

TOWN COUNCIL – August 1, 2017

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP

North Forty Phase 1

Architecture and Site Application S-13-090

Vesting Tentative Map M-13-014

Requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which will include 50 affordable senior units; approximately 66,000 square feet of commercial floor area, which will include a market hall; on-site and off-site improvements; and a vesting tentative map. APNs: 424-07-024 through 027, 031 through 037, 070, 083 through 086, 090, and 100.

PROPERTY OWNERS: Yuki Farms, ETPH LP, Grosvenor USA Limited, Summerhill North 40 LLC, Elizabeth K. Dodson, AND William Hirshman.

APPLICANT: Grosvenor USA Limited

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, Development Review Committee, Planning Commission, or Town Council, depending on the scope of the changes.
2. **EXPIRATION:** The Tentative Map approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
4. **ARCHITECTURE AND SITE APPROVAL REQUIRED:** Architecture and Site approval is required for the demolition of the existing residences and the replacement of those residences. Approval must be obtained prior to recordation of the final parcel map.
5. **DEMOLITION AND DEMOLITION PERMIT REQUIRED:** This approval is contingent on the demolition of the existing structures as shown on the approved plans. A demolition permit is required for the demolition of any existing structures. All required demolition shall occur prior to the recordation of the final parcel map.
6. **TREE PRESERVATION:** All recommendations of the Town's Consulting Arborist shall be followed. Refer to the report prepared by Debbie Ellis dated October 14, 2013 for additional details.

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

Engineering Division

7. APPROVAL: This application shall be completed in accordance with all the conditions of approvals listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
8. PRIOR APPROVALS: All conditions per prior approvals (including Ordinance 2242, Zoning Code Amendment Z-14-001, etc.) shall be deemed in full force and affect for this approval.
9. COMPLIANCE WITH NORTH 40 SPECIFIC PLAN: The project shall meet the items and specifications as provided in the North 40 Specific Plan.
10. PLAN CHECK FEES: Plan check fees shall be deposited with the Town of Los Gatos prior to plan review at the Engineering Division of the Parks and Public Works Department.
11. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town of Los Gatos prior to altered work is started. The Applicant's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
12. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval.
13. CERTIFICATE OF COMPLIANCE: A Certificate of Compliance shall be recorded. Two (2) copies of the legal description for each lot configuration, a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include:
 - a. Closure calculations,
 - b. Title reports less than ninety (90) days old, and
 - c. Any appropriate fees.The certificate shall be recorded before any permits may be issued.
14. CERTIFICATE OF LOT LINE ADJUSTMENT: A Certificate of Lot Line Adjustment shall be recorded. Two (2) copies of the legal description for each new lot configuration, a plat map (8-½ in. X 11 in.) and two (2) copies of the legal description of the land to be exchanged shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include:
 - a. Closure calculations,
 - b. Title reports less than ninety (90) days old, and
 - c. Any appropriate fees.The certificate shall be recorded before any permits may be issued.
15. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include:
 - a. Closure calculations,
 - b. Title reports less than ninety (90) days old, and

c. Any appropriate fees.

The certificate shall be recorded before any permits may be issued.

16. LOT LINE ADJUSTMENT: The Lot Line Adjustment, approved by the Development Review Committee of the Town of Los Gatos on January 26, 2016, Subdivision Application M-15-006, with which it was determined that none of the findings for denial specified in Section 66474 of the State Subdivision Map Act could be made, shall be recorded prior to approval of the Final Map by the Town of Los Gatos.
17. FINAL MAP: A final map shall be recorded. Two (2) copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include:
- a. Closure calculations,
 - b. Title reports, and
 - c. Any appropriate fees.

The map shall be recorded before any permits for new construction are issued.

18. FINAL MAP SEQUENCING: Prior to approval by the Town of Los Gatos and recordation of the final map, the Applicant shall obtain approval of the roadway improvements proposed within the California Department of Transportation (Caltrans) right-of-way from Caltrans and the Town. The Applicant is advised and understands that further coordination with Caltrans is required to fully determine and finalize the public improvements within the Caltrans right-of-way that shall be constructed and installed with the first phase of the development, and said improvements shall meet or exceed all Caltrans and Town requirements. In the event that Caltrans and the Town do not ultimately approve of the current configuration, possible modifications may include, but are not limited to:
- a. A fourth westbound lane (and additional dedication of right-of-way in fee if required by Caltrans) along westbound Lark Avenue.
 - b. Modifying the location of the proposed multi-use path in a way in which a part or all of said path is located within the development's property and additional multi-use path easement granted to the Town of Los Gatos, and/or
 - c. Modifying of the alignment of the proposed sound wall to a more northerly alignment within the development's property to accommodate a. and/or b. above.
19. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties, or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
20. PRIVATE UTILITIES-STREET: Prior to the recordation of a subdivision map, the Applicant/Developer shall place a note on the map, in a manner that meets the approval of the Town Engineer that states: "The private streets, utilities constructed within this map shall be owned, operated and maintained by the Developer, successors or assigns."
21. DEDICATIONS: The following shall be dedicated on the final map by separate instrument. The dedications below shall be recorded before any permits are issued:
- a. Lark Avenue: A ten (10) foot right-of-way in-fee shall be dedicated along the project's southern boundary. Additional right-of-way in-fee may be required for constructing improvements that may be required by Caltrans. Approval from

- Caltrans and the Town for the roadway improvements involving Caltrans is required prior to recordation of final map.
- b. Lark Avenue: A ten (10) foot easement shall be granted for the multi-use path. Additional Multi-Use Path Easement across the proposed multi-use path in the locations where said multi-use path extends within the project boundary as amended by the dedication detailed in item 39a. above.
 - c. Los Gatos Boulevard: A 10.5-foot Multi-Use Path Easement shall be granted along the project's eastern boundary.
 - d. Multi-Use Path Easement: Ten (10) feet wide easement(s) shall be granted across the proposed on-site multi-use path(s).
 - e. Public Utility Easement: A Public Utility Easement shall be granted across all private streets and alleys, and where any public utilities and/or facilities are proposed to be installed beyond these areas within the project site.
 - f. Public Access Easement: A Public Access Easement shall be granted across the indicated Central Park open space areas within the project site.
 - g. Public Access Easement: A Public Access Easement shall be granted across all streets, sidewalks and multi-use paths within the project site.
 - h. Public Service Easement (PSE): A ten (10) foot wide Public Service Easement shall be granted adjacent to the Lark Avenue and Los Gatos Boulevard rights-of-way.
 - i. Emergency Vehicle Access Easement (EVAE): An Emergency Vehicle Access Easement shall be granted across all private streets and alleys within the project site.
 - j. Intersection of Los Gatos Boulevard and Neighborhood Street: A Roadway Easement shall be granted to the Town of Los Gatos to provide for a U-turn movement for northbound Los Gatos Boulevard traffic that will meet design standards as approved by the Town's traffic engineer.
 - k. Intersection of Los Gatos Boulevard and Neighborhood Street: A Roadway Easement granted to the Town of Los Gatos, one hundred fifty (150) feet in length, centered at the intersection of Los Gatos Boulevard and Neighborhood Street, for the thirty (30) feet immediately west of the western right-of-way line of Los Gatos Boulevard, shall be granted to provide for the installation, maintenance, and operation of the new intersection.
 - l. Ingress-egress, slope, storm drainage and sanitary sewer easements, as required.
22. DEMOLITION: The existing buildings shall be demolished prior to recordation of the final map affected by these existing buildings.
 23. JOINT TRENCH PLANS: Joint trench plans shall be reviewed and approved by the Town prior to recordation of a map. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will be by Rule LS2A, and that private lights shall be metered with billing to the homeowners association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
 24. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town of Los Gatos, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be

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

- a. Los Gatos Boulevard:
 - i. Provide new curb, gutter, and sidewalk with landscaped planting strip, street lights, signing, striping, new traffic signals or traffic signal modifications, new traffic signals or traffic signal modifications, and storm drainage as directed by the Town Engineer. All improvements shall be constructed per Town Standard Details.
 - ii. The existing street section of Los Gatos Boulevard shall be removed and a traffic-appropriate engineered structural pavement section for the full-width shall be constructed and subsequently re-striped, as directed by the Town Engineer. Final grind and overlay shall not be completed until all on-site construction has been completed.
 - iii. A multi-use path shall be installed along the project's Los Gatos Boulevard frontage, as directed by the Town Engineer.
 - iv. Center median islands prohibiting movements crossing Los Gatos Boulevard shall be installed, except at Neighborhood Street.
 - b. Lark Avenue:
 - i. Provide new curb, gutter, and sidewalk with landscaped planting strip, street lights, signing, striping, and storm drainage as directed by the Town Engineer. All improvements shall be constructed per Town of Los Gatos Standard Details.
 - ii. The existing street section of Lark Avenue shall be removed and a traffic-appropriate engineered structural pavement section for the full-width shall be constructed and subsequently re-striped, as directed by the Town Engineer. Final grind and overlay shall not be completed until all on-site construction has been completed.
25. OFF-SITE IMPROVEMENTS: Final off-site improvements are required to meet all conditions of approval and comply with the Initial Study, in addition to meeting the Specific Plan requirements. The off-site improvements currently shown on the Vesting Tentative Map are conceptual in nature and included as reference.
26. PLAN REVIEW FEES: Plan reviews will be provided by a third-party consultant hired by the Town of Los Gatos and paid for by the Applicant.
27. MULTI-MODAL PATH: The Applicant shall construct and install a multi-use path system that complies with the direction provided by Town Council at a Special Meeting conducted on June 17, 2015. During said meeting, a motion passed unanimously stating "All projects for development shall include multi-modal paths, physically separated from vehicle roadways running from north to south and providing connectivity to perimeter paths at both the north and south ends." Said paths shall:
- a. Extend through the development and along the project frontage.
 - b. Connect to northern and southern ends of the development.
 - c. Connect the intersections of:
 - i. Lark Avenue and the northbound California State Route 17 on-ramps.
 - ii. Lark Avenue and Los Gatos Boulevard.
 - iii. Neighborhood Street and Los Gatos Boulevard.

Prior to approval by the Town of Los Gatos and recordation of the final map, the Applicant shall grant a ten (10) foot multi-use path easement along Lark Avenue and for

- the portion of the multi-use path placed behind the roadway curb along Los Gatos Boulevard that extends into the development.
28. UTILITY EASEMENTS: Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, structures or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs.
 29. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map. A copy of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
 30. PRIVATE STREETS: All streets within the development shall be private and thus privately maintained.
 31. UTILITY COMPANY REVIEW: Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to the recordation of the final map.