

ORDINANCE 2234

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE
FROM O TO O:PD
FOR PROPERTY LOCATED AT
375 KNOWLES DRIVE**

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at 375 Knowles Drive (Santa Clara County Assessor Parcel Number 406-28-039) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from O (Office) to O:PD (Office, Planned Development).

SECTION II

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

1. Removal of existing site improvements.
2. Construction of 29 market rate single-family detached residences.
3. Provision of 4 BMP units (two moderate income units and two low income units).
4. Landscaping, private street, parking and other improvements shown and required on the Official Development Plans.
5. Uses permitted are those specified in the O (Office) zone by Sections 29.60.080 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III
COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

A Tentative Subdivision Map and Architecture and Site Approvals are required before construction of subdivision improvements or new residences, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code.

SECTION V

The attached Exhibit A (Map), and Exhibit B (Official Development Plans), are part of the Official Development Plan. The following performance standards must be complied with before issuance of any grading, or construction permits (mitigation measures are so noted and are flagged with an asterisk):

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the Architecture and Site approval process. Colors and building materials shown on the Official Development Plan are not approved and shall be reviewed during the Architecture and Site approval process.
2. 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.

3. **ARCHITECTURE AND SITE APPROVAL REQUIRED.** A separate Architecture and Site (A&S) application and approval is required for each of the new residences. Architectural details, including fencing and a project entry sign, shall be refined as part of this process with input from the Town's Architectural Consultant. The Planning Commission shall be the deciding body for the Architecture and Site applications.
4. **SUBDIVISION REQUIRED.** A tentative map application shall be approved for the project prior to the issuance of building permits. The Development Review Committee may be the deciding body of the tentative map.
5. **BELOW MARKET PRICE (BMP) UNITS.** The developer shall provide four (4) BMP units, within the project. The BMP units will be sold to two moderate income recipients and two low income recipients through the Town's BMP Program.
6. **DEED RESTRICTION.** A deed restriction shall be recorded prior to the issuance of any building permits, stating that the BMP residences must be purchased and maintained as below market price units pursuant to the Town's BMP Ordinance and requirements. The developer shall enter into a Below Market Price Agreement with the Town prior to issuance of building permits.
7. **FINAL LANDSCAPE PLAN.** A final landscape plan shall be reviewed by the Town's Consulting Landscape Architect and approved as part of the Architecture and Site process. Minimum tree size at time of planting shall be 24-inch box.
8. **WATER CONSERVATION ORDINANCE REQUIREMENT.** The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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 prior to the issuance of a building permit.
9. **SETBACKS.** The minimum distance between buildings shall be 10 feet and the front setback for units fronting on Capri Drive shall be a minimum of 15 feet. Minimum setbacks are otherwise as shown on the Official Development Plans. Setbacks may not be reduced to less than what is shown on the Official Development Plans.
10. **BUILDING HEIGHT.** The maximum height of the new residences shall be 30 feet.

11. HOUSING SIZE. No additional square footage shall be permitted for any of the new residences.
12. GREEN BUILDING. The new residences shall be designed to achieve compliance with GreenPoint Rated Standards for green building certification. The GreenPoint checklist shall be completed by a Certified Green Building Professional and submitted to the Town prior to issuance of a building permit.
13. ACCESSORY STRUCTURES. One open-style accessory or garden structure may be allowed per lot (examples: gazebo, arbor, trellis). Accessory structures higher than 6 feet shall be set back a minimum of three feet from side and rear property lines. Accessory structures are not allowed in front yards.
14. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties, to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Lighting specifications shall be reviewed as part of the Architecture and Site process.
15. AESTHETICS MITIGATION MEASURE AES-1. Trees designated for retention shall be identified on the project plans. All trees to be retained, including those located off-site and adjacent to the project site, shall be protected from inadvertent damage by construction equipment during project construction. The following protection measures shall be implemented:
 - a. Wrap trunks of protected trees with protective materials and provide protective fencing at least six feet from the trunk.
 - b. No grading shall be permitted within the fenced tree protection areas, and if the resulting adjacent grading is higher or lower than natural grade at the tree trunk, adequate permanent drainage and root protection shall be provided.
 - c. Prohibit soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping or storage of materials under the drip line of trees.

- d. Bridge or tunnel under major roots where exposed. Roots should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blade, or other approved root-pruning equipment. Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly.
 - e. If limbs are to be cut from trees, pruning shall be accomplished to preserve an balanced tree form, and in accordance with the International Society of Arboriculture's Best Management Practices for Tree Pruning and ANSI A300 specifications.
 - f. Additional measures as listed in Section 5 of the Arborist Report prepared for the project.
16. BIOLOGIC RESOURCES MITIGATION MEASURE 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 habitat 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 disturbance/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 review and approval prior to disturbance and/or construction activities. If no active bird nests are detected during the survey, then project 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 an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or 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 applicable project permits. To ensure that no inadvertent impacts to an active bird nest will

- occur, no disturbance and/or 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 during construction.
17. GREENHOUSE GASSES MITIGATION MEASURE GHG-1. The applicant shall submit a New Solar Homes Partnership reservation application package for a minimum of 23 of the houses within the proposed project, prior to issuance of building permits. Supporting paper work shall be submitted to the Building Official for verification of participation. Prior to occupancy, the applicant shall submit documentation of completion from either the California Energy Commission or the electric utility company.
 18. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of demolition or grading permits.
 19. REPLACEMENT TREES. New trees shall be planted to mitigate the loss of trees being removed. The number of trees shall be determined using the canopy replacement table in the Tree Protection Ordinance. New trees shall be double staked and shall be planted prior to final inspection and issuance of occupancy permits. If the required number of replacement trees cannot be accommodated on the project site, the applicant may pay an in-lieu fee for any trees that are not planted.
 20. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees that are to be retained, and shall remain through all phases of grading and 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.
 21. RECYCLING. All wood, metal, glass and aluminum materials generated from demolition work shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the demolition inspection.
 22. FINAL UTILITY LOCATIONS. The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community

Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.

23. CULTURAL RESOURCES MITGATION MEASURE CR-1. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the contractor shall stop work within 50 meters (about 160 feet) of the find until the find can be evaluated by a qualified archaeologist. If the find is determined to be significant, notification shall be made and appropriate mitigation measures shall be developed and implemented with the concurrence of the Town.
24. CULTURAL RESOURCES MITGATION MEASURE CR-2. If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if:
 - a. The Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation with-in 24 hours after being notified by the Commission;
 - b. The descendent identified fails to make a recommendation; or
The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

25. NOISE MITIGATION MEASURE NOI-1. The project plans shall include a noise barrier along the west property lines of Lots 42, 43, 44, and 45. The project plans shall include a noise barrier along the project site boundary east of Private Drive 1 for approximately 180 feet northward from Knowles Drive. The project plans shall include a noise barrier along the south boundary of Lot 45, and between houses on Lots 38, 39, and 40. These noise barriers shall be no less than nine feet in effective height, with at least two feet of height obtained through berming of the underlying ground, to reduce apparent wall height. The project plans shall include a noise barrier along the project site boundary south of Private Drive 1 for approximately 100 feet west of Capri Drive, and a noise barrier along the north property line of Lots 4, 5, and Private Drive 2. The project plans shall include a noise barrier between houses on Lots 1, 2, 3, and 4, and between the house on Lot 4 and the northern property line. These noise barriers shall be no less than five feet in height. The noise barriers shall be constructed solidly over the face and at the base, with no openings or gaps between barrier materials or the ground. Suitable materials for barrier construction shall have a minimum surface weight of three pounds per square foot (such as one-inch thick wood, masonry block, concrete, or metal). Noise barriers shall match building architecture.
26. NOISE MITIGATION MEASURE NOI-2. The applicant shall observe the following construction noise attenuation measures and practices:
- a. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - b. Prohibit all unnecessary idling of internal combustion engines.
 - c. Utilize "quiet" models of air compressors and other stationary noise sources where feasible technology exists.
 - d. Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent residential land uses.
 - e. Locate staging areas and construction material storage areas as far away as possible from adjacent noise sensitive land uses.

- f. Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. A notice shall be sent to residential addresses within 100 feet of the project site boundaries with information on the construction schedule, including how each construction phase relates to potential noise levels.
- g. Designate a "disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- h. Acoustically shield adjacent sensitive uses from stationary equipment with temporary noise barriers or recycled demolition materials, unless noise monitoring indicates that suitable noise levels may be attained at residential property lines by other methods.

Building Division

- 27. PERMITS REQUIRED. A Demolition Permit is required for any demolition work necessary for the project and a Building Permit is required for construction of each of the new residences and detached garages. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
- 28. SIZE OF PLANS. Submit four sets of construction plans, maximum size 24" x 36".
- 29. CONDITIONS OF APPROVAL. The Performance Standards and any subsequent 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 will be addressed.

30. **DEMOLITION REQUIREMENTS.** Obtain a Building Department Demolition Application and a Bay Area Air Quality Management 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 J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
31. **STREET NAMES & HOUSE NUMBERS.** Submit requests for new street names and house numbers to the Building Division prior to submitting for the building permit application process.
32. **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.
33. **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 the Cal/OSHA regulations.
34. **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 elevation, on-site retaining wall locations, and elevations have been prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
- a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining Walls

35. **RESIDENTIAL TOWN ACCESSIBILITY STANDARDS.** The residences shall be designed with adaptability features for multiple 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.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.
 - c. Primary entrance shall a 36-inch wide door including a 5'x5' level landing, no more than 1/2-inch out of plane with the immediate interior floor level with an 18-inch clearance at interior strike edge.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance.
36. **TITLE 24 ACCESSIBILITY.** On-site parking facilities shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, on-site general path of travel accessibility to building entrances from parking facilities and sidewalks.
37. **TITLE 24 ENERGY COMPLIANCE.** All required California Title 24 Energy Compliance Forms must be blue-lined on the plans.
38. **BLUEPRINT FOR CLEAN BAY.** The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print for a fee or online at www.losgatosca.gov/building.
39. **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.
40. **PLANS.** The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538).

41. 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.
42. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division: Joem Paulson (408) 354-6875
 - b. Engineering/Parks & Public Works Departments: Trang Tu-Nguyen (408) 354-5236
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
 - f. Bay Area Air Quality Management District: (415) 771-6000
43. HOUSING ACCESSIBILITY. The project shall comply with the Housing Accessibility requirements of 2007 California Building Code Chapter 11A.

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

Engineering Division

44. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

45. APPROVAL. This application shall be completed in accordance with all the conditions of approvals 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.
46. 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), SBC, Comcast, Santa Clara Valley Water District, California Department of Transportation. Copies of any approvals or permits must be submitted to the Town Engineering Department prior to releasing of any permit.
47. 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 right of way.
48. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
49. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
50. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.

51. STREET/SIDEWALK CLOSURE. Any proposed blockage or partial closure of the sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
52. 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.
53. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any permit or recordation of the Final Map.
54. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
55. WEST VALLEY SANITATION DISTRICT FEES. All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties, or immediately prior to the issuance of a sewer connection permit, whichever event occurs first – written confirmation of payment of these fees shall be provided prior to map recordation or permit issuance.
56. PARKING. Any proposed parking restrictions must be approved by the Police Department.
57. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
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 prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
59. 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.
60. 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 Town Grading Ordinance. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
61. CONSTRUCTION EASEMENT. Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to issuance of any permit.
62. DRAINAGE STUDY. Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Town Engineer:
- a. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions.
- b. A drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may

be expected from all storms up to and including the theoretical 100-year flood.

63. DRAINAGE IMPROVEMENT. Prior to the recordation of a subdivision map or prior to the issuance of any grading/improvement permits, whichever comes first, the applicant shall: (a) Design provisions for surface drainage; (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 recorded copy of any required easements to the Town.
64. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit/building permit.
65. 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
66. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
67. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters.
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
68. RETAINING WALLS. A building permit, issued by the Building Division of the Community Development 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.

69. FINAL MAP. A final map shall be recorded prior to issuance of any permit. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded before any permits for new construction are issued.
70. DEMOLITION: The existing building shall be demolished prior to recordation of the parcel map affected by this existing building.
71. 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.
72. PRIVATE UTILITIES/STREET. Prior to the recordation of a subdivision map the applicant 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, successor or assigns."
73. DEDICATIONS: The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issues:
- a. Public service easement if required by utilities companies such as San Jose Water Company, West Valley Sanitation District or others as required.
 - b. Emergency Access Easement: Twenty (20) feet wide connecting entrance at Knowles Drive to exit at Capri Drive.
74. SOILS REPORT. One copy of the soils report shall be submitted with the grading permit 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.

75. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
76. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.
77. SOIL RECOMMENDATIONS. The project shall incorporate the geotechnical/geological recommendations contained in the Preliminary Geotechnical Investigation by Treadwell & Rollo, dated October 25, 2012, 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.
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 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.
79. WATER DESIGN. Water plans prepared by SJWC must be reviewed and approved prior to issuance of any permit.
80. 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. Pollard Drive and Capri Drive. Curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
81. **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 ramps, traffic signal, street lighting (upgrade and/or repaint) etc.
 82. **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 27.50.013(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
 83. **UTILITY EASEMENTS.** Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs.
 84. **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. The total asphalt thickness shall be a minimum of 3-inches or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of half inch medium asphalt. The initial lift(s) shall be of three quarter inch medium asphalt.
 - d. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.

- e. A slurry seal topping may be required by the construction inspector depending on his assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend 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.
85. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
86. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
87. DRIVEWAY APPROACH. The developer shall install Town standard residential driveway approaches. The new driveway approaches shall be constructed per Town Standard Details.
88. CURB RAMPS: The developer shall construct all curb ramp(s) in compliance with ADA Standards.
89. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
90. SIGHT TRIANGLE AND TRAFFIC VIEW AREA. Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Section 23.10.080, 26.10.065, 29.40.030.

91. **AS-BUILT PLANS.** After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: (a) Building Outline, Layer: BLDG-OUTLINE; (b) Driveway, Layer: DRIVEWAY; (c) Retaining Wall, Layer: RETAINING WALL; (d) Swimming Pool, Layer: SWIMMING-POOL; (e) Tennis Court, Layer: TENNIS-COURT; (f) Property Line, Layer: PROPERTY-LINE; (g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
92. **TRAFFIC IMPROVEMENTS:**
- a. Pollard Drive frontage: Widen to allow curb/gutter/sidewalk to align with existing east of the project frontage. Additional width will allow implementation of future bike lanes per the Town's General Plan.
 - b. Capri Drive frontage: Narrow Capri Drive to allow curb/gutter/sidewalk to conform with the alignment south of the project frontage and provide uniform sidewalk width as north and south of project frontage.
 - c. Street lights: Replace light fixture with LED light fixture and re-paint light pole as required by the Town Engineer.
93. **TRAFFIC STUDY.** The traffic study submitted by the applicant assumes the following land use: 40 single-family residences. Any development of land use that generates greater traffic impacts other than those assumed shall require an updated traffic study utilizing a methodology approved by the Town. The Town may impose additional conditions on the applicant or development based on the updated Town-approved traffic study.

94. **CONSTRUCTION TRAFFIC.** All construction traffic and related vehicular routes shall be submitted for review and approval by the Town Engineer prior to issuance of permit. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic detour plans for any lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2003, and standard construction practices. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.
95. **TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL).** The developer shall pay a proportional the project's 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 traffic impact mitigation fee for this project using the current fee schedule is \$96,390 based on 160.65 ADT increase. The final fee shall be calculated from the final plans using the rate schedule in effect at the time the building permit is issued.
96. **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.
97. **TRAFFIC CONTROL PLAN.** The project sponsor will be required to work with the Engineering Division of the Parks and Public Works Department to develop a traffic control plan for incorporation into the construction bid documents (specifications), and this plan will 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, and special events. 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.
98. **HAULING OF SOIL.** Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.
99. **CONSTRUCTION NOISE.** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
100. **CONSTRUCTION MANAGEMENT PLAN.** The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
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 Administrative (Sec. 6.50.025). The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.

102. **STORMWATER MANAGEMENT.** Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs 1 acres or more which are part of a larger common plan of development which disturbs less than 1 acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. You are required to provide proof of WDID# and keep a current copy of the Storm Water Pollution Prevention Plan (SWPPP) at the construction site and shall be made available to the Town of Los Gatos upon request.
103. **BEST MANAGEMENT PRACTICES (BMPs).** 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 placed at the end of each work day.
104. **STORMWATER DEVELOPMENT RUNOFF.** All new development and redevelopment project subject to the Storm Water Development runoff requirements. The 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 side design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.

105. SITE DESIGN MEASURES. All projects must incorporate the follow measures to the maximum extent practicable:
- Protect sensitive areas and minimize changes to the natural topography.
 - Minimize impervious surface areas.
 - Direct roof downspouts to vegetated areas.
 - Use permeable pavement on the driveways at a minimum.
 - Use landscaping to treat stormwater.
106. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control 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 NPDES MRP Permit. Monitoring for erosion and sediment control is required and shall be performed by the QSD or 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 is required when there is a 50% or greater forecast of rain within the 48 hours by the National Weather Service or whenever rain is imminent. The Town of Los Gatos will conduct periodic NPDES inspections of the site 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 times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
108. 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 amended Santa Clara County NPDES Permit. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.
109. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner/homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement will specify that certain

routine maintenance shall be performed by the property owner/homeowner's association and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.

110. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
111. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any public sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
112. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
113. 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 ABAG Manual of Standards for Erosion & Sediment Control Measures, 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.
114. STORMWATER DISCHARGE. New buildings shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. The applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements.

115. **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 dry wells are to be used they shall be placed 10' minimum from adjacent property line and/or right of way.
116. **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 R2-2009-074. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.
117. **AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS.** The homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement will specify that certain routine maintenance shall be performed by the homeowner's association and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.
118. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.

119. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
120. **SUBDIVISION IMPROVEMENT AGREEMENT.** The Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The 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 issuance of any permit. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks & Public Works Department.
121. **CC&R's.** A copy of the CC&R's shall be submitted for review and approval by the Town Attorney, Engineering Division and Planning Division prior to map recordation.
122. **UTILITY COMPANY REVIEW.** Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
123. **ABOVE GROUND UTILITIES.** The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Community Development prior to issuance of any permit.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

124. AUTOMATIC FIRE SPRINKLER SYSTEM. Approved automatic fire sprinklers are required for all new residences. A State of California licensed (C-16) fire protection contractor shall submit plans, calculations a completed permit application and appropriate fees to the Fire Department for review and approval, prior to beginning work.
125. POTABLE WATER SUPPLIES. Potable water supplies shall be protected from contamination caused by fire protection water supplies. The applicant shall contact the providing water purveyor and shall comply with all requirements of that purveyor. The fire sprinkler system shall be designed in compliance with water purveyor requirements; final approval of the system will not be granted by the Fire Department until written confirmation is received from the water purveyor.
126. FIRE APPARATUS (ENGINE) ACCES ROADS. Provide access roadways with a paved all weather surface, minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15% (refer to Fire Department Standard Details and Specifications sheet A-1).
127. PARKING. When parking is provided on streets it shall conform to the following:
- Parking is permitted on both sides of the street with street width of 36 feet or more.
 - Parking is permitted on one side of the street with street width of 28-35 feet.
 - No parking is permitted when street widths are less than 28 feet.
128. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 600 feet, with a minimum single hydrant flow of 1,500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.
129. FIRE LANE MARKING. Fire apparatus roads, driveways and access ways shall not be marked as fire lanes without first obtaining Fire Department approval. Fire lanes shall be identified by red curb marking, signage or roadway surface marking.

130. TIMING OF WATER SUPPLY INSTALLATIONS. Installations of required fire services and fire hydrant(s) shall be tested and accepted by the Fire Department prior to the start of framing or delivery of combustible materials, except when approved alternate methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of roadways allows passage by vehicles.
131. PREMISE IDENTIFICATION. Approved numbers or addresses shall be placed on all new and buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on September 16, 2014, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on October 7, 2014, and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Diane McNutt, Joe Pirzynski, Mayor Steven Leonardis

NAYS: Marcia Jensen, Barbara Spector

ABSENT:

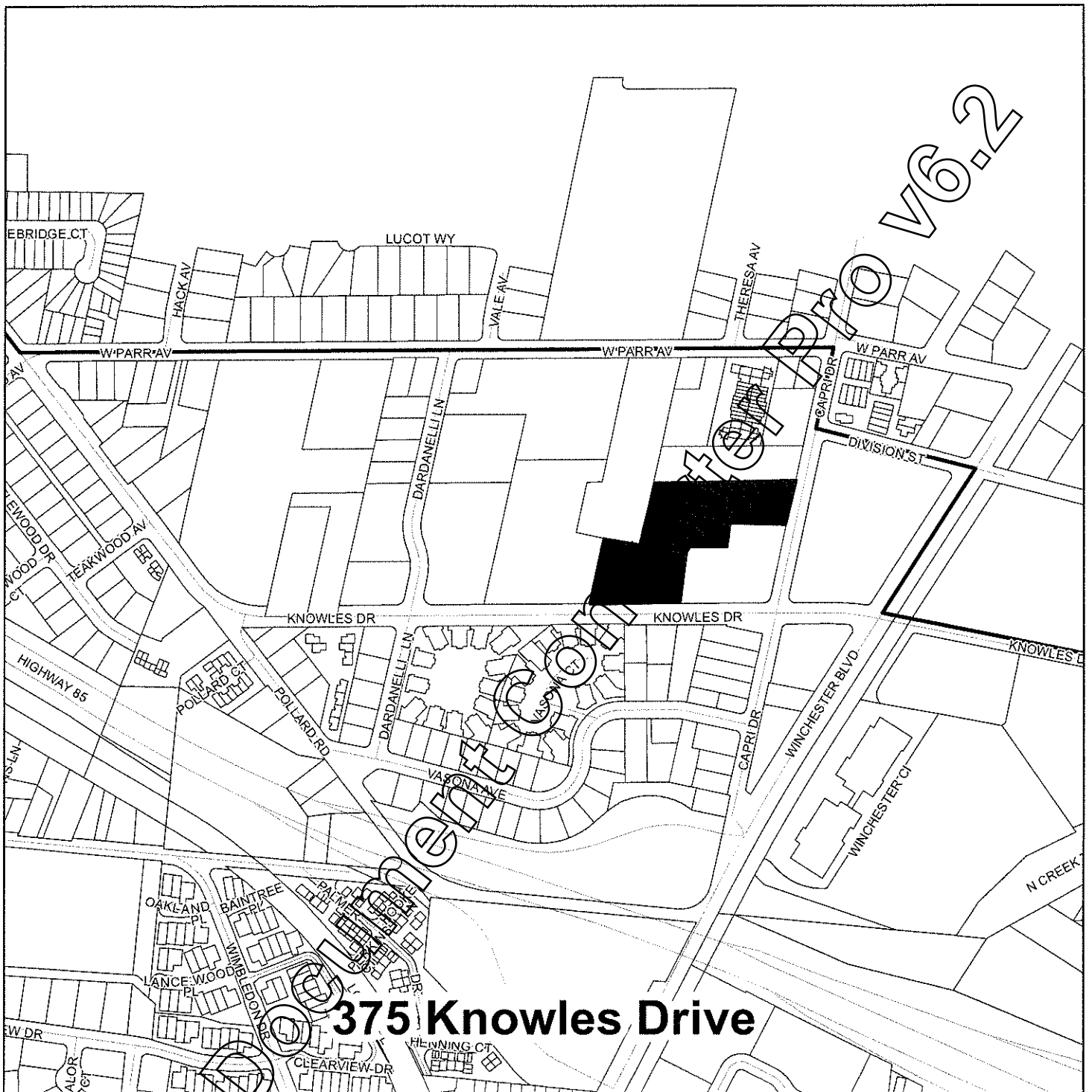
ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



375 Knowles Drive

TOWN OF LOS GATOS

Application No. PD-13-002 A.P.N. # 406-28-039

Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change

From: O To: O:PD

☐ Prezoning



Forwarded by Planning Commission

Date: June 25, 2014

Approved by Town Council

Date: October 7, 2014 Ord:

Clerk Administrator *Shelley Reis*

Mayor *[Signature]*