# RESOLUTION 2026-001

## RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING ARCHITECTURE AND SITE APPLICATION S-23-031 AND SUBDIVISION MAP APPLICATION M-23-005 FOR A REQUEST TO CONSTRUCT A MIXED-USE RESIDENTIAL DEVELOPMENT (450 UNITS), A VESTING TENTATIVE MAP, SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, AND REMOVAL OF LARGE PROTECTED TREES UNDER SENATE BILL 330 (SB 330) ON PROPERTY ZONED NORTH FORTY SPECIFIC PLAN:HOUSING ELEMENT OVERLAY ZONE.

**PROPERTY LOCATION: 14859, 14917, 14925, AND 16392 LOS GATOS BOULEVARD; 16250, 16260, AND 16270 BURTON ROAD;**
**AND ASSESSOR PARCEL NUMBER 424-07-116**
**APNS 424-07-009, -052, -053, -081, -094, -095, -115, and -116**
**ARCHITECTURE AND SITE APPLICATION: S-23-031**
**SUBDIVISION APPLICATION: M-23-005**
**PROPERTY OWNER: YUKI FARMS LLC**
**APPLICANT: GROSVENOR PROPERTY AMERICAS C/O STEVE BUSTER**

**WHEREAS,** the applicant, Grosvenor Property Americas, proposes to construct a mixed-use residential development (450 units), a vesting tentative map, site improvements requiring a Grading Permit, and removal of large protected trees under Senate Bill 330 (SB 330);

**WHEREAS,** the project includes an Architecture and Site Application (S-23-031) and Subdivision Map Application (M-23-005);

**WHEREAS,** on April 30, 2025, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission continued the item to a date uncertain pending completion of the environmental analysis;

**WHEREAS,** on October 29, 2025, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission considered all testimony and materials submitted, including the packet of materials contained in the Planning Commission Agenda Report for their meeting on October 29, 2025, along with any and all subsequent reports and materials prepared concerning this application, and forwarded a recommendation of approval to the Town Council with modified conditions of approval regarding the affordable housing construction phasing, affordable housing preference for developmentally disabled residents, landscaping, and hauling of materials;

**WHEREAS,** this matter came before the Town Council for public hearing on January 13, 2026, and was regularly noticed in conformance with state and Town law;

**WHEREAS,** on January 13, 2026, the Town Council held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on January 13, 2026, along with any and all subsequent reports and materials prepared concerning this application; and

**WHEREAS,** the Town Council was able to make the findings required to approve the Architecture and Site and Subdivision applications.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Council of the Town of Los Gatos does the following:

1. The following findings are made by the Town Council of the Town of Los Gatos. The facts and evidence that support these findings are contained and explained in the record of proceedings for the proposed project, including without limitation the Initial Study and the staff reports for the Planning Commission and Town Council hearings.

   (A) Finding required for the California Environmental Quality Act (CEQA):

   (1) Additional environmental review of the proposed project is not required pursuant to CEQA Guidelines Section 15183 as CEQA Guidelines Section 15183 provides that a programmatic EIR, in this case the 2040 General Plan EIR, may serve as the EIR for subsequent activities or implementing actions, provided that it contemplates and adequately analyzes the potential environmental impacts of those subsequent activities. If the Town, as the CEQA Lead Agency, determines, pursuant to Section 15183 of the CEQA Guidelines, no Subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the programmatic EIR, and new environmental documentation would not be required.

   In accordance with Section 15183 of the CEQA Guidelines, an Initial Study (Attachment 1) was prepared to provide project-level consideration of potential new or more severe significant impacts associated with the proposed project to determine whether the project: 1) is within the scope of activities evaluated in the 2040 General Plan EIR; and 2) would trigger any of the criteria in CEQA Guidelines Section 15183.

   The Initial Study includes a number of project-level technical studies, including: an Air Quality, Health Risk, and Greenhouse Gas Assessment; Noise Assessment; Arborist Report; and Transportation Analysis. All technical

reports were peer reviewed by the Town or the Town's consultants. The Initial Study determined that the project's environmental impacts have been considered in the 2040 General Plan EIR that was certified by the Town, which remains relevant, and the conditions set forth in Section 15183 are not triggered by the proposed project. In addition, the analysis determined that the proposed project is within the scope of activities evaluated in the 2040 General Plan EIR and the Environmental Analysis for the 6th Cycle Housing Element. As such, this Initial Study is the appropriate environmental document for the proposed project, pursuant to CEQA Guidelines Section 15183 and no additional environmental review is necessary.

(2) Regarding impacts that are not peculiar to the parcel or to the proposed project, that have been addressed as a significant effect in the prior EIRs, or that can be substantially mitigated by the imposition of uniformly applied development policies or standards, an additional EIR need not be prepared for the proposed project solely on the basis of such impacts.

(3) Applicable feasible mitigation measures specified in the Mitigation Monitoring and Reporting Programs (MMRP) for the 2020 General Plan EIR and/or the 2040 General Plan EIR, as applicable, will be imposed on the project through the Conditions of Approval.

(B) Finding required for consistency with the Town's Applicable General Plan:

Pursuant to SB 330, the Town's General Plan applicable to the proposed project consists of the 2020 General Plan Land Use and Community Design Elements and the 2040 General Plan excluding those two Elements, all as in effect on the date the applicant submitted its SB 330 preliminary application. The applicable General Plan Land Use Element designates the project site as North Forty Specific Plan, which permits residential and commercial uses. The applicant proposes a mixed-use residential development, which is consistent with the Town's applicable General Plan.

(C) Findings required to deny a Subdivision application:

As required by Section 66474 (a) through (g) of the State Subdivision Map Act, the map shall be denied if any of the findings listed in that Section are made. **None of the findings could be made to deny the application.**

Instead, the Town Council makes the following affirmative findings:

- That the proposed map is consistent with all elements of the applicable General Plans.
- That the design and improvement of the proposed subdivision is consistent with all elements of the applicable General Plans.

- That the site is physically suitable for the type of development.
- That the site is physically suitable for the proposed density of development.
- That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

(D) Findings required for compliance with the Zoning Regulations:

The project meets the objective standards of the North Forty Specific Plan with the concessions and waivers requested pursuant to State Density Bonus Law.

(E) Findings required for compliance with the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with the waivers requested pursuant to State Density Bonus Law.

(F) Findings required for granting a concession or incentive and waivers pursuant to State Density Bonus Law:

**(1) Government Code Section 65915 Findings for Denial of a Requested Concession(s) or incentive(s):**

(a) The Town shall grant concession(s) or incentive(s) requested by the applicant unless the Town makes a written finding, based upon substantial evidence, of any of the following:

(i) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(ii) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific,

adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(iii) The concession or incentive would be contrary to state or federal law.

(iv) The Town makes none of the above findings and therefore grants the requested concessions.

**(2) Government Code Section 65915(a)(2) Findings for Denial of Requested Waivers:**

(a) The Town shall grant waivers to the Town's development standards requested by the applicant unless the Town makes a written finding, based upon substantial evidence, that the development standard for which the waiver is requested would not physically preclude the construction of the development at the densities and with the concession permitted through Density Bonus Law.

(b) The Town does not make the above finding and therefore grants the requested waivers.

(G) Findings required for consistency with California Government Code Section 65863 regarding state RHNA requirements, the Town's Housing Element Sites Inventory, and No Net Loss Law:

As required for approval of a development of any parcel with fewer units by income category than was identified in the Town's Housing Element for that parcel:

(1) The project provides fewer Very Low-, Low-, and Moderate-Income units than anticipated in the Housing Element Sites Inventory, but more Above Moderate-Income units. The cumulative impact of the project on the capacity of the Housing Element creates a negative surplus in the Very Low-income category. Therefore, the remaining capacity of the Housing Element is not adequate to meet the Town's remaining RHNA requirements. The No Net Loss findings cannot be made, and the Town is required to identify additional site(s) to accommodate the remaining RHNA should this project be approved.

As required by Government Code Section 65863, the following No Net Loss findings cannot be made:

(a) Remaining sites identified in the Housing Element are adequate to meet the Town's remaining RHNA for the planning period by income category.

Findings: The remaining capacity of the Housing Element sites is not adequate to meet the Town's remaining RHNA with approval of this project. The Town is required to identify additional site(s) to accommodate the remaining RHNA as a result of this project.

(b) Include a quantification of the remaining unmet need for the jurisdiction's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level.

Findings: The remaining unmet need for the Town's RHNA at each income level and the remaining capacity of the Housing Element is provided in the table below and creates a negative surplus in the Very Low-income category. The Town is required to identify additional site(s) to accommodate the remaining RHNA for each income category.

**No Net Loss Evaluation**
Evaluation of the Proposed Project's Impact on the Cumulative Housing Element Sites Inventory Surplus

| | Units by Income Category | | | | |
|---|---|---|---|---|---|
| | Very Low | Low | Moderate | Above Moderate | Net Total |
| Housing Element Sites Inventory Surplus | 52 | 36 | 34 | 160 | 282 |
| Net Site-Level Impact from the Proposed Project to Housing Element Assumed Development Potential | -117 | -79 | -92 | 265 | -23 |
| Projects Approved/Pending, ADU and SB 9 Production and RHNA Reporting for 23' and 24' | 57 | 238 | 93 | 1,313 | 1,701 |
| Remaining Housing Element Sites Inventory Surplus with Project Approval | -8 | 195 | 35 | 1,738 | 1,960 |

(H) Considerations required in review of Architecture and Site applications:

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

2. The Town Council of the Town of Los Gatos approves Architecture and Site Application (S-23-031) and Subdivision Application (M-23-005) to construct a mixed-use residential development (450 units), a vesting tentative map, site improvements requiring a Grading Permit, and removal of large protected trees under Senate Bill 330 (SB 330) on property zoned NF-SP:HEOZ, located at 14859, 14917, 14925, and

16392 Los Gatos Boulevard; 16250, 16260, and 16270 Burton Road; and Assessor Parcel Number 424-07-116 subject to the attached Conditions of Approval included as Exhibit A.

3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

**PASSED AND ADOPTED** at a special meeting of the Town Council of the Town of Los Gatos, California, held on the 13th day of January 2026, by the following vote:

COUNCIL MEMBERS:

AYES: Maria Ristow, Rob Rennie, Mayor Rob Moore

NAYS: Matthew Hudes, Mary Badame

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

**TOWN COUNCIL** – *January 13, 2026*
**CONDITIONS OF APPROVAL**

**14859, 14917, and 14925 Los Gatos Boulevard; 16250, 16260, 16270, and 16392 Burton Road; and Assessor Parcel Number 424-07-116**
**Architecture and Site Application S-23-031**
**Subdivision Application M-23-005**

**Consider a Request for Approval to Construct a Mixed-Use Residential Development (450 Units), a Vesting Tentative Map, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned North Forty Specific Plan: Housing Element Overlay Zone. Located at 14859, 14917, 14925, and 16392 Los Gatos Boulevard; 16250, 16260, and 16270 Burton Road; and Assessor Parcel Number 424-07-116. APNs 424-07-009, -052, -053, -081, -094, -095, -115, and -116. An Initial Study was Prepared and No Additional Environmental Review is Necessary Pursuant to CEQA Guidelines Section 15183: Streamlining Process, Since the Proposed Project's Environmental Impacts were Adequately Addressed in the 2040 General Plan EIR.**

**Property Owner: Yuki Farms LLC**
**Applicant: Grosvenor Property Americas c/o Steve Buster**
**Project Planner: Jocelyn Shoopman**

**TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

***Planning Division***

1. APPROVAL: This project is vested to the ordinances, policies, and standards in effect on April 17, 2023, and these conditions of approval conform to those ordinances, policies, and standards. This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire upon the later to occur of expiration of the vesting tentative map or two- and one-half years from the final approval date, pursuant to subparagraph (D) of paragraph (2) of subdivision (o) of Section 65589.5 of the Government Code, unless the project has commenced construction. If the final subdivision map is recorded in phases, the life of the approval will be extended pursuant to Section 66452.6.
3. BELOW MARKET PRICE (BMP) UNITS, MIXED-USE BUILDING: The developer shall provide at least 10 BMP units (low-income) as part of the mixed-use building (Building E1). "BMP Units" are dwelling units to be rented at affordable rent to lower income households for a 55-year period, as defined by the Town's applicable BMP Program Guidelines and the applicable BMP Resolution, state

density bonus law (Government Code Section 65915 *et seq.*), and the Housing Accountability Act (Government Code Section 65589.5). A deed restriction shall be recorded prior to the issuance of any building permits for residential units in the mixed-use building providing for at least 10 BMP Units in Building E1.

4. BELOW MARKET PRICE (BMP) UNITS, AFFORDABLE BUILDING: The developer shall provide 67 BMP Units as part of the affordable housing building (Building G1). At all times, 25 percent of the BMP units in Building G1 shall be subject to a preference for individuals with developmental disabilities.
5. DEED RESTRICTION AND COVENANT: Prior to the issuance of building permits for any residential units, the developer shall record against each parcel in the project a Deed Restriction and Covenant, on a form approved by the Town Attorney, requiring that all of the parcels shall, as part of the project approval, be collectively responsible for satisfying the requirements of the Town's Below Market Price (BMP) Program to construct and offer seventy-seven (77) units affordable to lower-income households. The Deed Restriction and Covenant shall provide that if the developer transfers, sells, assigns, leases, or otherwise conveys one or more of the parcels in the project such that there are separate owners of the parcels within the project, then the obligation to comply with the Town's BMP Program shall be shared, jointly and severally, between the developer and the transferee(s) and that said requirement shall burden all of the parcels in the project equally and shall run with the land so as to be binding upon every person or entity having any fee, leasehold, or other estate in any of the parcels now or in the future, except that it shall not be binding on the individual purchasers of any of the 127 townhomes in Buildings A1, A2, A3, A4, B1, B2, B3, C1, C2, C3, D1, D2, F1, F2, F3, H1 and H2. The Deed Restriction and Covenant shall further provide that the Town and the developer intend that 10 BMP units will be provided in Building E1 and 67 BMP units will be provided in Building G1; however, if a building permit for Building E1 is pulled before a building permit for Building G1, Building E1 will include 77 BMP units with the ability to transfer 67 BMP units to Building G1 in the future. Once the requirement to provide 77 BMP units has been satisfied, as determined by the Town in its sole discretion, the Town shall release the Deed Restriction and Covenant as to each of the parcels in the project.
6. AFFORDABLE HOUSING AGREEMENT: Prior to approval of any final or parcel map or issuance of any building permit for a residential unit, whichever occurs first, the developer shall execute and record an Affordable Housing Agreement with the Town in a form subject to the Town Attorney's approval. The Affordable Housing Agreement shall provide for construction of the required BMP Units and facilitate their rental pursuant to applicable provisions of the BMP Program Guidelines and BMP Resolution in place as of April 17, 2023, state density bonus law, and the Housing Accountability Act. The applicant may satisfy this condition through the recordation of the Affordable Housing Agreement described in Condition 7.

7. PHASING OF THE CONSTRUCTION OF BMP UNITS: Sufficient units to qualify the project for two incentives or concessions under the State Density Bonus Law under subdivision (e) of Section 65915 of the Government Code (i.e., 77 BMP Units of the project's 450 units) shall be restricted for occupancy by lower income households, as defined by Section 50079.5 of the Health and Safety Code, at rents affordable to the assumed household size for each restricted unit. Such units shall constitute the project's BMP Units.

   Prior to the approval of any final or parcel map or issuance of any building permits for residential units, whichever occurs first, the applicant shall execute and record an Affordable Housing Agreement in a form subject to the Town Attorney's reasonable approval. The Affordable Housing Agreement shall require Lot 19 as shown on the vesting tentative map to be developed for 68 units, consisting of 67 BMP Units to be rented to lower income households and one unrestricted manager's unit to remain affordable for a minimum of 55 years.

   The Affordable Housing Agreement shall also require the applicant to provide at least 10 BMP Units affordable to lower income households in Building E1 on Lot 18 as shown on the vesting tentative map.

   If BMP units are provided in the project in addition to those planned to be included in Buildings E1 and G1, the number of BMP Units required in Buildings E1 and G1 may be reduced, so long as 77 units within the project are BMP Units.

   The Affordable Housing Agreement shall require the BMP Units to be rented to lower income households at affordable rent for a term of 55 years from the date of the initial occupancy of the BMP Units, and it shall include terms regarding provisions for marketing, income certification, and screening of potential renters of BMP Units including the financing of ongoing administrative and monitoring costs.

8. REPLACEMENT HOUSING OBLIGATIONS: The project will demolish seven single-family homes, six of which were occupied when the project application was made and one of which was vacant. The following conditions are required to comply with Government Code Sections 66300.5 and 66300.6:
   a. Required Replacement Units. Information submitted by the applicant shows that three homes of three bedrooms each are occupied by very low-income households, and one home of two bedrooms is occupied by a low-income household. Based on the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, the vacant unit is assumed to have been occupied by a very low-income household. The affordable housing agreement shall provide that five replacement units shall be made available to low and very low-income households for a term of 55 years from the issuance of a certificate of occupancy

or final inspection, as applicable. Three of the units shall contain three bedrooms each and shall be made available to very low-income households, as defined in Health & Safety Code Section 50105, at affordable housing cost or affordable rent. One unit shall contain two bedrooms and shall be made available to low-income households, as defined in Health & Safety Code Section 50079.5, at affordable housing cost or affordable rent. The vacant unit shall be replaced by one or more units of "equivalent size," as defined in Government Code Section 66300.5(d), which shall be made available to very low-income households, as defined in Health & Safety Code Section 50105, at affordable housing cost or affordable rent. "Affordable housing cost" is as defined in Health & Safety Code Section 50052.5. "Affordable rent" is as defined in Health & Safety Code Section 50053.

b. Relocation Benefits. Upon project approval, the Town shall retain a relocation consultant at the applicant's expense to determine the relocation benefits that the very low and low-income tenants are entitled to that are equivalent to the relocation benefits required to be paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and any implementing regulations. Those benefits shall be paid by the applicant to those lower income tenants at the time required by the statute and implementing regulations referenced in the previous sentence. Prior to the approval of a final map, or issuance of any construction permit, whichever is earliest, the Town shall verify that all lower income tenants have received the required relocation benefits.

c. Right to Return. The applicant shall offer all very low and low-income tenants the right to return to a comparable unit at affordable housing cost or affordable rent. A "comparable unit" for the very low-income tenants must contain three bedrooms, and a "comparable unit" for the low-income tenant must contain two bedrooms.

d. Notice to All Tenants. All tenants must be allowed to remain until at least six months prior to the start of construction activities. If the applicant decides not to proceed with the project and returns the homes to the rental market, all existing tenants are entitled to return to the units at their current rent. The applicant shall provide written notice to all tenants of these rights at least six months prior to the date the tenants will be required to vacate the existing units. Prior to issuance of any construction permit, the applicant shall provide contact information to the Town for all existing tenants so that they may be informed of their rights should the project not succeed.

9. OUTDOOR LIGHTING: For the life of the project, 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.
10. OPEN SPACE: The park marked as open space on the tentative map will be maintained as open space for the life of the project.
11. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of Building and/or Grading Permits. Per Town

Code Section 26.20.010 and Chapter 29, Article 1, Division 2, the developer shall obtain a tree removal permit prior to the removal of protected trees on private or Town property. The project developer shall abide by any tree replacement ratios and/or in-lieu payments, tree protection measures, and best management practices required by the tree removal permit and/or within an updated arborist report.

12. EXISTING TREES: All existing protected trees with the potential to be preserved 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 to the extent feasible during final design.
13. ARBORIST REQUIREMENTS: Prior to issuance of Building and/or Grading Permits, the developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the Building Permit plans and completed prior to issuance of a building permit where applicable and shall remain through all phases of construction.
14. TREE FENCING: Prior to issuance of Building and/or Grading Permits, protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed as shown on the Tree Protection Plan (Sheet T-5) of the approved plans prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
15. TREE STAKING: Prior to final inspection, all newly planted trees shall be double staked using rubber tree ties.
16. LANDSCAPING: Prior to issuance of the Certificate of Occupancy for the final unit within a phase of the final subdivision map, all landscaping within the phased area must be completed. The applicant shall consider alternative trees with less water requirements, including, but not limited to Foothill Pine Western Red Buds, Bay Laurels, Black Cottonwood, Box Elder, Big Leaf Maple, Holly Leaf Cherry, California Buckeye, Blue Oak, Black Oak, Valley Oak, and Canyon Live Oak trees. The proposed landscaping for the perimeter orchard open space and street trees shall be native. The meadow must be completed prior to the Certificate of Occupancy for the final townhome in the project.
17. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance (WELO), whichever is more restrictive. Submittal of a Landscape Documentation Package pursuant to WELO is required prior to issuance of Building and/or Grading Permits. This is a separate submittal from your Building Permit. A review deposit based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review. A completed WELO Certificate of Completion Appendix C) is required prior to final inspection/certificate of occupancy.
18. PROJECT IDENTIFICATION SIGNAGE: Project identification signage on the project site shall be removed within 30 days of final action on the applications.

19. ROOFTOP EQUIPMENT: Prior to final inspection, any new or modified roof mounted equipment shall be fully screened.
20. SIGN PERMIT: A sign permit must be obtained prior to installation of any permanent new signs, other than those excepted by Section 29.10.110 of the Town Code.
21. REUSABLE MATERIALS: All reusable materials from residential, commercial, and construction/renovation activities shall be recycled.
22. NOISE 1: The Town shall include the following measures as standard conditions of approval for applicable projects involving construction to minimize exposure to construction vibration:
    a. Avoid the use of pile drivers and vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.
    b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby office uses that the Federal Transit Administration identifies as sensitive to daytime vibration.
    c. Notify neighbors of scheduled construction activities that would generate vibration.
23. NOISE 2: For projects involving construction equipment that are located within 25 feet of noise-sensitive receptors the following mitigation would be required:
    a. Equipment Staging Areas – Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
    b. Electrically-Powered Tools and Facilities – Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
    c. Smart Back-up Alarms – Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
    d. Additional Noise Attenuation Techniques – During the clearing, earth moving, grading, and foundation/conditioning phases of construction, temporary sound barriers shall be installed and maintained between the construction site and the sensitive receptors. To the extent feasible, temporary sound barriers shall consist of sound blankets affixed to construction fencing or temporary solid walls along all sides of the construction site boundary facing potentially sensitive receptors.
24. ENERGY CONSERVATION AND ENERGY EFFICIENCY:
    a. Passive Solar Heating and Cooling. Require new subdivisions to examine the feasibility of incorporating site layouts that allow for passive solar and heating and cooling;

b. Solar Orientation. Require new development to incorporate measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping and sun screens;
c. Sustainable Practices in Design and Construction. Require new construction and remodels to use energy- and resource-efficient and ecologically sound designs, technologies, and building materials, as well as recycled materials to promote sustainability; and
d. Energy Efficiency Requirement. Require higher levels of energy efficiency as house size increase.

25. CULTURAL RESOURCES 1: 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 within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) 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.

    The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this Condition. Costs will be the responsibility of the developer(s).

26. CULTURAL RESOURCES 2: For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval.

Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.

In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.

The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this Condition. Costs will be the responsibility of the developer(s).

27. CULTURAL RESOURCES 3: Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the developer(s) shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures.

    The developer(s) shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect set forth by the Secretary of the Interior (Secretary of the Interior's Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.

    The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design within the Plan Area.

28. NESTING BIRDS: 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 the project site, and as feasible within 250 feet of the site boundary, 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 and/or construction activities. A report documenting the 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 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.

The developer(s) shall be responsible for the implementation of this Condition, subject to monitoring by the Town of Los Gatos.

29. BAT ROOSTS: To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.

Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.

The developer(s) shall be responsible for the implementation of this Condition, subject to monitoring by the Town of Los Gatos.

30. BURROWING OWLS: To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).

If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then

these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.

The project developer(s) shall be responsible for the implementation of this Condition, subject to monitoring by the Town of Los Gatos.

31. TOWN INDEMNITY: Pursuant to Town Code Section 1.10.115, and the police power of the Town to impose appropriate Conditions of Approval, the Applicant and its successors in interest (collectively, "Applicants") securing the application approvals for Architecture and Site Application S-23-031 and Subdivision Application M-23-005 (the "Approval") shall indemnify and hold harmless the Town for any third-party challenge to the Approval (administrative appeal, judicial review, or otherwise – collectively, "Challenge"), including without limitation and subject to the following:
    (a) Generally: Regarding any such Challenge to any aspect of the Approval, Applicant shall defend, indemnify, and hold harmless the Town (any reference to "Town" shall mean and include without limitation Town's elected officials, appointed officials, legal counsel, agents, officers, employees, contractors, and special legal counsel)(with legal counsel approved by Town), from and against any third-party Challenge against the Town related to the Approval.
    (b) Applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, any award of attorney fees or damages, attorney fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any third-party Challenge ("Costs"), whether incurred by the Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand made with reasonable written documentation substantiating the Costs incurred by the Town.
    (c) The total of all obligations owing by the Applicant under this Condition of Approval is collectively referred to as the "Challenge Indemnity." No modification of the Approval, nor any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's obligations pursuant to this Condition of Approval. The Town shall promptly notify the Applicant of any such Challenge, and the Town shall cooperate with the Applicant as Applicant fulfills its obligations pursuant to this Condition of Approval.

32. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans for the development within a phase of the final subdivision map detailing how the applicable Conditions of Approval will be addressed for that phase.
33. IMPACT FEE TIMING AND CALCULATION: The applicant shall pay all impact fees prior to the date for final inspection or issuance of a certificate of occupancy for a building, whichever occurs first, on a pro rata basis by dwelling unit. The impact fees shall be calculated based on the rates in effect as of April 17, 2023, the time the applicant submitted its complete SB 330 preliminary application, subject to any modifications consistent with subdivision (o) of Section 65589.5 of the Government Code.
34. PUBLIC ART: The applicant shall comply with the requirements of Article VII of Chapter 25 of the Town Code.

***Building Division***

35. PERMITS REQUIRED: A Demolition Permit is required for the demolition of each existing structure. A separate Building Permit is required for each new structure/building proposed on the site.
36. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
37. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full within the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application for the development within a phase of the final subdivision map detailing how the applicable Conditions of Approval will be addressed for that phase.
38. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
39. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
40. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application for the removal of each existing structure. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, submit the completed form to the Building Department with the Air District's J# Certificate, PG&E verification, and site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
41. 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.

42. 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.
43. 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; and
    d. Retaining wall(s) locations and elevations.
44. 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.
45. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements, and spaces that are on the same site.
46. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests, or employees, shall provide accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
47. BACKWATER VALVE: As required by Town Ordinance 6.40.020, provide details for any required sanitary sewer backwater valve on the plans and provide its location. 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.
48. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
49. 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 online at www.losgatosca.gov/building.

50. AIR QUALITY 1: High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.
51. AIR QUALITY 2: Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).
52. AIR QUALITY 3: The following shall be implemented during construction activities to reduce emissions:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
    b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
    c. All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
    d. All vehicle speeds on unpaved roads shall be limited to 15 mph;
    e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
    f. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;
    g. All trucks and equipment, including their tires, shall be washed off prior to leaving the site;
    h. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel; and
    i. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
53. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs): The Town standard West Valley Clean Water Authority Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.

54. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Santa Clara County Environmental Health Department: (408) 918-3479
    f. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

***Engineering Division***

THE FOLLOWING CONDITIONS SHALL BE ADDRESSED OR NOTED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING OR GRADING PERMIT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

55. THIRD-PARTY PLAN CHECK FEE AND INSPECTION FEE (Special projects only): The Town will procure a third-party engineering firm to perform Plan Review and Inspection Services. Applicant shall provide an initial deposit of $100,000 plus a 20 percent fee to the Town for plan review and inspection services. This deposit and fee are required at the time of the project building permit submittal. Once this deposit is received, the Town will select the consultant and initiate the plan review process. The Applicant's deposit will be charged on a time and materials basis. A supplemental deposit will be required if the remaining deposit is expected to be exhausted prior to completion of the work. Permitted work will not be allowed to continue without available funds to complete the required inspection services. Third-party engineering services will be required for the duration of the construction and project closeout phases.
56. STORM DRAINAGE FEE: The Applicant shall pay Storm Drainage fees in accordance with the Town's FY22-23 Adopted Fee Schedule that was in effect at the date the pre-application was deemed complete for the future construction of drainage facilities serving new buildings, improvements, or structures to be constructed which substantially impair the perviousness of the surface of land. The Storm Drainage fee based on the site area of 15.67 acres is **$72,426.74**. The Applicant shall pay this fee to PPW at the time specified in Condition 32.
57. TRAFFIC IMPACT MITIGATION FEES: The project is subject to the Town's Traffic Impact Mitigation fee for the generation of an estimated 2,968 net new average daily trips based on the traffic study submitted by Hexagon Transportation Consultants dated February 18, 2025. The fee is based on the FY22-23. Fee Schedule that was in effect at the time the pre-application was deemed complete indicates a fee of $1,015.00 per additional average daily trip. This

results in an estimated total amount due of **$3,012,520.** This fee is due at the time specified in Condition 32.

58. CONSTRUCTION ACTIVITIES MITIGATION FEE (ORDINANCE 2189): Per the Town's Comprehensive Fee Schedule, the project is subject to the Town's Construction Activities Mitigation Fee based on the square footage of new buildings. The fee is based on the FY22-23 Fee Schedule that was in effect at the time the pre-application was deemed complete, and is $1.26 per square foot of new residential and non-residential building area. The fee shall be calculated based on the square footage total for all units shown on the construction plans to the approval of the Town Engineer. The entitlement plans indicate 718,470 square feet of new building footage resulting in a fee of **$905,272.20**, with the final fee to be calculated based on the actual building area as shown on the building permit application. This fee is due at the time specified in Condition 32.
59. CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS: The Grading Permit Plans and Public Improvement Plans for the first phase of construction (together referred to as "Improvement Plans") shall be submitted as a set to Parks and Public Works Department along with a title report dated no older than 60 days from the date the Improvement Plans are submitted. Improvement Plans for subsequent phases shall be submitted as a set to Parks and Public Works Department along with a title report dated no older than 60 days from the date such Improvement Plans are submitted. The Improvement Plans shall be submitted at the same time as the Building Plans are submitted to the Building Department. All improvements shall be designed and constructed in accordance with Federal law, State law, Los Gatos Town Code, and the Los Gatos Standard Specifications and Details. Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website. The Improvement Plans shall include:
    a. A cover sheet with at least the proposed development vicinity map showing nearby and adjacent major streets and landmarks, property address, APN, scope of work, project manager and property owner, a "Table of Responsibilities" summarizing ownership, access rights, and maintenance responsibilities for each facility (streets, utilities, parks, landscaping, etc.), a sheet index including a sequential numeric page number for each sheet (i.e. "Sheet 1 of 54"), the lot size, required and proposed lot setbacks by type, proposed floor areas by type for each building, average slope, proposed maximum height, and required and proposed parking count and type.
    b. The Approved Conditions of Approval printed within the plan set starting on the second sheet of the plan set.
    c. An Existing Site Plan showing existing topography, bearing and distance information for all rights-of-way, easements, and boundaries, any existing easements proposed to be quit-claimed, existing hardscape, existing above ground utility features, and existing structures. The Improvement Plans shall identify the vertical elevation datum, date of survey, and surveyor responsible for the data presented.

d. A Proposed Site Plan showing proposed topography, boundaries, proposed and existing to remain easements, hardscape, above ground utility features (hydrants, transformers, control cabinets, communication nodes, etc.), and structures. Include top and bottom elevations of every inflection point of each wall. Show proposed public right-of-way improvements. Distinguish proposed linework from existing linework using heavier line type for proposed.
e. A Grading and Drainage Plan clearly showing existing onsite and adjacent topography using labeled contour lines, drainage direction arrows with slope value, and break lines. Proposed and existing to remain hardscape elevations must be provided in detail including slope arrows.
f. A Utility Plan showing appropriate line types and labels to identify the different types of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, water meters, sanitary sewer cleanouts, etc. shall be located on private property unless otherwise approved by the Town Engineer.
g. A Photometric Lighting Plan analyzing the full-width of the adjacent right-of-way. The plan shall show the average maintained horizontal illumination in foot-candles and the average to minimum uniformity ratio. Lighting shall be in compliance with the Town's Standard Specification section 2.38.
h. A Landscaping Plan for the project site and the full width of the public rights-of-way adjacent to the project. The plans shall clearly identify public and private utilities and points of demarcation between the two.
i. A Composite Plan showing civil, landscape, electrical, and joint trench locations combined on one drawing to identify potential conflicts between disciplines. The Composite Plan shall include the size, location, and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or Electrical Engineer shall sign the Composite Plan. (All dry utilities shall be placed underground). A note shall be placed on the joint trench composite plans which states that the plan agrees with Town Codes and Standards and that no underground utility conflict exists.
j. General Notes found in the Town of Los Gatos General Guidelines.
k. A statement in the general notes indicating the need to obtain a Caltrans Oversized/Overweight Vehicles Transportation Permit if oversized or overweight vehicles are expected to be used.
l. A statement that all utility boxes in vehicular pathways shall be traffic-rated.

60. STANDARD PLAN COMPLIANCE: The project shall comply with the Town's Standard Plans to the extent applicable and subject to the reasonable approval of the Town Engineer. Street improvements, all street sections, the design of all off-site storm drainage facilities shall be in accordance with Town Standard Specifications and Standard Plans in effect as of April 17, 2023 or North 40

Specific Plan street standards for private roads, as applicable and approved by the Town Engineer. Improvements deemed necessary by the Town Engineer shall be shown on the Improvement Plans.

61. GRADING PERMIT: A grading permit is required for all site grading and drainage work that is outside the perimeter of a building, retaining wall footing, or other structure authorized by a valid building permit. The Applicant must submit a grading permit application after the appeal period of the entitlement approval process has passed. Submittals are accepted through Accela only. The grading permit application shall include detailed grading plans and associated required materials. Plan check fees are based on the scope of onsite work. Prior to approval of the grading permit, the Applicant shall pay all fees due and provide faithful performance and payment securities for the performance of the work described and delineated on the approved grading plan, final erosion and sedimentation control plan, and interim erosion and sedimentation control plan (if required), in an amount to be set by the Town Engineer (but not to exceed one hundred (100) percent) of the approved estimated cost of the grading and erosion and sedimentation control measures. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney: (1) Bond or bonds issued by one or more duly authorized corporate sureties on a form approved by the Town; (2) Deposit with the Town, money, or negotiable bonds of the kind approved for securing deposits of public monies; or (3) other instrument of credit from one or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment. The grading permit shall be issued prior to the issuance of the building permit unless otherwise allowed by the Town Engineer. The permit shall be limited to work shown on the grading plans approved by the Town Engineer. In granting a permit, the Town Engineer may impose any condition deemed necessary to protect the health, safety, and welfare of the public, to prevent the creation of a nuisance or hazard to public or private property, and to assure proper completion of the grading including but not limited to: (1) Mitigation of adverse environmental impacts; (2) Improvement of any existing grading or correction of any existing grading violation to comply with Town Code; (3) Requirements for fencing or other protection of grading which would otherwise be hazardous; (4) Requirements for dust, erosion, sediment, and noise control, hours of operation and season of work, weather conditions, sequence of work, access roads, and haul routes; (5) Requirements for safeguarding watercourses from excessive deposition of sediment or debris in quantities exceeding natural levels; (6) Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of seismic activity or flooding can be eliminated or adequately reduced; (7) Temporary and permanent landscape plans.

62. PUBLIC IMPROVEMENTS: Prior to the issuance of any building permit within a phase of the final subdivision map and prior to any work being done in the Town's right of way, the Applicant must submit Public Improvement Plans for improvements related to that phase for review and approval. All public improvements shall be made according to the Town's adopted Standard Plans, Standard Specifications, and Engineering Design Standards in effect as of April 17, 2023. The Applicant is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, Applicant shall submit an Encroachment Permit application with a pothole plan for Town review and approval. The Applicant shall provide the pothole results to the Town Engineer prior to final design. All existing public utilities shall be protected in place and, if necessary, relocated as approved by the Town Engineer. No private facilities are permitted within the Town right of way or within any easement unless otherwise approved by the Town Engineer. The Applicant shall have Public Improvement Plans prepared, stamped, and signed by a California licensed civil engineer.
    a. Once the Public Improvement Plans have been approved, the Applicant shall submit an application for an Encroachment Permit. The Encroachment Permit requires the Applicant to post the required bonds and insurance and provide a one (1) year warranty for all work to be done in the Town's right of way or Town easement. New concrete shall be free of stamps, logos, names, graffiti, etc. Any new concrete installed that is damaged shall be removed and replaced at the Contractor's sole expense. Prior to issuance of the encroachment permit, the Applicant shall submit a temporary traffic control plan ("TTCP") inclusive of all modes of travel for any lane or sidewalk closures. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required. The TTCP shall comply with the State of California Manual of Uniform Traffic Control Devices ("MUTCD") and standard construction practices.
    b. The project engineer shall notify the Town Engineer in writing of any proposed changes. Any proposed changes to the approved plans shall be subject to the approval of the Town. The Applicant shall not commence any work deviating from the approved plans until such deviations are approved. Any approved and constructed changes shall be incorporated into the final "as-built" plans.
    c. The following right-of-way improvements shall be completed prior to the issuance of the first occupancy permit, unless otherwise noted or approved by the Town Engineer:
        i. BURTON ROAD IMPROVEMENTS: The Applicant shall make a contribution to the Town in the amount of $155,000 towards the construction of the required half street section pursuant to Los Gatos Town Code Section 24.50.080. Submittal of this in-lieu payment shall be paid prior to the

issuance of the occupancy permit for the 200th site unit, or later as may otherwise approved by the Town Engineer.

ii. LOS GATOS BOULEVARD IMPROVEMENTS:
   a. The Applicant shall improve the western side of Los Gatos Boulevard's frontage along the project site with a 10-feet wide multi-use path and 6-feet wide planter strip from the northern boundary of North 40 Phase I to the northern boundary of APN 424-070-064 as shown on the approved plans and as approved by the Town Engineer.
   b. The Applicant shall construct a continuation of the center median north to the intersection of Los Gatos Boulevard and Samaritan Drive with mountable sections for northbound emergency vehicle access to the site at the two proposed connections along Los Gatos Boulevard as shown on the approved plans.
   c. STREET TREES: The Applicant shall plant a minimum of 10 trees along the Los Gatos Boulevard frontage, to match the spacing along the Phase I frontage. The street tree plans shall be per Town Standard Drawings and will include Town Standard tree grates.
   d. TREE GRATES: The Applicant shall install Town Standard Tree Grates around each street tree. Tree grates shall be 4-feet by 6-feet, model OT-T24 by Urban Accessories, and shall be black power coated. The tree grates shall be shown on the Improvement Plans to be located at the back of curb to the approval of the Town Engineer and shall be installed with the street trees prior to the first occupancy.

iii. STREET MARKINGS: The Applicant shall install necessary street markings of a material and design approved by the Town Engineer and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs, and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans and are subject to approval by the Town Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.

iv. CURB RAMP(S): The Applicant shall construct curb ramps in accordance with the latest Caltrans State Standard Drawings and in the location shown on the approve plans. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the Town Engineer.

v. CURB AND GUTTER: The Applicant shall replace to existing Town standards all curb and gutter along the western side of Los Gatos Boulevard's frontage along the project site from the northern boundary of North 40 Phase I to the southern boundary of APN 424-070-064. New

curb and gutter shall be constructed per the Town Standard Drawing ST-210 (Vertical) adopted and in effect as of April 17, 2023.

vi. DRIVEWAY REMOVAL: The Applicant shall remove all existing driveway approaches and replace them with sidewalk, curb, and gutter per the Town Standard Drawings in effect as of April 17, 2023.

vii. SEWER CLEAN-OUT: The Applicant shall install the sewer lateral clean-out on private property just behind the property line in accordance with the West Valley Sanitation District standards in effect as of April 17, 2023. Sewer clean-out(s) shall be constructed prior to occupancy of the first building.

viii. WATER METER: The Applicant shall install the water meter(s) on private property just behind the property line in accordance with the San Jose Water Company standards.

ix. PARKING LOTS: The Applicant shall submit plans for all required off street parking lots showing proper grading, drainage, ramps profile, and parking dimensions in conformance with applicable Town parking standards adopted and in effect as of April 17, 2023. The plans shall be approved by the Town Engineer prior to the issuance of the first building permit within a phase of the final subdivision map. Construction shall be completed prior to the occupancy permit of any adjacent building.

x. BICYCLE PARKING: The Applicant shall provide both long-term bicycle lockers and short-term bicycle racks on-site, as shown on the approved site plan, to the approval of the Town Engineer. Construction of bicycle parking shall be completed prior to the occupancy permit of any adjacent building.

xi. STORM WATER CATCH BASIN(S): The Applicant shall install standard storm water catch basins per approved plans and in accordance with the Town Standard Drawing adopted and in effect as of April 17, 2023. Construction shall be completed at the same time the associated improvements are completed.

xii. STREETLIGHT(S): The Applicant shall provide and install seven (7) standard galvanized steel octaflute electrolier streetlight poles with a pole height of 30-feet on the project site's frontage along Los Gatos Boulevard. The Applicant is responsible for all PG&E service fees and hook up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the streetlights. An Isometric lighting level needs to be provided by the designer/contractor. The Applicant shall provide a separate light study of the impact of the proposed streetlights. The new streetlights shall each have a 31-feet 9-inches mounting height with mounting arm length of 8-feet. the Fixtures shall be CREE, Type III Cut-Off Model XSP2, 4000K, 240 volts, 165W or approved equal. The streetlights shall be installed at the locations as shown on the approved offsite plans.

1) A letter shall be provided by PG&E stating that public street light billing will be per Rule LS2A. Private lights shall be metered with billing addressed to the homeowners' association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
2) Public street lighting will not be required/allowed per General Plan update and Hillside designation. On-lot lighting shall be incorporated and promoted.

xiii. BICYCLE FACILITIES: The Applicant shall install bike facilities as shown on the approved plans and as directed by the Town Engineer.

63. TREE REMOVAL PERMIT: The Applicant shall apply and obtain a Tree Removal Permit from the Parks and Public Works Department for the removal of existing trees on-site or in the public right-of-way prior to the issuance of a building permit or demolition building permit, whichever is issued first. Tree removals shall be consistent with the arborist report and approved entitlement plans.

64. PHASED PERMITS: The Applicant may, with the approval of the Town Engineer, phase the permits to expedite the construction process. If this is done, each phase of the work will require a separate and complete set of plans to be submitted, reviewed, and approved prior to the issuance of the said permit. Overlapping of permits may occur, if approved by the Town Engineer. No work on the next phase of construction, in advance of the permitted work, may occur. No "at risk" work will be permitted. Only the below phased permitted work will be allowed:

a. Clearing-Grubbing/Rough Grading;
b. Fine Grading;
c. Underground Utilities;
d. Site Improvements;
e. Off-Site Improvements; and
f. Plans shall be submitted, reviewed, and approved by the Town Engineer prior to the commencement of work.

65. EXISTING FACILITY PROTECTION AND REPAIR: All existing public utilities shall be either protected in place, relocated, or repaired. The Applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the Applicant's operations. This includes sidewalk, curb and gutter, streetlights, valley gutters, curb ramps, and any other existing improvements in the area that are not intended to be removed and replaced. The Applicant shall request a walk-through with the PPW construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to issuance of the first certificate of occupancy of the project.

66. UNDERGROUND UTILITIES: This project abuts one of the Town's Underground Utility Districts. All new services to the development shall be placed underground in accordance with the various utility regulations. Transformers and switch gear cabinets within designated Underground Districts shall be placed underground unless otherwise approved by the Town Engineer or if the applicable utility company or district with jurisdiction otherwise requires.

Underground utility plans must be submitted to the Town and approved by the Town Engineer prior to installation.

67. UTILITY RESPONSIBILITIES: The Applicant is responsible for the maintenance of existing stormwater drainage facilities, including piped and open channel stormwater conveyances in private areas. The Applicant is responsible for all expenses necessary to connect to the various utility providers. Currently, the public storm sewer system is owned and maintained by the Town of Los Gatos, the water system in Los Gatos is owned and maintained by San José Water Company, and the sanitary sewer system in Los Gatos is owned and maintained by West Valley Sanitation District. Any alterations of the approved utilities listed must be approved by the Town prior to any construction.
68. UTILITY COMPANY COORDINATION: The Applicant shall negotiate any necessary right-of-way or easements with the various utility companies in the area, subject to the review and approval by the Town Engineer and the utility companies. Prior to the approval of the site plan for construction, the Applicant shall submit "Will Serve" letters from PG&E, San José Water, West Valley Sanitation District, West Valley Collections and Recycling, and AT&T (or the current "Carrier of Last Resort") with a statement indicating either a list of improvements necessary to serve the project or a statement that the existing network is sufficient to accommodate the project. Coordination of the stormwater conveyance system will be addressed during the Grading Permit review.
69. PREPARATION OF ELECTRICAL PLANS: All street lighting electrical plans shall be prepared by a California registered professional engineer experienced in preparing these types of plans.
70. EXTERIOR SITE LIGHTING STANDARDS: The Applicant shall submit a photometric plan for on-site lighting showing lighting levels in compliance with the Town Standard Specifications section 2.38. The plan shall show the minimum maintained horizontal illumination in foot-candles and the uniformity ratio for all areas. This lighting standard is applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan for each phase shall be approved by the Town Engineer and shall be addressed on the construction plans submitted for the first building permit within the applicable phase. Any subsequent building permits that include any site lighting shall also meet these requirements.
71. STORM DRAINAGE STUDY: The Applicant shall submit a Master Storm Drainage Study for the entire proposed development stormwater conveyance system evaluating pre- and post-development peak discharge rates for the theoretical 2-year, 10-year, and 100-year (50-percent, 10-percent, and 1-percent annual chance) storm events including supporting hydraulic calculations for proposed

pipe network. The study must address sizing and design details for the stormwater treatment systems proposed with the development. The study shall include an evaluation of the project site drainage including topography, natural drainage patterns, and existing man-made diversions (structures, raised pads, fences, etc.). If the study indicates that the theoretical water surface elevation or hydraulic grade line of the proposed development during a 10 percent annual chance storm event is above ground level at any point, the Applicant shall construct and dedicate to the Town new downstream storm drainage facilities necessary to achieve a connection point water depth no more than 80 percent full during the projected 10 percent annual chance storm event. The study must evaluate the 1 percent annual chance storm event base flood elevation. The finish floor elevations of all structures shall be constructed to be reasonable safe from flooding per Town Code Section 29.90.080(1) (c.) which is typically done by constructing finished floors at 1-foot above base flood elevation. The Applicant shall submit the master study for review and approval by the Town Engineer. The applicant shall submit an amended Master Storm Drainage Study for any phase of construction which modifies the storm drainage system evaluated in the Master Storm Drainage Study. The amended Master Storm Drainage Study shall be approved by the Town Engineer prior to the issuance of the first building permit for the applicable phase.

72. STORMWATER MANAGEMENT PLAN: The Applicant shall develop a Storm Water Management Plan ("SWMP") that complies with the California Water Board regulations and delineates site design measures, source control measures, low-impact-development (LID) treatment measures, hydromodification management measures, and construction site controls as appropriate. The Plan must indicate erosion protection measures for the inlet structures (e,g., pipe outlets, pump dissipator pipes, and/or bubblers). For the Bay Area Hydrologic Modification ("BAHM") analysis, the Applicant must provide pump operations and intended routing during various runoff conditions (i.e., treatment runoff vs. Hydrologic Modification controls) and the rationale for the pump size selected relative to the treatment flow rate. The Applicant shall update the BAHM analysis to conform to project conditions to the satisfaction of the Town Engineer and include a summary of the changes made to the BAHM analysis since the entitlement plan review for review by the C3 consultant. The Applicant must select and indicate bioretention area plants capable of withstanding and surviving the higher design ponding conditions if bioretention is proposed. If pumps are proposed, the Applicant must:
    a. Provide pump discharge rates that receiving bioretention areas are capable of treating, to avoid consistently overwhelming the bioretention areas.
    b. The Applicant must include an alarm system that will notify the owner or operator of a pump failure.
    c. If off-site improvements modify the quantities of regulated and unregulated off-site impervious area, the Applicant must update Section 2, item "d" and Section 8 of the C.3 Data Form to reflect those changes.

73. DEVELOPER STORM WATER QUALITY RESPONSIBILITY: The Applicant is responsible for ensuring that all contractors including subcontractors are aware of all stormwater quality measures and implement such measures. The Applicant shall perform all construction activities in accordance with approved Improvement Plans, Los Gatos Town Code Chapter 12 – Grading, Erosion and Sediment Control, and the National Pollutant Discharge Elimination System (NPDES) General Permit. Failure to comply with these rules and regulations will result in the issuance of correction notices, citations, or a project stop order.
74. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed in public curbs. Any storm drains (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language using methods approved by the Town Engineer on all storm inlets surrounding and within the project parcel. Furthermore, storm drains shall be designed to serve exclusively stormwater. Dual-purpose storm drains that switch to sanitary sewer are not permitted in the Town of Los Gatos. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
75. OFF-SITE DRAINAGE – The Applicant shall not alter any existing drainage patterns without an approved Grading Permit.
76. CLEAN, INSPECT, AND REPAIR STORM LINE: If the project will connect to the public storm drainage system, the Applicant is required to evaluate the conditions of the existing storm lines along the project frontage by videotaping and providing the result to the Town Engineer. The Applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company and be completed prior to building permit issuance. The video of the inspection shall be reviewed with PPW and any cracked, broken, or otherwise compromised integrity is found, the areas of the line along the project frontage shall be repaired by the Applicant at the applicant's expense. The Applicant shall include the required repairs on the Improvement Plans submitted. All necessary repairs to the storm line shall be completed and approved prior to the project connecting to the storm drainage system.
77. GRADING & DRAINAGE WINTER MORATORIUM: All grading activity shall comply with the Municipal Regional Stormwater Permit and Chapter 12 of the Town Code. There shall be no earthwork disturbance or grading activities between October 15th and April 15th of each year unless approved by the Town Engineer. In order to be considered for approval, the Applicant must submit a Winterization Erosion Control Plan certified by a California certified QSD to the Town Engineer for review and approval. If grading is allowed during the rainy season, a maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on the exposed area. The submission of a certified plan

does not guarantee approval. Any approved and executed plan must be kept on-site while the project is in construction.

78. SWPPP AND EROSION CONTROL: The Applicant shall prepare and submit a comprehensive stormwater pollution prevention plan (SWPPP) inclusive of interim and final erosion control plans to the Town Engineer for review and approval. The interim erosion control plan(s) shall include measures carried out during construction before final landscaping is installed. Multiple phases of interim erosion control plans may be necessary depending on the complexity of the project. Interim erosion control best management practices may include silt fences, fiber rolls, erosion control blankets, Town approved seeding mixtures, filter berms, check dams, retention basins, etc. The Applicant shall ensure a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) monitors erosion and sediment control as required by the Construction General Permit. The Applicant must take measures to ensure continuous compliance with the Construction General Permit, and shall install, maintain, and modify the erosion control measures as needed to continuously protect downstream water quality. In the event an emergency modification is deemed necessary, the Applicant is to implement necessary measures to protect downstream waterways immediately and then submit the changes made within 24-hours to the Town Engineer for review and approval. The Applicant shall provide the Town Engineer the assigned Notice of Intent (NOI) permit number received after filing a Notice of Intent under the Construction Stormwater General Permit. The erosion control plans and SWPPP shall comply with applicable measures contained in the most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). All test submitted to the regional board must also be submitted to the Town Engineer. Any fees or penalties assessed against the Town in response to the Applicant's failure to comply with the Permit must be paid by the Applicant. The Applicant must permit Town staff onsite to conduct periodic NPDES inspections throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
79. SITE TRIANGLE AND TRAFFIC VIEW AREA: Fencing, landscaping, and permanent structures shall not visually obstruct line of sight between three-feet and 7.5-feet in height if located within the driveway view area, traffic view area, or corner sight triangle. The driveway and intersection site triangles are represented on Town Standard Drawing ST-231. The traffic view area and corner sight triangle are shown on Town Standard Drawing ST-232. This includes all above ground obstructions including utility structures, for example electric transformers. The various clearance lines shall be shown on the site plan to demonstrate compliance.
80. GEOTECHNICAL REVIEW: New development shall be sited away from high risk geologic and seismic hazard zones or, if located in a high-risk zone, shall incorporate construction techniques or specialized technologies to reduce risk. Prior to any building permit issuance, the Applicant's California State licensed

engineering geologist and/or geotechnical engineer shall submit a design level geotechnical report for new developments proposed with significant grading, potential erosion, and sedimentation hazards or in hazard zones mapped by the State or identified by the Town, as shown in Figures 9-2 through 9-5 of the Town's 2040 General Plan Chapter 9 Hazards and Safety Element. The report shall identify all site geologic, seismic, and geotechnical engineering conditions and potential hazards and include appropriate design measures to mitigate potential fault ground rupture/deformation impacts to acceptable levels. The report shall also specify construction methods to protect existing and future residences from identified hazards. The report will require a peer review by the Town's geological and geotechnical consultant. A deposit and fee for the peer review will be required per the Town's current fee schedule, unless there are any remaining deposit funds from the entitlement phase. The Town will route the design level geotechnical report to the Town's peer review consultant once the report is submitted and deposit and fee are available. Once the design level report is approved, the Applicant's geotechnical engineer shall review the grading and drainage plan and proposed pavement and foundation designs to verify that the designs are in accordance with their recommendations. The Applicant's geotechnical engineer's approval shall be conveyed to the Town either by letter or by signing and stamping the plans. All grading operations and soil compaction activities shall be per the approved project's design level geotechnical report. The Applicant shall add this condition to the general notes on the grading plan.

81. GEOTECHNICAL ENGINEER OBSERVATION: All grading activities shall be conducted under the observation of, and tested by, a licensed geotechnical engineer. A report shall be filed with the Town of Los Gatos for each phase of construction stating that all grading activities were performed in conformance with the requirements of the project's design level geotechnical report. The Applicant shall submit a Final Geotechnical Construction Observation and Testing Summary in an "as-built" letter/report prepared and submitted to the Town prior to issuance of the certificate of occupancy. The Applicant shall add this condition to the general notes on the grading plan.
82. GEOLOGIC HAZARDS CHECKLIST: The applicant's geotechnical engineer shall complete, sign, stamp, and submit the Town's Geologic Hazards Checklist for all new proposed development to demonstrate that potential hazards have been identified and that proposed structures, including grading cuts and fills, will be designed to resist potential earthquake effects. The applicant shall submit this form at the same time as the design level geological report.
83. PRECONSTRUCTION MEETING: After the issuance of any Grading or Encroachment permit and before the commencement of any on or off-site work, the Applicant shall request a pre-construction meeting with the PPW Inspector to discuss the project conditions of approval, working hours, site maintenance, and other construction matters. At that meeting, the Applicant shall submit a letter acknowledging that:

a. They have read and understand these project Conditions of Approval;
b. They will require that all project sub-contractors read and understand these project Conditions of Approval; and
c. They ensure a copy of these project Conditions of Approval will be posted on-site at all times during construction.

84. STREET CUT RESTORATION: Where the Applicant makes pavement cuts on Los Gatos Boulevard for a utility trench, the trench shall be backfilled using the Town's standard "T" trench detail, including Town-approved controlled density fill. The asphalt thickness of the T trench section shall be a minimum of 3-inches, meet Town standards, or shall match the existing pavement thickness, whichever is greater. Because the utility trenches are expected to extend across Los Gatos Boulevard to the furthermost northbound lane, the Applicant shall grind off the existing thermoplastic lane markings and apply a micro-surfacing coating along the entire length of Los Gatos Boulevard, from curb to curb, from the northern boundary of North 40 Phase I to the southern boundary of APN 424-070-064 as directed by the Town Engineer. The Contractor shall schedule a pre-paving meeting with the PPW Inspector prior to the day the paving is to take place. Restoration materials shall be approved by the Town Engineer prior to placement. All striping and pavement markings shall be replaced in-kind with thermoplastic upon completion of roadway surfacing. All pavement restorations shall be completed and approved by the Town Engineer within six months of the final utility cuts on Los Gatos Boulevard, or as directed by the Town Engineer.

85. FLOOR DRAINS: All floor drains shall be plumbed to connect to the sanitary sewer system only. Site design must facilitate drainage away from building floor drains.

86. GARBAGE/RECYCLE STORAGE AND SERVICE: The Applicant shall provide adequate area for the purposes of storing garbage, composting and recycling collection containers for scheduled servicing by the Town's solid waste collection provider. New food service buildings and/or multi-family residential complexes shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to be hydrologically isolated. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. Any drains installed in or beneath dumpsters and compactors shall be connected to the sanitary sewer. Any drains installed in or beneath tallow bin areas serving food service facilities shall be connected to the sanitary sewer system with a grease removal device prior to discharging. The Applicant shall contact the local permitting authority and/or West Valley Sanitation District for specific connection and discharge requirements. Per Town Code Section 29.10.09010, the collection containers shall not be placed in the right of way except during the period of time necessary to allow removal of the waste. brought to the service area on the day of service and returned to the storage enclosure by the property owner that same day. The containers are not to be in public view or in the public right-of-way prior to or beyond the scheduled service times. A letter

from West Valley Collection and Recycling confirming serviceability and site accessibility shall be provided to the Town Engineer for approval prior to the approval of an occupancy permit.

87. SITE LANDSCAPING COORDINATION: The Applicant shall coordinate the overall site landscaping and, if proposed, the stormwater treatment area landscaping. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the facility. Sanitary sewer facilities cannot be aligned through stormwater treatment facilities.
88. OFF-HOURS MATERIAL DELIVERY: The Applicant shall coordinate with the future site operators of commercial uses so that all site delivery of materials and goods to non-residential portions of the project are delivered off-hours and on-site. This will allow the on-site customer parking for the development site to be utilized during business hours and not be impacted by the staging of delivery vehicles. The Applicant shall provide a written plan, to ensure that this condition is satisfied, prior to occupancy of the first site building. The plan shall be to the approval of the Town Engineer.
89. MULTI-FAMILY BUILDING LOADING ZONE – The Applicant shall provide a Town compliant loading zone for the mixed-use building (building E1) that is 10-feet wide and 30-feet long, or as determined by the Town Engineer. Construction shall be completed prior to any occupancy permit is issued for the Multi-Family Building (building E1).

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

90. DEDICATIONS: The Applicant shall dedicate in Fee title to an eight (8) foot wide strip of land along the project frontage of Burton Road for roadway purposes. The Applicant shall also dedicate a 14.5-feet public access easement along Los Gatos Boulevard and public utility easement as shown on the approved plans and as approved by the Town Engineer.
91. TEMPORARY CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the project to obtain any and all proposed or required easements and/or permissions necessary to perform any work on neighboring private property herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
92. SUBDIVISION (FINAL) MAP: The Applicant shall have a subdivision map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with the Los Gatos Town Code and the Subdivision Map Act. Existing buildings shall be demolished prior to the recordation of the map if

they conflict with any newly created lot line. The Town Council must approve all Final Maps. The Town Council meeting will be scheduled approximately fifty (50) days after the Final Map, Public Improvement Plans, Stormwater Treatment Facilities Maintenance Agreement, Landscape Maintenance Agreement, and Subdivision Improvement Agreement are approved by the Town Engineer. The Final Subdivision Map shall be approved by PPW and recorded by the County Recorder's Office prior to the issuance of the first building permit. In lieu of the Town Clerk's Office coordinating the recordation of the Final Map(s) with the County, the Applicant may submit a map guarantee by the Applicant's title company for the release of the signed Final Map to the title company for recordation. Prior to the Town's release of the Final Map, the Town Engineer may require the Applicant to submit to the Town an electronic copy of the map in the AutoCAD Version being used by the Town at the time of recordation. It is the Applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after Town approval.

93. SUBDIVISION IMPROVEMENT AGREEMENT: The Applicant shall enter as a contractor into a Subdivision Improvement Agreement ("SIA") with the Town per Town Code Section 24.40.020, Gov. Code Section 66462(a), and shall arrange to provide Payment and Performance bonds each for 100 percent of the cost of public infrastructure improvements to be constructed in the public right-of-way and grading work performed onsite. These improvements shall include, but are not limited to, roadway construction, sidewalk, curb and gutter, storm lines, street lights, signal equipment, and earthwork. Town Standard insurance shall be provided per the terms of the agreement. The agreement shall be approved by the Town Council with the project's first Final Map.

94. MONUMENTS: The Applicant shall arrange for the engineer to have all monuments set per the recorded map. A certificate letter by the Surveyor or Engineer stating the monuments are set per plan shall be provided to the Town Engineer prior to occupancy.

95. COVENANTS, CONDITIONS & RESTRICTIONS (CC&R): The Applicant shall prepare and submit draft project Covenants, Conditions and Restrictions (CC&R) for the project, except for the affordable housing (Lot 19). The CC&Rs shall be submitted with the project map for review of the Town Engineer, the Town Attorney, and the Planning Manager. The CC&Rs shall include relevant project Conditions of Approval. Such CC&R terms related to the project's Conditions of Approval and/or any obligations directly involving the Town shall be subject to approval by the Town Engineer, the Town Attorney, and the Planning Manager and shall include language that restricts the Homeowner's Association from making changes to those provisions of the CC&Rs related to the project's Conditions of Approval and/or any obligations directly involving the Town without first obtaining approval from the Town. References to the Stormwater Treatment Facilities Maintenance Agreement obligations shall be incorporated.

The CC&Rs shall be reviewed and approved by Town staff prior to the Town Council approval of the Final map.

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO RELEASE OF UTILITIES, FINAL INSPECTION, OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY WITHIN A PHASE OF THE FINAL MAP, WHICHEVER OCCURS FIRST, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

96. RECORD DRAWINGS: The Applicant shall submit a scanned PDF set of stamped record drawings and construction specifications for all off-site improvements related to the phase of the final map to the Department of Parks and Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The Applicant shall also provide the Town with an electronic copy of the record drawings in the AutoCAD Version being used by the Town at the time of completion of the work. The Applicant shall also submit an AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first.
97. RESTORATION OF PUBLIC IMPROVEMENTS: The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed during construction. Improvements such as, but not limited to curbs, gutters, sidewalks, driveways, signs, streetlights, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired or replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Existing improvement to be repaired or replaced shall be at the direction of the PPW Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the PPW Inspector shall be completed before the issuance of a certificate of occupancy. The Applicant shall request a walk-through with the PPW Inspector before the start of construction to verify existing conditions.
98. STORMWATER TREATMENT FACILITIES MAINTENANCE AGREEMENT: The Applicant shall execute and record a Stormwater Treatment Facilities Maintenance Agreement to ensure perpetual maintenance of the regulated project's treatment facilities. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. The Town-Standard Stormwater BMP Operation and Maintenance Agreement will be provided by PPW upon request. The agreement shall be executed prior to occupancy of the first building and include the following:
    a. The property owner shall operate and maintain all on-site stormwater treatment facilities in good condition and promptly repair/replace any malfunctioning components.
    b. The property owner shall inspect the stormwater treatment facilities at least twice per

year and submit an inspection report to PPW at PPW_Stormwater@losgatosca.gov no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report. Written records shall be kept of all inspections and shall include, at minimum, the following information:

i. Site address;
ii. Date and time of inspection;
iii. Name of the person conducting the inspection;
iv. List of stormwater facilities inspected;
v. Condition of each stormwater facility inspected;
vi. Description of any needed maintenance or repairs; and
vii. As applicable, the need for site re-inspection.

c. The property owner shall not make any design changes to the system with the Town's approval.
d. The property owner(s) shall develop a maintenance and replacement schedule for the stormwater treatment facilities that describes maintenance frequency and responsibility. This maintenance schedule shall be included with the approved Stormwater Treatment Facilities Maintenance Agreement.
e. The property owner(s) shall reimburse the Town for the cost of site inspections required under the Municipal Regional Permit.
f. The property owner(s) shall authorize Town Staff to perform maintenance and/or repair work and to recover the costs from the property owner in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety.

99. STORMWATER MANAGEMENT FACILITIES INSPECTION: Prior to covering underground stormwater treatment facilities or final inspection, as applicable, the Applicant must facilitate the testing of all stormwater facilities by a certified QSP or QSD to confirm the facilities are meeting the minimum design infiltration rate. All tests shall be made at on 20 foot x 20 foot grid pattern over the surface of the completed stormwater facility unless otherwise approved by the Town Engineer. All soil and infiltration properties for all stormwater facilities shall be evaluated by the geotechnical engineer. Percolation tests (using Double Ring Infiltrometer Testing) at horizontal and vertical (at the depth of the stormwater facility) shall be conducted for each stormwater facility. A 50 percent safety factor shall be applied to the calculated percolation test and shall be used as the basis for design (the design percolation rate). The geotechnical report shall include a section designated for stormwater design, including percolation results and design parameters. Sequence of construction for all stormwater facilities (bioswales, detention/ retention basins, drain rock, etc.) shall be done toward final phases of project to prevent silting of the stormwater treatment facilities.
100. LANDSCAPE MAINTENANCE AGREEMENT: The Applicant shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the property owner agrees to maintain the vegetated areas along the project's Los

Gatos Boulevard and Burton Road frontages located within the public right-of-way. The agreement must be executed and accepted by the Town Attorney prior to the issuance of any occupancy permit.

101. TRANSPORTATION DEMAND MANAGEMENT PLAN: The Applicant shall submit for approval a Transportation Demand Management ("TDM") Plan prior to the issuance of any building permit within a phase. The TDM plan shall include measures that are required to obtain the goal of a 15 percent vehicle trip reduction. Such measures may include bicycle facility provisions, shower facilities, local shuttle service, transit passes and subsidies, carpool incentive, designated car share parking, or other trip-reducing measures. The TDM plan shall also include a TDM Coordinator and identify the requirement for an annual TDM effectiveness report to be submitted the Town of Los Gatos. The TDM Plan shall be approved prior to the first occupancy of the given phase.
102. DEDICATION OF PUBLIC ACCESS EASEMENT FOR CONSTRUCTION OF BURTON ROAD CONNECTION: The Applicant shall dedicate an irrevocable, nonexclusive Public Access Easement ("PAE") over Lots AAA, BBB, CCC, DDD, EEE, CC, and a portion of Lot AA as shown on the vesting tentative map to the Town to accommodate the Town or a third-party's future construction of a through-connection from the project site to Burton Road. Upon completion of the through-connection, the PAE shall allow public vehicular access. The PAE shall be conveyed to the Town on the final map phase that includes Lots AAA, BBB, CCC, DDD, EEE, CC, and AA and perfected with an Easement Agreement that includes plats and legal descriptions of the PAE, the form of which shall be subject to the reasonable approval of the Town Engineer and the Town Attorney. The Easement Agreement shall include rights for the Town or its designee to construct the future through-connection within the PAE area using a design approved by the Town, subject to the condition that the party performing such construction shall repair or replace any improvements not designated for removal and that are damaged during construction, including without limitation, any public or private utilities within the PAE and improvements located outside the PAE.
103. LOS GATOS BOULEVARD, SAMARITAN DRIVE, AND BURTON ROAD INTERSECTION IMPROVEMENTS CONTRIBUTION: Upon completion of a future through-connection from the project site to Burton Road, the project would contribute additional traffic to the intersection of Los Gatos Boulevard/Burton Road, which would be addressed through traffic signal improvements conceptually estimated to cost $590,000 plus a 25 percent ($147,550) design and construction contingency for a total of $737,500. The project's fair share contribution for the necessary improvements is calculated to be 22.9 percent resulting in a shared cost estimate of **$168,887.50**. Funding shall be submitted by the applicant within 30 days of notice from the Town that the connection between the development and Burton Road is complete.
104. VMT REDUCTION STRATEGIES: For projects that would generate VMT, one or more VMT reduction strategies included in the SB 743 Implementation

Decisions for the Town of Los Gatos (July 2020) document shall be required to reduce VMT of the project. Examples of VMT reduction strategies that shall be implement are provided below. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level).

**Individual Site Level**

- Encourage Telecommuting and Alternative Work Schedules: This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- Provide Ride-Sharing Programs: This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- Provide Local Shuttles: This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile" problems. Alternatively, a demand responsive service could be provided as subsidized trips by contracting to private transportation network companies (TNCs) or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- Provide Employer-Sponsored Vanpool/Shuttle: This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview.

**Town-Wide Level**

- Bicycle and Pedestrian Network Improvements: This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the Bicycle and Pedestrian Master Plan and Connect Los Gatos.
- Provide Traffic Calming Measures: This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic

calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is which could enhance the effectiveness of this strategy.

- Implement Car-Sharing Program: This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- Limit Parking Supply: When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- Unbundle Parking Costs from Property Cost: Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- Implement Market Price Public Parking (On-Street): This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts.

**Regional Level**

- Increase Density: This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- Increase Diversity of Urban and Suburban Developments: This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- Increase Transit Accessibility: This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).

- Integrate Affordable and Below Market Rate Housing: This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- Increase Transit Service Frequency/Speed: This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects.
- Implement Area or Cordon Pricing: This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

105. TRANSPORTATION MANAGEMENT ASSOCIATION (TMA): In the event that the Town adopts a TMA policy in the future, the Town and/or future owners and operators of development in the North 40 Phase II area (inclusive of the properties designated as Phase II in the North 40 Specific Plan as of the date of the project's SB 330 preliminary application) other than the project shall participate in the TMA to fund, implement, coordinate and manage VMT-reduction programs as determined appropriate by the TMA members. The TMA shall also be responsible for conducting TDM monitoring to quantify performance required by the Town. The Applicant (or the HOA formed by Applicant) shall join and maintain membership in any TMA formed with service area that includes the project site within either 6 months after the TMA formation or the date of occupancy of the first unit in the project, whichever is later. Participation in the TMA shall be optional for the operator of the affordable housing located on Lot 19.
106. EMERGENCY RESPONDER RADIO COVERAGE: All new buildings, including parking garages shall have approved radio coverage for emergency responders throughout their interiors. Prior to issuance of the final occupancy permit, the Applicant shall conduct a radio signal survey demonstrating compliance with Section 510 of the California Fire Code and the applicable provisions of NFPA 72 (National Fire Alarm and Signaling Code) and NFPA 1221 (Standard for the Installation, Maintenance, and Use of Emergency Services Communications

Systems). Radio coverage must meet a minimum signal strength of -95 dBm, ensuring at least 95 percent coverage throughout general building areas and 99 percent coverage within critical areas, as defined by these standards. If the survey shows inadequate coverage, the Applicant shall install an approved Emergency Responder Radio Coverage System (ERRCS), such as an FCC-certified signal booster or distributed antenna system (DAS), meeting the requirements of the California Fire Code and referenced NFPA standards. All ERRCS installations must include battery backup, monitoring systems, and shall be tested and approved by the Fire Marshal (or designee) prior to occupancy. With approval of the Community Development Director and Police Chief, the requirements in this condition can be waived or modified when such change would not unnecessarily impair the provision of emergency communication as specified in this condition.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, OR IF ANOTHER DEADLINE IS SPECIFIED IN A CONDITION, AT THAT TIME.

107. PROJECT CONSTRUCTION SETUP: All storage and office trailers will be kept off the public right-of-way.
108. PUBLIC WORKS CONSTRUCTION NOTICE: The contractor shall notify the PPW Inspector at least ten (10) working days prior to the start of any construction work. At that time, the Contractor shall provide an initial project construction schedule and a 24-hour emergency telephone number list.
109. PROJECT CONSTRUCTION SCHEDULE: The contractor shall submit the project schedule in a static PDF 11-inches by 17-inches format and Microsoft Project, or an approved equal. The Contractor shall identify the scheduled critical path for the installation of improvements to the approval of the Town Engineer. The schedule shall be updated monthly and submitted to the PPW Inspector in the same formats as the original.
110. PROJECT CONSTRUCTION HANDOUT: The Contractor shall provide to the Town Engineer an approved construction information handout for the purpose of responding to questions the Town receives regarding the project construction.
111. PROJECT CONSTRUCTION SUPERVISION: The Contractor shall always provide a qualified supervisor on the job site during construction.
112. PUBLIC WORKS CONSTRUCTION INSPECTION: All work shown on the Improvement Plans shall be inspected to the approval of the Town Engineer. Uninspected work shall be removed as deemed appropriate by the Town Engineer.
113. PROJECT CONSTRUCTION HOURS: Construction activities related to the issuance of any PPW permit shall comply with Town Code Section 16.20.035 which restricts construction to the weekday between 8:00 a.m. and 6:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m. No work shall be done on Sundays or on Town

Holidays unless otherwise approved by the Town Engineer. Please note that no work shall be allowed to take place within the Town right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under Encroachment Permit may be performed on the weekend unless prior approvals have been granted by the Town Engineer. The Town Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Onsite project signage must state the project construction hours. The permitted construction hours may be modified if the Town Engineer finds that the following criteria is met:

a. Permitting extended hours of construction will decrease the total time needed to complete the project without an unreasonable impact to the neighborhood.
b. Permitting extended hours of construction is required to accommodate a construction requirement such as a large concrete pour or major road closure. Such a need would be presented by the project's design engineer and require approval of the Town Engineer.
c. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the Town may waive any of the remaining requirements outlined below.
d. The exemption will not conflict with any other condition of approval required by the Town to mitigate significant environmental impacts.
e. The contractor or property owner will notify residential and commercial occupants of adjacent properties of the modified construction work hours. This notification must be provided three days prior to the start of the extended construction activity.
f. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
g. The Town Engineer may revoke the extended work hours at any time if the contractor or owner of the property fails to abide by the conditions of extended work hours or if it is determined that the peace, comfort, and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction.
h. The waiver application must be submitted to the PPW Inspector ten (10) working days prior to the requested date of waiver.

114. PROJECT CONSTRUCTION BMPs: All construction activities shall conform to the requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinances, the project specific temporary erosion control plan, and other generally accepted engineering practices for erosion control as required by the Town Engineer

adopted an in effect as of April 17, 2023, when undertaking construction activities.

115. PROJECT CONSTRUCTION EXCAVATION: The following provisions to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction:
    a. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
    b. Travel speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
    c. 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.
    d. 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 ensure proper control of blowing dust for the duration of the project.
    e. Watering on public streets and wash down of dirt and debris into storm drain systems is prohibited. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the PPW Inspector, 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. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the Town Engineer. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be coordinated with the San José Water Company.
    f. 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 Construction Inspector.
    g. Construction grading activity shall be discontinued in wind conditions in excess of 25 miles per hour, or that in the opinion of the PPW Inspector cause excessive neighborhood dust problems.
    h. Site dirt shall not be tracked into the public right-of-way and shall be cleaned immediately if tracked into the public right-of-way. Mud, silt, concrete and other construction debris shall not be washed into the Town's storm drains.
    i. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

j. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

k. Prior to issuance of any permit, the Applicant shall submit any applicable pedestrian or traffic detour plans to the satisfaction of the Town Engineer for any lane or sidewalk closures. The temporary traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans and in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.

l. During construction, the Applicant shall make accessible any or all public and private utilities within the area impacted by construction, as directed by the Town Engineer.

m. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The Applicant shall require the soils engineer submit to daily testing and sampling reports to the Town Engineer.

116. MATERIAL HAULING ROUTE AND PERMIT: For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck size as defined by FHWA Standards, the Applicant shall submit a truck hauling route that conforms to Town of Los Gatos Standards for approval. Note that the Town requires a Haul Permit be issued for any hauling activities. The Applicant shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route for this project unless otherwise approved by the Town Engineer, shall be northbound Los Gatos Boulevard to Highway 85 or southbound Los Gatos Boulevard to westbound Lark Avenue to Highway 17. A letter from the Applicant confirming the intention to use the designated haul route shall be submitted to the Town Engineer for review and approval prior to the issuance of any Town permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the Applicant. 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 Town Engineer. The Applicant must provide an approved method of cleaning tires and trimming loads on site. All material hauling activities shall be done in accordance with applicable Town ordinances and conditions of approval. There shall be no use of Lark Avenue and Los Gatos Boulevard for hauling of materials, storage of materials, and idling or parking of trucks without prior authorization of Public Works Department.

117. HERITAGE TREE PROTECTION MEASURES: The Applicant shall submit a tree protection plan showing how all on- and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities and maintained throughout

the period of construction. The Project Arborist shall complete inspections on an as-needed basis during the construction period and shall submit a monthly report of findings in an email or letter to the Town Engineer and Town Planner assigned to this project.

118. PROJECT CLOSE-OUT: Prior to requesting a Final Inspection, the Applicant shall submit to the Town Engineer a letter indicating that all project conditions have been met, and all improvements are complete. All work must be completed to the satisfaction of the Planning Director and Town Engineer prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, storm drainage, underground utilities, etc., shall be completed and attested to by the Town Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, including those for water and sanitary sewer services, such installation shall be verified as having been completed and accepted by those agencies. In addition, the Applicant shall submit an itemized final quantities list of all public improvements constructed on-site and within the public right-of-way. The final quantities list shall be prepared by the project engineer and be to the approval of the Town Engineer. The final quantities list shall be broken out into on-site and off-site improvements based on the format provided by the Town. Until such time as all required improvements are fully completed and accepted by Town, the Applicant shall be responsible for the care, maintenance, and any damage to such improvements. Town shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Applicant.
119. CONSTRUCTION WORKER PARKING: The Applicant shall provide a Construction Parking Plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Town Engineer prior to issuance of Town permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the Town permits. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§15.40.070).
120. SITE WATER DISCHARGE: In accordance with the Town Code, Prohibition of Illegal Discharges (Los Gatos Town Code Section 22.30.015), the Town Engineer may approve in coordination West Valley Sanitation District the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to

surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Town Engineer.

THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS ENTITLEMENT OCCUPIES THE PREMISES.

120. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP): Post construction storm water pollution prevention requirements shall include:
    a. The Applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private stormwater facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair if the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the Applicant's property by Town staff will be charged to the Applicant at the Town's adopted fully-loaded hourly rates.
    b. Maintenance of the storm drain inlets "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
    c. All process equipment, oils, fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
    d. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.
    e. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system.
    f. It is the responsibility of the property owner(s)/homeowners association to implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

**TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:**

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

122. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet G10) 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 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2.
123. FIRE ALARM REQUIREMENTS: (As Noted on Sheet G10) Refer to CFC Sec. 907 and the currently adopted edition of NFPA 72. Submit shop drawings (3 sets) and a permit application to the SCCFD for approval before installing or altering any system. Call (408) 341-4420 for more information.
124. EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS: (As Noted on Sheet G10) All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. CFC Sec. 510.1.
125. FIRE HYDRANT SYSTEMS REQUIRED: (As Noted on Sheet G10) Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet. [CFC, Section 507.5.1].
126. FIRE DEPARTMENT CONNECTION: (As Noted on Sheet C17) The fire department connection (FDC) shall be installed at the street on the street address side of the building. It shall be located within 100 feet of a public fire hydrant and within ten (10) feet of the main PIV (unless otherwise approved by the Chief due to practical difficulties). FDC's shall be equipped with a minimum of two (2), two-and-one-half (2-1/2") inch national standard threaded inlet couplings. Orientation of the FDC shall be such that hose lines may be readily and conveniently attached to the inlets without interference. FDC's shall be painted safety yellow. [SCCFD, SP-2 Standard].
127. STANDPIPES REQUIRED: (As Noted on Sheet G10) Standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. Standpipes shall be manual wet type. In

buildings used for high-piled combustible storage, fire hose protection shall be in accordance with Chapter 32. Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14 as amended in Chapter 47. CFC Sec. 905.

128. PUBLIC/PRIVATE FIRE HYDRANT(S) REQUIRED: (As Noted on Sheet G10) Provide public/private fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 450 feet, with a minimum single hydrant flow of 4,500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Sec. 507, and Appendix B and associated Tables, and Appendix C.
129. BUILDINGS AND FACILITIES ACCESS: (As Noted on Sheet G10) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or with the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. [CFC, Section 503.1.1].
130. REQUIRED AERIAL ACCESS: (As Noted on Sheet C17) 1. Where required: Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. 2. Width: Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height, as shown on the approved vesting tentative map. 3. Proximity to building: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572) and a maximum of 30 feet (9144mm) from the building, and shall be positioned parallel to one entire side of the building, as approved by the fire code official. SCCFD SD&S A-1.
131. TURNING RADIUS: (As Noted on Sheet C17) As shown on the approved vesting tentative map, the minimum inside turning radius is 30 feet and outside turning radius is 50 feet for required access roadways. Greater radius up to 60 feet may be required where the Fire Department determines that Ladder Truck access is required. Circulating refers to travel along a roadway without dead ends.
132. FIRE DEPARTMENT ROADWAY TURNAROUND REQUIRED: (As Noted on Sheet C17) Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Provide an approved fire department roadway turnaround with a minimum radius of 50 feet outside and 30 feet inside. Maximum grade in any direction shall be 5%. Installations shall conform with Fire Department Standard Details and Specifications A-1. [CFC Section 503.2.5].

133. REQUIRED FIRE FLOW: The fire flow for this project is 6000 GPM at 20 psi residual pressure. If an automatic fire sprinkler system will be installed, the fire flow will be reduced by 25%, establishing a required adjusted fire flow of 4500 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1.
134. TIMING OF INSTALLATION: (As Noted on Sheet G10) 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 street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. CFC Sec. 501.3, 501.4.
135. GROUND LADDER ACCESS: (As Noted on Sheet C17) Ground-ladder rescue from second and third floor rooms shall be made possible for fire department operations. With the climbing angle of seventy-five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Sec. 503 and 1029 NFPA 1932 Sec. 5.1.8 through 5.1.9.2.
136. PARKING: When parking is permitted on streets, in both residential/commercial applications, it shall conform to the dimensions shown on the approved street sections included with the vesting tentative map.
    NOTE: Fire lane and turnaround striping shall be provided and verified by site inspection.
137. FIRE LANES REQUIRED: (As Noted on Sheet C17) Fire apparatus access roads shall be designated and marked as a fire lane as set forth in Section 22500.1 of the California Vehicle Code.
138. KNOX KEY BOXES/LOCKS WHERE REQUIRED FOR ACCESS: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The Knox Key Box shall be a of an approved type and shall contain keys to gain necessary access as required by the fire code official. Locks. An approved Knox Lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. [CFC Sec. 506].
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). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

140. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
141. 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 sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
142. TWO-WAY COMMUNICATION SYSTEM: (As Noted on Sheet G10) Two-way communication systems shall be designed and installed in accordance with NFPA 72 (2022 edition), the California Electrical Code (2022 edition), the California Fire Code (2022 edition), the California Building Code (2022 edition), and the city ordinances where two-way system is being installed, policies, and standards. Other standards also contain design/installation criteria for specific life safety related equipment. These other standards are referred to in NFPA 72.
143. REQUIRED SECONDARY FIRE DEPARTMENT ACCESS: (As Noted on Sheet C17) Commercial and Industrial Developments 1. Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have a least two means of fire apparatus access for each structure. 2. Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 mm) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11520 mm) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems. Multi-Family Residential Developments (R-1 & R-2 occupancies) 1. Multi-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. CFC Sec. Chp. 5 as adopted.

144. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].