE: This project will require Class A Roof Assemblies.
 33. 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
 34. 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 or third 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.
 35. NPDES-C.3 DATA FORMS: Copies of the NPDES C.3 Data Forms (updated based on the final construction drawings) must be blue-lined in full onto the Plans. In the event that this data differs significantly from any Planning approvals, the Town may require recertification of the project's storm water treatment facilities prior to release of the Building Permit.
 36. GREEN BUILDING STANDARDS: This project must, at a minimum, be in compliance with the Nonresidential Mandatory Measures of the current California Green Building Standards Code (CGBSC) and all subsequent Amendments.
 - a. Bicycle Parking: Per CGBSC Section 5.106.4.1.1 provide twenty (20) permanently anchored bicycle racks (= 5% of motorized vehicle parking) for short-term bicycle parking or ten (10) two-bike capacity racks. Per CGBSC Section 5.106.4.2 provide secure bicycle lockers for twenty (20) bicycles (= 5% of motorized vehicle parking). Note: Providing showers, changing rooms, and clothes lockers in each building is a voluntary amenity to be considered.
 - b. Designated Parking: Per CGBSC Section 5.106.5.2 provide designated parking for any

combination of low-emitting, fuel-efficient, and carpool/van pool vehicles as shown in Table 5.106.5.2 which equals 8% of the proposed parking or a minimum of 32 spaces.

- c. Electric Vehicle Charging Stations: Per CGBSC Section 5.106.5.3, during construction provide electric vehicle supply equipment and electrical components as listed to facilitate the future installation of (or provide for during construction) electric vehicle charging stations. Per CGBSC Table 5.106.5.3.3, 12 electric vehicle charging stations spaces are required for this project or 3% of the total parking spaces.
37. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
38. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
39. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development/Planning Division: Jocelyn Puga at (408) 399-5706
 - b. Engineering/Parks & Public Works Department: Mike Weisz at 395-5340
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Bay Area Air Quality Management District: (415) 771-6000
 - f. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
40. ADVISORY COMMENTS:
 - a. Allowable Area calculations shall be provided for the subterranean parking garage podium structure and the two-story office building per California Building Code Chapter 5.
 - b. For the exterior deck/balcony, the occupant load will be calculated at 15 square feet per occupant. Please consider dividing the balconies with permanent railings to limit the balcony areas to less than 750 square feet in order to avoid the requirement for two compliant exits in anticipation of unknown future tenant improvement layouts.
 - c. The exterior exit stairway from the parking garage is less than 10 feet from the property line. Per 2016 California Building Code Section 1027.5, exterior exit stairways are required to have a fire separation distance of 10 feet from adjacent property lines. One possible solution would be to enclose the stairway in a one-hour rated enclosure. Another option is to move the stairway into the large fan room area.
 - d. The parking garage exhaust fan vent terminates 10 feet from the adjacent property line as required. However, per 2016 California Mechanical Code Section 502.2.2, the

fan outlet must terminate 10 feet above the adjoining grade. In order to avoid a chimney like element at the location shown, an option to consider would be to provide an exhaust duct across the parking garage ceiling and up through an elevator lobby chase and up through the rooftop mechanical well.

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

Engineering Division

41. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Developer's expense.
42. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
43. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
44. FOR PLANTERS: The Applicant shall apply for an encroachment permit for the proposed planters within the public sidewalk and/or public right-of-way. The Applicant shall work with Parks and Public Works Department staff to arrive at a mutually agreeable solution that addresses safety and aesthetic issues. If no solution is reached, the vegetative screening requirement shall be waived. An indemnity agreement for private improvements in the public right-of-way (indemnity agreement) will be required if planters are proposed to be located on public land. A copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
45. PUBLIC WORKS INSPECTIONS: The Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way.

Failure to do so will result in penalties and rejection of work that went on without inspection.

46. **RESTORATION OF PUBLIC IMPROVEMENTS:** The Developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
47. **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
48. **STREET/SIDEWALK CLOSURE:** Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
49. **PLAN CHECK FEES:** Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.
50. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to the issuance of any permits.
51. **PLANS AND STUDIES:** All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Applicant.
52. **GRADING PERMIT:** A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street, is needed for grading within the building footprint.
53. **DRIVEWAY:** The driveway conforms to existing pavement on both Winchester Boulevard and Shelburne Way shall be constructed in a manner such that the existing drainage patterns will not be obstructed.

54. **PARKING RESTRICTIONS AT DRIVEWAYS:** On-street parking shall be prohibited within 15 feet of the proposed driveways on both Winchester Boulevard and Shelburne Way to ensure adequate site distance.
55. **DRAINAGE IMPROVEMENT:** Prior to the issuance of any grading/improvement permits, whichever comes first, the Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
56. **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
57. **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.
58. **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 as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
59. **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.
60. **CERTIFICATE OF LOT MERGER:** A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded before any permits may be issued.
61. **DEDICATIONS:** The following shall be dedicated by separate instrument. The dedication shall be recorded before any permits are issued:
 - a. Winchester Boulevard: A 7-foot width of right-of-way shall be dedicated in fee for street purposes.
 - b. Public Service Easement (PSE): A 10-foot wide easement may be required by the utility companies.
62. **SOILS REPORT:** One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The

reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

63. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
64. SOILS REVIEW: Prior to issuance of any permits, the Applicant's engineers shall prepare and submit a design-level geotechnical/geological investigation for review and approval by the Town. 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. Approval of the Applicant's soils engineer shall then be conveyed to the Town either by letter or by signing the plans.
65. 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 shall be documented in an "as-built" letter/report prepared by the Applicant's soils engineer and submitted to the Town before final release of any occupancy permit is granted.
66. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Preliminary Geotechnical Investigation by Cornerstone Earth Group, dated September 21, 2015, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Applicant.
67. IMPROVEMENTS AGREEMENT: The Applicant shall enter into an agreement to construct public improvements that are part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and materials) prior to issuance of any permit. The Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. A copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
68. 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.

69. WATER DESIGN: Water plans prepared by San Jose Water Company must be reviewed and approved prior to issuance of any permit.
70. WATER METER: The proposed water meters shall be constructed and installed within the property in question, directly behind the public right-of-way line.
71. ELECTRICAL CABINET: The existing electrical cabinet, currently located within the Winchester Boulevard right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line after the required street dedication. The Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity.
72. ELECTRICAL VAULT: The existing electrical vault, currently located within the Winchester Boulevard right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line after the required street dedication. The Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity.
73. SANITARY SEWER CLEANOUT: The sanitary sewer cleanout proposed along the project's Winchester Boulevard frontage shall be constructed and installed within the property in question, directly behind the public right-of-way line after the required street dedication.
74. 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. Winchester Boulevard: New curb, gutter, minimum 5-foot detached sidewalk, minimum 4-foot park strip, pavement, street lights, tie-in paving, signing striping, and half-street pavement reconstruction along eastern half of Winchester Boulevard.
 - b. Shelburne Way: New curb, gutter, minimum 5-foot detached sidewalk, minimum 4-foot park strip, half-street pavement reconstruction along the southern half of the roadway, 2-inch grind and overlay along the northern half of the roadway, signing, and striping.
 - c. Bicycle lane: The project shall re-stripe Winchester Boulevard along the project frontage plus necessary conform transition for adding bicycle lanes. The roadway shall be re-surfaced prior to striping.
 - d. Pedestrian crosswalk: The project shall provide a corner bulb-out and a striped high-visibility pedestrian crosswalk crossing Shelburne Way at Winchester Boulevard as directed by Town Engineer.
 - e. Street lights: A new Town standard street light shall be installed on Winchester Boulevard at the corner of Shelburne Way along the project frontage. A new Town standard street light shall be installed on Shelburne Way along the project frontage replacing an existing PG&E street light across the project site. The developer shall coordinate with PG&E for the removal and installation.
75. FRONTAGE IMPROVEMENTS: The Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approaches, curb ramp, street lighting

(upgrade and/or repaint) etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

76. ADA COMPLIANCE: The Applicant shall be required to meet all ADA standards, which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.
77. UNDERGROUND PARKING GARAGE DRAINAGE: Water from the underground parking garage shall not be discharged onto the public street. The Applicant shall design a floor drainage system for the garage that collects all drainage and conveys runoff to the sanitary sewer system. Connecting said drainage system to the storm drain system is not permitted.
78. PARKING LOTS: Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The amount of impervious area associated with parking lots shall be minimized by utilizing design features such as providing compact car spaces, reducing stall dimensions, incorporating efficient parking lanes, and using permeable pavement where feasible. The use of permeable paving for parking surfaces is encouraged to reduce runoff from the site. Such paving shall meet Santa Clara County Fire Department requirements and be structurally appropriate for the location.
79. UTILITIES: The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
80. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
 - a. The Town standard "T" trench detail shall be used.
 - b. A Town-approved colored controlled density backfill shall be used.
 - c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
 - d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half ($\frac{1}{2}$) inch medium asphalt. The initial lift(s) shall be of three-quarter ($\frac{3}{4}$) inch medium asphalt.
 - e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
 - f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits

of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.

81. SIDEWALK REPAIR: The Developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
82. CURB AND GUTTER REPAIR: The Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
83. DRIVEWAY APPROACH: The Developer shall install two (2) Town standard commercial driveway approaches. The new driveway approaches shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
84. CURB RAMPS: The Developer shall construct one (1) curb ramp in compliance with ADA Standards which must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
85. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
86. FRONTAGE IMPROVEMENTS (TRAFFIC): The Applicant shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, ADA ramps, pedestrian crosswalk, and street lights as directed by the Town Engineer. The

improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

87. **TRANSPORTATION MANAGEMENT PLAN (TDM):** The developer shall prepare a Transportation Demand Management Plan for Town of Los Gatos approval prior to the issuance of a building permit. The TDM shall include the measures such as bicycle facility provisions, shower facilities, transit passes and subsidies, carpool incentive, designated car share parking, and other measures that may be required by Town Engineer. The TDM shall also include a TDM coordinator and identify the requirement for an annual TDM effectiveness report to Town of Los Gatos.
88. **TRAFFIC STUDY:** Any development of land use that generates greater traffic impacts than those assumed in the traffic study report may require an updated traffic study in accordance with the Town's traffic impact policy.
89. **TRAFFIC IMPACT MITIGATION FEE:** The Developer shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The fee shall be paid before issuance of a building permit. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time the building permit is issued, using a comparison between the existing and proposed uses. This fee is currently estimated in the amount of \$273,306.00.
90. **CONSTRUCTION STREET PARKING:** No vehicle having a manufacture'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 to approval from the Town Engineer.
91. **CONSTRUCTION VEHICLE PARKING:** No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public streets without written approval from Town Engineer.
92. **TRAFFIC CONTROL PLAN:** A traffic control plan is required and must be submitted and approved prior to any work in the public right-of-way. This plan shall include, but not be limited to, the following measures:
 - a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
93. **CONSTRUCTION TRAFFIC CONTROL:** All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by Town Engineer prior to beginning of any work.

94. **ADVANCE NOTIFICATION:** Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, specify dates and hours of operation.
95. **SCHOL DROP-OFF AND PICK-UP:** No construction activities affecting normal traffic flow shall be permitted during school drop-off and pick-up periods.
96. **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Developer shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Developer to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
97. **CONSTRUCTION HOURS:** All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
98. **CONSTRUCTION NOISE:** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
99. **CONSTRUCTION MANAGEMENT PLAN SHEET:** Prior to the issuance of any permits, the Applicant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's Construction Management Plan Guidelines document for additional information.
100. **WVSD (West Valley Sanitation District):** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, or at a location specified by the Town.
101. **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 Building Official. 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 in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.

102. **STORMWATER MANAGEMENT:** Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. The Applicant is required to provide proof of WDID# and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site and shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.
103. **BEST MANAGEMENT PRACTICES (BMPs):** The Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
104. **STORMWATER DEVELOPMENT RUNOFF:** All new development and redevelopment projects are subject to the stormwater development runoff requirements. Every Applicant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.
105. **LANDSCAPING:** In finalizing the landscape plan for the biotreatment area(s), it is recommended that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.
106. **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A 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 (1) acre. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy

season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The 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 most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). 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. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) must be developed forty-eight (48) hours prior to any likely precipitation event, defined by a fifty (50) percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (<http://www.srh.noaa.gov/forecast>) which must accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

107. **DUST CONTROL:** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty-five (25) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
108. **CONSTRUCTION ACTIVITIES:** All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control

ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

109. **SITE DRAINAGE:** 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. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
110. **STORM WATER MANAGEMENT PLAN:** A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of the Municipal Regional Stormwater NPDES Permit, Order R2-2015-0049, NPDES Permit No. CAS612008. The plan shall delineate source control measures and BMPs together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The Applicant may elect to have the Planning submittal certified to avoid this possibility.
111. **STORM WATER MANAGEMENT PLAN NOTES:** The following note shall be added to the storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the MRP. Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."
112. **STORM WATER MANAGEMENT PLAN CERTIFICATION:** Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here:
http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL.
113. **AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS:** The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by the Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property owner and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.
114. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY:** It is the responsibility of Contractor and homeowner 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.

115. **OUTDOOR TRASH ENCLOSURES:** Outdoor trash enclosures shall be covered and provided with area drains connected to the sanitary sewer per current NPDES requirements before a Certificate of Occupancy for any new building can be issued. Connecting said drainage system to the storm drain system is not permitted.
116. **GOOD HOUSEKEEPING:** Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.
117. **NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN:** Immediately upon approval of an encroachment permit, the Applicant shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
118. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

119. **FIRE SPRINKLERS REQUIRED:** 903.2 Where Required. Approved automatic sprinkler systems in new buildings and existing buildings and structures shall be provided in the locations described in this Section or Section 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 modifications 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 Section 903.2 as adopted and amended by LGTC.
120. **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 that system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor are documented by that purveyor as having been met by the applicant(s). 2010 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
121. **HOSE VALVES/STANDPIPES REQUIRED:** Hose valves/standpipes shall be installed as per the 2013 CFC Sec. 905, or where emergency access has been deemed minimal, shall be equipped with standpipes designed per NFPA Std. #14, and be equipped with 2-1/2" inch

hose valves, located within the stair enclosure(s). Note specifically, within parking structure(s) at stairwells and on podium within courtyard. CFC Sec. 905 as adopted and amended by CUPMC.

122. FIRE ALARM REQUIREMENTS: A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exists: The Group B load is more than 100 persons above or below the lowest level of exit discharge. Alarm systems shall comply with this code and with the currently adopted edition of NFPA 72 907.2.2 Group B.
123. EMERGENCY RESPONDER RADIO COVERAGE: 510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
124. FIRE PROTECTION AND UTILITY EQUIPMENT IDENTIFICATION AND ACCESS: 509.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and vales, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.
125. CONSTRUCTION FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chapter 33.
126. 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 signs or means shall be used to identify the structure. Address numbers shall be maintained. CFC Section 505.1

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DEC 05 2016

TOWN OF LOS GATOS
PLANNING DIVISION



Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: 15860, 15880 and 15894 Winchester Blvd
Description of Project and Letter of Justification

Description of Project

The property, located at the intersection of Winchester Blvd and Shelburne Way, consists of four parcels totaling approximately 1.3 acres. Current land use consists of three residential homes and accessory structures. One of the homes is a pre-1941 building. However, the Historical Preservation Committee found that the building is not historically significant and recommended approval of the request to demolish all structures on the property. The property is currently designated in the General Plan as Office Professional and zoned Office. The immediately adjacent neighboring properties include multi-family residential to the south, the Los Gatos Dog & Cat Hospital to the east, medical office across Winchester Blvd to the west, and single family detached across Shelburne to the north. The property topography includes approximately 10 feet of fall from Winchester Blvd down to the eastern property line adjacent to the Dog & Cat Hospital.

The proposed project is for a 30,070 square foot two-story office building. The two-story office building is consistent in massing and scale with the existing streetscape of Park Hillview Apartments and University Oaks multi-family homes. The architecture utilizes similar low profile rooflines and natural materials, while providing a refreshed look similar to recent Los Gatos developments such as the Los Gatos library. Large glass openings complete the design while providing plenty of natural light and views of the hills to the east.

Parking is provided through 41 at-grade parking stalls and 87 subterranean parking stalls for a total of 128 stalls equating to 1 stall per every 235 square feet of gross floor area. Parking also includes 36 bike stalls with showers provided on the ground and 2nd floors. The subterranean parking takes advantage of the natural slope topography of the site. At-grade parking is accessed from Winchester Blvd and subterranean parking is accessed via Shelburne Way. The subterranean parking would be gated.

The proposed office building has been sited to take advantage of existing tree vegetation, while addressing sensitivity to existing neighbors. Existing trees will be retained along Winchester Blvd, Shelburne Way and the eastern property line providing a strong visual buffer. A varying 30 to 38-foot setback to Winchester Blvd provides space for a landscape garden to enhance the natural neighborhood ambience. In addition, the building provides a 78-foot setback to the existing multi-family homes adjacent to the property to the south and a 69-foot setback to the Dog & Cat Hospital to the east.

Evolution of Project

EXHIBIT 5

The project was originally submitted as 11 single family residential homes (including two affordable homes) and a request for a zone change from Office to Office:PD. However, based on feedback from numerous constituencies regarding Town needs and the Town's active discussions regarding the use of the planned development ordinance, the application was withdrawn. After careful consideration of several land use alternatives, the project was revised to its current proposal as office use, consistent with the general plan and zoning. The rationale was clear: in addition to consistency with the general plan and zoning, office was an identified need. Even further, an office building in a "mid-range footage," one that local companies could take advantage of in their continued growth rather than moving out of the Town, was a clear need within the existing office inventory. The location along Winchester and proximity to downtown were ideal for an office building with these parameters.

CDAC reviewed conceptual plans in January 2016 and stated that they felt the use was appropriate for the site. In addition, CDAC provided feedback to improve the design of the project. The following changes were made to the project in response to CDAC comments:

- Addition of openings on east garage wall to allow natural light and ventilation into subterranean parking level
- Addition of bike parking and showers for bicyclists to encourage alternative local transportation
- Elimination of tandem parking stalls
- Revision of white stucco walls to enhanced smooth troweled plaster in more natural/warm colors
- Addition of ramp/speedway on subterranean parking level to eliminate dead end
- Revision of roof design to ensure appropriate screening of mechanical equipment
- Addition of deck and outdoor seating to better activate Winchester Boulevard frontage

General Plan Conformance

During the initial design phase of the project, the applicant reviewed the Town of Los Gatos 2020 General Plan to ensure conformance with applicable General Plan Policies. The project has been designed to conform with all applicable general plan policies including:

LU-1.2 Ensure that new development preserves and promotes existing commercial centers consistent with the maintenance of a small-scale, small-town atmosphere and image.

- The proposed project, located on Winchester Blvd, provides convenient access to the Downtown Center which will allow tenants and employees to take advantage of the Town's existing retail and services. Furthermore, the office has been redesigned with bike parking and showers to allow tenants to take advantage of alternative sustainable transportation methods that will provide convenient access to the Downtown center.

LU-1.8 Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos.

- The building has been designed as a low-profile roofline and smaller scale massing with large setbacks from existing streets and neighbors. In addition, the building utilizes natural materials and warm colors. The combination of these items is consistent with existing Town architecture and helps maintain the "small-town character" of Los Gatos.

LU-6.3 Protect existing residential areas from adjacent non-residential uses by assuring that buffers are developed and maintained.

- The project provides oversized setbacks creating a natural buffer and sensitivity to existing neighbors. Setbacks to existing properties on the south and east are 78 feet and 69 feet, respectively. In addition, the project provides a varying 30 to 38-foot setback to Winchester Blvd which allows for a large landscaping buffer helping maintain the small town feel and existing streetscape along Winchester Blvd.

LU-9.6 Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use policies of the Town.

- The proposed project creates employment opportunities for local residents to work within the Town without having to commute to alternative cities. The proposed project is also consistent with the land use designation of the general plan.

LU-9.9 Buffers shall be required as conditions of approval for non-residential projects that are adjacent to residential areas and may consist of landscaping, sound barriers, building setbacks, or open space.

- The proposed building has been sited away from existing neighbors creating a large buffer through building setbacks of 78 feet and 69 feet to the two existing neighbors. In addition, the project utilizes landscape buffers along the two property edges to further enhance the separation.

CD-1.1 Building elements shall be in proportion with those traditionally in the neighborhood.

- The two-story office building is consistent in massing and scale with the existing streetscape of Park Hillview Apartments and University Oaks multi-family homes. The architecture utilizes similar low profile rooflines and natural materials. Landscape design within large setback area has multiple layers of planting that complements neighborhood gardens.

CD-1.2 New structures, remodels, landscapes, and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.

- In addition to the massing and scale discussed above, the project has been designed to preserve existing trees along the property boundaries (including Winchester Blvd). This preservation maintains the integrity of the existing streetscape and visual appeal of the property. The building has also been designed to take advantage of the existing slope topography allowing the subterranean parking to be tucked under the building below grade with access from Shelburne Way.

CD-3.7 Roof mounted mechanical equipment shall be screened and such screening shall be considered as part of the structure for height limitations.

- The roof has been revised to include a mechanical well that screens all equipment from public view. All equipment has been included in height determination.

TRA-6.5 Require bicycle parking in private parking lots, and provide bicycle parking in all public lots in the Downtown

- The project has been revised to include bicycle parking in the parking lot and now also includes showers as an additional amenity for bicyclists.

TRA-9.5 Alternative transportation means shall be required whenever the traffic generated by a development would result in a significant increase in air pollution, traffic congestion, or noise.

- As mentioned above, project has been revised to include bicycle parking and showers allowing people to bike to work and also take advantage of the close proximity to downtown. In addition, the project is adding a bus stop along the property frontage as another alternative transportation means for tenants/employees to utilize.

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Hello Jocelyn -

We had ten attendees (see attached sheet). Two of the attendees would not sign the attendance sheet. I believe the tone of the meeting was fairly positive with good questions. The three speakers with the bulk of the questions were as follows:

Bryan Mekechuh lives on Via Sereno and had concerns about the project. He listed numerous concerns including: (i) traffic impacts on Winchester; He wants the access on Winchester to be right-in/right-out only and wants Shelburne Way to become right-in/right out only as well; does not want Shelburne to become signalized, (ii) concerns about school kids crossing the street mid-block due to our development, (iii) building massing is too large and blocked his view, (iv) concern about the second floor balcony/deck on the proposed office building violating his privacy. Follow up questions and answers to him did not assuage these concerns. For instance, we informed him that the deck faces the opposite direction of Via Sereno and does not wrap around the front of the building, but this did not alleviate his concern.

Andrew Spyker and Georgina Van Horn

They live adjacent to the property in University Oaks and had questions about edge conditions along the south side of the property (against their property). I agreed to send out a surveyor to get actual conditions in order to create an exhibit that incorporates both site conditions on their side of the property and our project to give a better visual representation of the as-built condition along their property line. I agreed to a follow up meeting with them to present this exhibit and discuss any remaining concerns.

The rest of the attendees had basic questions and seemed comfortable with the project. Let me know if you have any additional questions.

Doug

EXHIBIT 6

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TOWN OF LOS GATOS
PLANNING DIVISION

	NAME	EMAIL ADDRESS
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Board ★	3. Andrew Spyker	awspyker@gmail.com
	4. Georgina Van Horn	george_vh@msn.com
	5. STEVE WADE	seiwade@swstructural.com
Board ★	6. Weining Li	weiningli@yaho.com
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