

PLANNING COMMISSION – March 27, 2019
CONDITIONS OF APPROVAL

258 Union Avenue

Architecture and Site Application S-18-033

Conditional Use Permit Application U-18-010

Subdivision Application M-18-004

Mitigated Negative Declaration ND-19-001

Requesting approval to construct a mixed-use commercial building with three attached multi-family condominiums, six detached single-family condominiums, and alternating use of parking on property zoned C-1. APN 527-44-012 and 013.

APPLICANT: EW Real Estate LLC

PROPERTY OWNER: Cashmere Bouquet 1031 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 February 28, 2019. 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. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. **BELOW MARKET PRICE (BMP) UNIT.** The developer shall provide one for-sale BMP unit (80% of area median income) to be sold at a price that is affordable to the target household income range, as required by the Town's BMP Program Guidelines and the BMP Resolution in place at the time of building permit issuance. A deed restriction shall be recorded prior to the issuance of any building permits, stating that the BMP unit must be sold and maintained as a below market price unit pursuant to the Town's BMP Ordinance and Guidelines. The BMP unit shall be provided prior to final inspection and issuance of an occupancy permit for the fifth market rate unit.
5. **AFFORDABLE HOUSING AGREEMENT.** Prior to issuance of building permits, the developer shall enter into an Affordable Housing Agreement with the Town for provision of the required BMP unit and to facilitate its sale pursuant to the BMP Program Guidelines and BMP Resolution in place at the time of building permit issuance.
6. **FENCING.** An eight-foot-high fence is permitted for the rear section of the private yards for units 1 and 6.

7. 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.
8. TREE REMOVAL PERMIT: A Tree Removal Permit for removal and/or pruning of existing trees on the property and trees overhanging the property shall be obtained, prior to the issuance of a building or grading permit.
9. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations made by Walter Levison, identified in the Arborist report, dated as received July 21, 2018, 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.
10. 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.
11. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
12. 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.
13. 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.
14. LANDSCAPING: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
15. 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.
16. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the applications.
17. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to installation of new signs.
18. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.

19. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new use.
20. 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.
21. AIR QUALITY AQ-1: The following basic construction mitigation measures shall be incorporated into project construction documents:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All 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.
 - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. Post a publicly visible sign with 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.
22. BIOLOGICAL RESOURCES BIO-1: 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.

23. BIOLOGICAL RESOURCES BIO-2: Prior to the issuance of a grading permit, the applicant shall ensure the following provisions are included in the final project plans, subject to the review and approval by the Town arborist, and implemented during construction:
 - a. Remove the six protected trees. Work with the adjacent neighbors to the east on replanting screening for both properties.
 - b. For existing trees that will be retained on the site, follow the Town of Los Gatos General Tree Protection Directions on pages 24 – 26 to the greatest extent possible, before site demo and during and after construction.
 - c. Neighboring trees whose canopies overhang the project site must receive tree protection in the same manner as existing trees to remain on the project site; for example, tree protection fencing and signage. The general contractor shall fence off the dripline of this tree as much as possible in order to avoid damaging branches and compacting the soil beneath the canopy. If pruning is necessary in order to avoid branch breakage, the general contractor shall hire a qualified tree service to perform the minimum necessary construction clearance pruning.
 - d. The root collars and lower trunks of some of the trees were obscured from view by vegetation, excess soil or other covering. Such portions of the tree should be uncovered, and the tree re-evaluated by the arborist.
 - e. Pre-construction pruning should be limited to the absolute minimum required for construction clearance.
24. GEOLOGY AND SOILS GEO-1: Prior to the issuance of a grading permit, the recommendations provided within the geotechnical report prepared by Murray Engineers in April 2018 shall be fully incorporated into the final construction plans. The developers of the proposed project are required to follow these recommendations, which address the removal of non-engineered fill material and replacement with engineered fill or compacted materials as well as sufficient design of the building foundations and building slab to avoid damage from differential settlement.
25. HAZARDOUS AND HAZARDOUS MATERIALS HAZ-1: Prior to the issuance of a grading permit, the developer of the proposed project shall perform environmental site sampling to assess potential vapor encroachment from former adjacent dry-cleaning operations at 5238 Union Avenue. If the results of the sampling indicate that site clean-up is recommended, the site shall be cleaned to the appropriate regulatory standards, also prior to issuance of a grading permit.
26. NOISE NOI-1: To achieve compliance with the Town of Los Gatos Noise Element 55 dB DNL limit at the noise impacted rear yards, the following noise control barriers will be

required.

- Construct an eight-foot high acoustically-effective barrier at the rear yards of Lot 1 and Lot 6 extending from the corners of the homes to the south and north property lines, respectively. Continue the barriers at eight-feet high for a distance of 24 feet in the easterly direction. Continue the rear property line barriers at seven feet high for 16 feet. Then continue the barriers for 32 feet at six feet high. The barriers heights are in reference to the nearest building pad elevation.
 - To achieve an acoustically-effective barrier it must be constructed air-tight, i.e., without cracks, gaps or other openings, and must provide for long term durability. The barrier can be constructed of masonry, wood, concrete, stucco, metal, earth berm or a combination thereof, and must have a minimum surface weight of 2.5 lbs. per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality air-tight tongue-and-groove, board and batten or shiplap construction can be used provided that the construction is air-tight, and the minimum surface weight is met. All connections with posts, pilasters and the building shells must be sealed air-tight. No openings are permitted between the barrier components and the ground.
27. NOISE NOI-2: To achieve compliance with the 45 dB DNL limits of the Town of Los Gatos Noise Element and Title 24, the following window controls will be required. In addition, general building shell controls are also recommended, as described in Appendix B of the acoustical analysis.
- Maintained closed all windows of living spaces with a direct or side view to Union Avenue (north, west and south facades). Provide mechanical ventilation for these spaces. There is no minimum Sound Transmission Class rating requirement. Any dual pane window assembly will suffice.
 - When windows and doors are maintained closed for noise control, mechanical ventilation and an air conditioning system must be provided to ensure a habitable interior environment. The mechanical ventilation system shall conform to the requirements of the California Mechanical Code and shall not compromise the acoustical integrity of the building shell. All other windows of the development may be kept open as desired with the exception of bathrooms that are an integral part of a living space and not separated by a closeable door, such as those common in master bedroom suites.
 - When windows are kept closed for noise control, they shall be operable as the requirement does not imply a fixed or inoperable condition.
 - In addition, the windows shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window and door construction, the sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Do not use expandable foam products.
28. NOISE NOI-3: All internal combustion engines used at the project site shall be equipped with a type of muffler recommended by the vehicle manufacturer. In addition, all

equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. The following measures shall also be implemented:

▪ Operational and Situational Controls

- a. All work on site should be restricted to 8:00 a.m. to 8:00 p.m. Weekdays, 9:00 AM to 7:00 PM, weekends and Holidays, per the requirements of the Town of Los Gatos Noise Ordinance.
- b. All construction noise control measures currently imposed on the project shall be maintained unless the measures outlined herein are more restrictive.
- c. All exterior stationary equipment shall be kept at least 100 ft. from neighboring residential property lines unless acoustically shielded.
- d. No material deliveries are allowed on Sundays or Federal Holidays.
- e. Cranes shall be located at least 100 ft. from any neighboring residential property line with the exception of cranes or lifts necessary to dismantle scaffolding.
- f. Minimize material movement along the north, east and south sides of the site.
- g. Locate stockpiles adjacent to residential neighbors as much as possible to help shield residences from on-site noise generation.
- h. Music shall not be audible off site.
- i. Dirt berming and stockpiling materials whenever possible can also help reduce noise to sensitive receptor locations.
- j. Place long-term stationary equipment as far away from the residential areas as possible.
- k. Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets near residences as much as possible.
- l. Keep vehicle paths graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur.
- m. Limit the extent of heavy diesel engine equipment work to less than 10 consecutive days when working within 40 ft. of the north, east or south property lines.

▪ Interior Work

- n. Windows of the interior spaces facing neighboring residences where work is being performed shall be kept closed while work is proceeding.
- o. Noise generating equipment indoors should be located within the building to utilize building elements as noise screens.

▪ Equipment

- p. Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- q. Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
- r. Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Utilize wheeled equipment rather than track equipment whenever possible.
- s. Building Construction: Nail guns should be used where possible as they are less noisy than manual hammering.

- t. Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.
 - u. Utilize temporary power service from the utility company in lieu of generators wherever possible.
 - v. All stationary equipment shall be rated no higher than 85 dBA @ 25 ft. under the equipment's most noisy condition.
 - w. Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 ft. from any residential property line unless the saw is screened from view by any and all residences using an air-tight screen material of at least 2.0 lbs./sq. ft. surface weight, such as ¾" plywood.
 - x. Use electrically powered tools rather than pneumatic tools whenever possible.
 - y. Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.
 - z. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers.
 - aa. Utilize wheeled equipment rather than tracked equipment whenever possible.
 - bb. All vibration generating equipment or machinery shall not be used within the distances to adjacent buildings shown in Table V of the acoustical analysis (Appendix G) for the type of equipment used.
 - Noise Complaint Management
 - cc. Designate a noise complaint officer. The officer shall be available at all times during construction hours via both telephone and email. Signs shall be posted at site entries.
 - dd. Notify, in writing, all residents within 300 ft. of the site of construction. The notification shall contain the name, phone number and email address of the noise complaint officer. A flyer may be placed at the doors of the residences.
 - ee. A log of all complaints shall be maintained. The logs shall contain the name and address of the complainant, the date and time of the complaint, the nature/description of the noise source, a description of the remediation attempt or the reason remediation could not be attempted.
29. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

- 30. PERMITS REQUIRED: A Building Permit is required for the construction of a new commercial building with three attached condominium flats. An additional permit will be required for each of the six-detached new single-family condominium homes with attached garages.
- 31. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
- 32. Include on the plans the confirmation letter from property owner/developer stating no public funds used to construct dwellings.
- 33. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and

submitted with the building permit application detailing how the Conditions of Approval will be addressed.

34. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
35. **SIZE OF PLANS:** Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
36. **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.
37. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
38. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
39. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
40. **TOWN RESIDENTIAL ACCESSIBILITY STANDARDS:** New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
 - d. A door buzzer, bell or chime shall be hard wired at primary entrance.
41. **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.
42. **TOWN FIREPLACE STANDARDS:** New wood burning fireplaces shall be an EPA Phase II

approved appliance or gas appliance per Town Ordinance 1905. Tree limbs shall be cut within 10 feet of chimneys.

43. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
44. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
45. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blue Print for a fee or online at www.losgatosca.gov/building.
46. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6872
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

47. 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.
48. 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.
49. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or

occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.

50. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over **\$5,000.00** will require construction security. It is the responsibility of the 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.
51. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
52. 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 any work that occurred without inspection.
53. RESTORATION OF PUBLIC IMPROVEMENTS: The Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Developer or their representative'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 restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
54. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
55. 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.
56. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.

57. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits or recordation of the Final Map.
58. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
59. PARKING: Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
60. 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 Developer.
61. 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). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) 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). Prior to Engineering signing off and closing out on the issued grading permit, the Developer's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.
62. HAZARDOUS AND HAZARDOUS MATERIALS HAZ-1: Prior to the issuance of a grading permit, the developer of the proposed project shall perform environmental site sampling to assess potential vapor encroachment from former adjacent dry-cleaning operations at 5238 Union Avenue. If the results of the sampling indicate that site clean-up is recommended, the site shall be cleaned to the appropriate regulatory standards, also prior to issuance of a grading permit.
63. DRIVEWAY: The driveway conforms to existing pavement on Union Avenue shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
64. DRAINAGE IMPROVEMENT: Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or any grading or building permits, the Developer 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.

65. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
66. PRECONSTRUCTION MEETING: Prior to the commencement of any site work, the general contractor shall:
 - a. Along with the Developer, 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.
67. GENERAL: The Developer 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.
68. FINAL MAP: A final map shall be recorded. Two (2) copies of the final 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 building or grading permits. The Developer shall provide the Engineering Division with an electronic copy (in PDF format) and two hardcopies of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
69. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
70. PRIVATE UTILITIES-STREET: Prior to the recordation of a subdivision map the Developer shall place a note on the map, in a manner that meets the approval of the Town Engineer that states: "The private streets, utilities constructed within this map shall be owned, operated and maintained by the Developer, successors or assigns."
71. DEDICATIONS: The following shall be dedicated on the final map by separate instrument. The dedication shall be recorded before any permits are issued:
 - a. Public Service Easement (PSE): Ten (10) feet wide, next to the Union Avenue right-of-way.
 - b. Ingress/egress, private utility, storm drainage and sanitary sewer easements, as required.
 - c. Emergency Access Easement: An emergency vehicle access easement may be necessary to facilitate access for the Santa Clara County Fire Department.
72. 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.

73. SOILS REVIEW: Prior to Town approval of a development application, the Developer's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Developer, and subsequent approval by the Town. The Developer's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Developer's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of any grading or building permits.
74. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Developer'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 Developer's soils engineer and submitted to the Town before a certificate of occupancy permit is granted.
75. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Geotechnical Investigation by Murray Engineers Inc, dated April 2018, 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 Developer.
76. GEOLOGY AND SOILS GEO-1: Prior to the issuance of a grading permit, the recommendations provided within the geotechnical report prepared by Murray Engineers in April 2018 shall be fully incorporated into the final construction plans. The developers of the proposed project are required to follow these recommendations, which address the removal of non-engineered fill material and replacement with engineered fill or compacted materials as well as sufficient design of the building foundations and building slab to avoid damage from differential settlement.
77. SUBDIVISION IMPROVEMENT AGREEMENT: The Developer shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Developer 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, grading or building permit. The Developer 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, grading or building permit.
78. 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 by Rule LS2A, and that private lights shall be metered with billing to the homeowners' association and commercial building. Pole numbers, assigned~~

~~by PG&E, shall be clearly delineated on the plans.~~

79. WATER METER: The existing water meter, currently located within the Union Avenue right-of-way, shall be removed and relocated within the property in question, directly behind the public right-of-way line. The Developer 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.
80. TRANSPORTATION AND TRAFFIC TRANS-1: Red curbs shall be implemented by the developer, to the satisfaction of the Town Engineer, adjacent to both sides of the proposed project's driveways prior to the issuance of occupancy to ensure adequate sight distance from vehicles parked along the right-of-way of Union Avenue.
81. TRANSPORTATION AND TRAFFIC TRANS-2: Prior to issuance of a building permit, the developer shall indicate on the final landscape plans that all landscape fronting Union Avenue and placed between the face of the proposed project buildings and the sidewalk shall be low in height to ensure visibility of pedestrians by drivers on Union Avenue. The characteristics of the selected plants on the final landscape plans shall be 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.
82. 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. 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.
 - a. Union Avenue
 - i. Install new curb, gutter, minimum 5-foot detached sidewalk, minimum 4-foot park strip, street lights, signing, striping, and storm drainage along the property frontage as directed by the Town Engineer.
 - ii. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the project (east) side, or alternative pavement rehabilitation measures as approved by the Town Engineer.
 - iii. Provide a 2-inch grind and overlay from centerline to the west side of the street/lip of gutter, or alternative pavement rehabilitation measures as approved by the Town Engineer.
 - iv. Concurrent with the [Bicycle and Pedestrian Master Plan](#), reserve width for a future Class II bike lane along the property frontage as directed by the Town Engineer. Remove existing and replace with installation of new pavement delineation and slurry seal for the affected pavement as directed by the Town Engineer.
 - v. Paint ten (10) feet of red curb on each side of the proposed driveways. Ensure that the required red curb lengths on both sides of the existing fire hydrant are provided.
83. GREEN INFRASTRUCTURE MEASURES: Projects which propose work within the Town's right-of-way, including but not limited to pavement restoration, street widening,

construction of curb, gutter and/or sidewalk, right-of-way dedication, etc., will be evaluated by Staff to determine its potential for the implementation of Green Infrastructure measures and associated improvements.

84. **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 approaches, signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (underground overhead service and upgrade pole to current standard) 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.
85. **ADA COMPLIANCE:** The Developer 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.
86. **PARKING LOTS:** Parking lots and other impervious areas shall be designed to drain stormwater runoff to vegetated drainage swales, filter strips, and/or other Low Impact Development (LID) treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into the storm drain system and/or public right-of-way. The 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, using permeable pavement where feasible, and adhering to the Town's [Parking Development Standards](#). 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.
87. **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 Developer 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.
88. **UTILITY EASEMENTS:** Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, structures or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Developer's surveyor shall prepare the legal description and plat. The Developer shall pay any recordation costs. The documents shall be recorded before any grading or permits are issued.
89. **PRIVATE EASEMENTS:** Agreements detailing rights, limitations and responsibilities of

involved parties shall accompany any proposed private easement. Access driveway shall be within the recorded access easement. A new private access easement 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 issuance of a grading or building permit. A realigned access driveway shall be completed prior to the issuance of building permit.

90. 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.
91. 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.
92. DRIVEWAY APPROACH: The Developer shall install one (1) Town standard residential driveway approach and one (1) Town standard commercial driveway approach. 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.
93. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
94. 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.
95. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, and street lights at project frontage as directed by the Town Engineer. 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.

96. FRONTAGE IMPROVEMENTS (STREET LIGHTS): The Developer shall underground the existing overhead electrical feed for the street light on Union Avenue along the project frontage. Remove the existing and subsequently install a new street light pole and fixture per current standards. 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.
97. TRAFFIC IMPROVEMENTS (OFF-SITE IMPROVEMENT): Traffic improvements may be required as determined by traffic study or the project conditions of approval. Construct off-site improvements as required. Plans shall be prepared by the Developer's design consultants and submitted to the Town Engineer for approval prior to construction. 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.
98. STREET LIGHTS AND TRAFFIC SIGNAL INSPECTION FEES: The Developer shall pay an inspection fee in the amount of **\$1,000.00** for the Town's inspection of street lights and traffic signal-related work installed by the Developer. The fees shall be due at time of building permit application.

~~99. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM): The Developer shall prepare a Transportation Demand Management Plan for the Town of Los Gatos approval prior to the issuance of a grading or 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 the Green Building Code, VTA guidelines and the Town Engineer. The TDM shall also include a TDM Coordinator and identify the requirement for an annual TDM effectiveness report to the Town of Los Gatos.~~

~~100.~~ 99. BICYCLE FACILITIES: Bicycle facilities including, but may not be limited to, Class II bike lanes, will be provided in all directions and approaches of improved streets and intersections as directed by Town Engineer.

~~101.~~ 100. 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.

~~102.~~ 101. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building permits, 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 and shall be paid before issuance of any building permits. 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 use, or most recent use as applicable, and proposed uses. There is no fee amount required based on the submitted plans and present fee policy as of March 2019.

~~103.~~102. **PRECONSTRUCTION PAVEMENT SURVEY:** Prior to issuance of any grading or building permits, the Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend along Union Avenue in the southbound direction from Los Gatos-Almaden Road to Downing Oak Court and in the northbound direction from Downing Oak Court to the Town limits. The results shall be documented in a report and submitted to the Town for review.

~~104.~~103. **POSTCONSTRUCTION PAVEMENT SURVEY:** The Developer shall complete a pavement condition survey and pavement deflection analysis to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition and strength shall be determined using State of California procedures for deflection analysis. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.

~~105.~~104. **CONSTRUCTION VEHICLE PARKING:** No construction vehicles, trucks, equipment and worker vehicles shall be allowed to park on the portion of any public (Town) streets without written approval from the Town Engineer.

~~106.~~105. **TRAFFIC CONTROL PLAN:** A traffic control plan is required and must be submitted and approved prior to the issuance of an Encroachment, Grading or Building Permit. 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.

~~107.~~106. **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 the Town Engineer prior to the issuance of an Encroachment, Grading or Building Permit.

~~108.~~107. **ADVANCE NOTIFICATION:** Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.

~~109.~~108. **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 an Encroachment, Grading or Building Permit, the Developer or their representative 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 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.

~~110.~~109. **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 Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.

~~111.~~110. **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.

~~112.~~111. **CONSTRUCTION MANAGEMENT PLAN SHEET:** Prior to the issuance of an Encroachment, Grading or Building Permit, the Developer's design consultant 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), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's [Construction Management Plan Guidelines](#) document for additional information.

~~113.~~112. **WVSD (West Valley Sanitation District):** A Sanitary Sewer Clean-out is required for each property at the property line, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.

~~114.~~113. **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.

~~115.~~114. **BEST MANAGEMENT PRACTICES (BMPs):** The Developer 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.

~~116.~~115. **STORMWATER DEVELOPMENT RUNOFF:** All new development and redevelopment projects are subject to the stormwater development runoff requirements. The Developer or their design consultant 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.

~~117.~~116. **REGULATED PROJECT:** The project is classified as a Regulated Project per Provision C.3.b.ii. and is required to implement LID source control, site design, and stormwater treatment on-site in accordance with Provisions C.3.c. and C.3.d..

~~118.~~117. **SITE DESIGN MEASURES:** All projects shall incorporate at least one of the following measures:

- a. Protect sensitive areas and minimize changes to the natural topography.
- b. Minimize impervious surface areas.
- c. Direct roof downspouts to vegetated areas.
- d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
- e. Use landscaping to treat stormwater.

~~119.~~118. **BIORETENTION SYSTEM:** The bioretention systems shall be designed to have a surface area no smaller than what is required to accommodate a 5 inches/hour stormwater runoff surface loading rate, infiltrate runoff through bioretention soil media at a minimum of 5 inches per hour, and maximize infiltration to the native soil during the life of the project. The soil media for bioretention systems shall be designed to sustain healthy, vigorous plant growth and maximize stormwater runoff retention and pollutant removal. Bioretention soil media that meets the minimum specifications set forth in Attachment L of Order No. R2-2009-0074, dated November 28, 2011, shall be used.

~~120.~~119. **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.

~~121.~~120. **LANDSCAPE MAINTENANCE AGREEMENT:** The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to maintain the vegetated areas along the project's Union Avenue frontage located within the public right-of-way. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any grading or building permits.

~~122.~~121. **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 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 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.

~~123.~~122. **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.

~~124.~~123. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.

~~125.~~124. **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.

~~126.~~125. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels,

directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

~~127.~~126. **AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS:** The property owner/homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by 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/homeowner's association 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.

~~128.~~127. **MAINTENANCE OF PRIVATE STREETS:** It is the responsibility of the homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

~~129.~~128. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY:** It is the responsibility of Contractor 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.

~~130.~~129. **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.

~~131.~~130. **NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN:** Prior to the issuance of an encroachment, or grading or building permit, the Developer 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.

~~132.~~131. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

~~133.~~132. **UTILITY COMPANY REVIEW:** Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to the recordation of the Final Map.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

~~134.~~133. **FIRE SPRINKLERS REQUIRED:** Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.19, whichever is more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures. CRC Sec. 903.2 as adopted and amended by LGTC.

~~135.~~134. **FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED:** Provide access roadways with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet, six inches, minimum circulating turning radius of 42 feet outside and 23 feet inside, and a maximum slope of 15 percent. For installation guidelines refer to Fire Department Standard Details and Specifications Sheet A-1. CFC Sec. 503. Include all above required dimensions on the plans.

~~136.~~135. **PARKING:** When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following:

- Parking is permitted on both sides of the street with street widths of 36 feet or more.
- Parking is permitted on one side of the street with street widths of 28-35 feet.
- No parking is permitted when street widths are less than 28 feet.

~~137.~~136. **TIMING OF INSTALLATION:** When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary streets signs shall be installed at each street intersection when construction of new roadways allow passage by vehicles in accordance with Section 505.2 CFC Sec. 501.4

~~138.~~137. **GROUND LADDER ACCESS:** Ground-ladder rescue from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of 75 degrees maintained an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2.

~~139.~~138. **CONSTRUCTION SITE FIRE SAFETY:** All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specifications SI-7. Provide appropriate notations on subsequent plan submittals, appropriate to the project CFC Chapter 33.

~~140.~~139. **WATER SUPPLY REQUIREMENTS:** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be

physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

~~141.140.~~ 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