

**PLANNING COMMISSION – October 28, 2020**  
**CONDITIONS OF APPROVAL**

**15415 National Avenue**  
**Subdivision Application M-18-008**

**Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008.**

**PROPERTY OWNER: Ramya Muddada**  
**APPLICANT: Kurt B. Anderson**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **EXISTING STRUCTURES:** Existing accessory structures shall be demolished or relocated prior to recordation of the parcel map.
4. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any protected trees to be removed, prior to the issuance of a building or grading permit.
5. **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.
6. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

7. **PERMITS REQUIRED:** A separate Demolition Permit is required for the demolition of each individual existing structure as outlined in the drawings provided with this application.
8. **REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE:** Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department

Service Counter with the Air District's J# Certificate, 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.

9. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: (408) 354-6874
  - b. Engineering/Parks & Public Works Department: (408) 399-5771
  - c. Santa Clara County Fire Department: (408) 378-4010

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

*Engineering Division*

10. APPROVAL: This application shall be completed in accordance with all 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.
11. PLANS AND STUDIES: Any studies imposed by the Planning Commission or Town Council shall be funded by the Owner/Applicant.
12. GENERAL: The Owner/Applicant shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Certificate of Compliance. Issuance of a Certificate of Compliance will acknowledge the Town's acceptance of the parcel as legally created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.
13. PARCEL MAP: A parcel map shall be recorded. Two (2) hardcopies and an electronic copy of the parcel map shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits. The Owner/Applicant shall provide the Engineering Division with an electronic copy (in PDF format) of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
14. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
15. DEDICATIONS: The following shall be dedicated on the parcel map by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
  - a. National Avenue: The ten (10) feet within the subject property located immediately adjacent to the National Avenue right-of-way shall be dedicated in fee.

- b. Public Service Easement (PSE): Five (5) feet wide, next to the National Avenue right-of-way dedication as described above.
  - c. Ingress-egress, storm drainage, sanitary sewer, and utility easements for Parcel 2 as shown on the Proposed Lot Subdivision plans, dated October 5, 2018, as required.
- 16. WATER METER: The existing water meter, currently located within the National Avenue right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner/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 prior to issuance of a certificate of occupancy.
- 17. 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 recordation of a map. The improvements must be completed and accepted by the Town before the issuance of any subsequent grading or building permits unless otherwise allowed by the Town Engineer.
  - a. National Avenue: Curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
  - b. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the edge of pavement on the project (west) side, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- 18. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
- 19. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach, signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, street lighting (upgrade and/or repaint) etc. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
- 20. DRIVEWAY APPROACH: The Owner/Applicant shall install one (1) Town standard residential driveway approach. The new driveway approach 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.
- 21. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, and street

lights, at the project frontage as directed by the Town Engineer. Plans for the improvements approved by the Town and the improvements themselves must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

22. UTILITIES: The Owner and/or Applicant 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 Owner and/or 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. Proposed modification of any utility pole locations will require the undergrounding of affected overhead utility lines. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
23. SUBDIVISION IMPROVEMENT AGREEMENT: The Owner/Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner/Applicant shall supply suitable securities for all 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 the issuance of any encroachment permit. The Owner/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 executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any encroachment permit.
24. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the Parcel map. A copy of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

25. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
26. Additional conditions shall be generated during further development of the parcels.