TOWN COUNCIL – *August 1, 2017*
CONDITIONS OF APPROVAL FOR ARCHITECTURE AND SITE

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 and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operations shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. PLAN MODIFICATIONS: The plan modifications illustrated in Attachment 13 (Exhibits B-G) shall be incorporated in the development plans prior to the issuance of a building permit. Additionally, the applicant may work with staff to explore architectural and/or use modifications to include commercial activity for Buildings 24, 25, 26 and 27.
3. EXPIRATION OF APPROVAL: The Architecture and Site application will expire two years from the date of approval unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
4. OPEN SPACE: The required open space shall be maintained in accordance with the requirements of the North 40 Specific Plan. Fencing restricting access to public open space is prohibited.
5. DEMOLITION: The demolition of the existing structures shall occur prior to recordation of the final map.
6. SETBACK EXCEPTIONS: Each unit will be required to show compliance with the setback exceptions permitted by the Specific Plan prior to issuance of building permits.
7. BMP UNITS: BMP applicants shall be qualified by the Santa Clara Housing Authority. The affordable units shall be required to be maintained for the term required under State Density Bonus law or for the life of the buildings, whichever is longer. The developer shall enter into an Affordable Housing agreement with the Town prior to issuance of

building permits. The proposed BMP units must be available and/or occupied prior to final occupancy issuance for the first market rate unit.

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8. DEED RESTRICTION: Prior to issuance of a building permit for market hall, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's office, stating that the required BMP units be maintained pursuant to the Town's BMP regulations and the Affordable Housing Agreement with the Town.
9. OUTDOOR LIGHTING: Outdoor lighting shall comply with Town Code and Building Code regulations.
10. RESIDENTIAL SQUARE FOOTAGE: The internal layout for the residential units may change, but the square footage and number of bedrooms shall not exceed what is shown on the approved Development Plans. No additional square footage or bedrooms shall be permitted for the residential uses. Language within the CC&Rs shall notify homeowners of this restriction.

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11. TANDEM GARAGES: Tandem garages are permitted for the required parking within the residential units. Tandem garages shall maintain a minimum interior clearance of 11 feet by 38 feet.
12. COMMERCIAL DISPLAY WINDOWS: Display windows must be periodically cleaned, maintained and changed. Display glass shall not be blacked-out or obscured in any way by any materials(s) or objects(s) affixed in any manner to the outside or inside surfaces of the glass, with the exception of the tenant's standard vinyl safety window logos and flyers for nonprofit organizations.
13. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit. Canopy replacement for the trees removed will be based on Town Code requirements. Trees proposed to be removed shall be offered to community members for transplant and/or use of the tree or materials at the community members cost.
14. RECYCLING: All wood, metal, glass, and aluminum materials generated from the demolished structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
15. SOLAR: The market rate units shall be pre-wired and structurally adapted for future solar installation by homeowners.
16. NOISE: The applicant shall comply with all recommendations provided by Charles M. Salter within the report dated January 20, 2016. The letter and/or recommendations shall be printed on the building permit plan set for all affected buildings.
17. GENERAL: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
18. IRRIGATION: All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and shrubs.
19. WATER EFFICIENCY: This project is subject to the Town's Water Efficient Landscape Ordinance (WELO), Chapter 26, and Article IV of the Town Code. WELO review and compliance is required prior to issuance of building permits.

20. PROTECTIVE FENCING: Prior to any equipment arriving on site and prior to construction or building permits being issued, the applicant shall meet with the Town's Consulting Arborist, at the applicant's expense, concerning the need for protective fencing around the existing trees and other required tree protection measures identified in this ordinance. Such fencing is to be installed prior to, and be maintained during, construction. The fencing shall be a five foot high chain link attached to steel poles driven at least 18 inches into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree, a fence base may be used, as in a typical chain link fence that is rented.
21. SIGNAGE: All proposed signage shall be in conformance with the North 40 Specific Plan (Section 3-5).
22. COMMERCIAL SIGN PROGRAM: A sign program shall be required for the commercial development and shall be reviewed prior to issuance of any sign permits.
23. PARKING GARAGE GATE(S): Prior to issuance of a building permit for the multi-story parking garage, the applicant shall retain a parking consultant and coordinate with the Los Gatos Monte Sereno Police Department regarding number and location of gated access points to the parking garage.
24. CC&R's: CC&R APPROVAL shall be reviewed and approved by the Town Attorney, Community Development Department, and Parks and Public Works Engineering Department prior to issuance of building permits. The CC&R's shall include language on the following items:
    a. Use of residential garages
    b. Restriction on additional floor area and number of bedrooms for the residential units
25. CC&R's RECORDATION: CC&R's shall be recorded and a copy of the recorded copy shall be provided to the Town Engineering Department and Community Development Department prior to issuance of final occupancy.
26. MITIGATION MONITORING AND REPORTING PLAN: The applicant shall comply with all relevant mitigation measures included in the adopted mitigation monitoring and reporting plan prepared with the certified EIR.

Building Division

27. PERMITS REQUIRED: A separate Building Permit shall be required for each new commercial building and a separate Building Permit for residential building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
28. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the second sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
29. SIZE OF PLANS: Four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
30. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building

Department Service Counter for each building to be demolished. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed from to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines, such as water, sewer, and PG&E. Also prior to issuance of the Demolition Permit, provide clearance from the Santa Clara County Fire Department – HAZMAT Division regarding the abatement of hazardous materials issues. Contact HAZMAT Administration, Kristie Duncan. Michael Benjamin is the HAZMAT Inspector for the Town of Los Gatos. No demolition work shall be done without first obtaining a permit from the Town.

31. 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.

32. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed Civil Engineer or Land Surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
    d. Retaining Walls

32. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed) onto a sheet of the plans.

33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valves per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.

34. 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, signed by all requested parties, and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.

35. NONPOINT SOURCE POLLUTION STANDARDS SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (or Clean Bay Sheet 24x36) shall be part of the plan submittal as the second or third page. The specification

sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blue Print for a fee.

36. STREET NAMES AND BUILDING ADDRESSES: Submit requests for new street names and building addresses to the Building Division prior to submitting for the Building Permit process. Forms are available at the Building Division service counter.
37. SHORING: Shoring plans and calculations will be required for all excavations which exceed four (4) feet in depth or which remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
38. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance or gas appliance with no wood burning components per Town Ordinance 1905. Tree limbs shall be cut within 10 feet of chimneys.
39. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division
    b. Engineering/Parks & Public Works Department
    c. Santa Clara County Fire Department
    d. West Valley Sanitation District
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
    f. Bay Area Air Quality Management District

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

Engineering Division

40. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.
41. 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.
42. 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.

43. COMPLIANCE WITH NORTH 40 SPECIFIC PLAN: The project shall meet the items and specifications as provided in the North 40 Specific Plan.

44. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.

45. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to:

    a. Pacific Gas & Electric (PG&E)
    b. AT&T
    c. Comcast
    d. Santa Clara County Water District
    e. San Jose Water Company
    f. California Department of Transportation

    Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.

46. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner(s) shall enter into an agreement with the Town of Los Gatos for all existing and proposed private improvements within the Town's right-of-way. The Owner(s) shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Town Attorney, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the issuance of any permits.

47. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis until closure of all permits. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

48. PUBLIC WORKS INSPECTIONS: The Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to:

    a. On-site drainage facilities
    b. Grading or paving.
    c. All work in the Town's right-of-way.

    Failure to do so will result in penalties and rejection of work that went on without inspection.

49. RESTORATION OF PUBLIC IMPROVEMENTS: The Developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Developer's operations. Said existing improvements include, but are not limited to:

    a. Curbs
    b. Gutters

c. Sidewalks

d. Driveways

e. Signs

f. Pavements

g. Raised pavement markers

h. Thermoplastic pavement markings, etc.

And shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement(s) to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

50. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.

51. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

52. 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.

53. INSPECTION FEES: Inspection fees shall be deposited with the Town of Los Gatos prior to issuance of any Permit or recordation of the Final Map.

54. PUBLIC WORKS INSPECTOR: The Applicant shall fund a full time public works inspector, selected by the Town of Los Gatos, for the duration of the demolition, grading operations and construction of off-site improvements. The Applicant will be charged on a time and materials basis. A deposit for the full amount to be estimated by the Town based on the Contractor's approved schedule shall be paid prior to issuance of the demolition permit.

55. ON-SITE TRAILER: Prior to the commencement of any construction activity, the Applicant shall enter into an agreement with the Town of Los Gatos, to the satisfaction of the Town, and provide the Town with sufficient on-site trailer space for the public works inspector and members of Staff of the Town of Los Gatos.

56. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town of Los Gatos prior to performing altered. 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.

57. PARKING: Any proposed parking restriction must be approved by the Town of Los Gatos, Community Development Department.

58. EMPLOYEE PARKING: Employees for all commercial tennants shall be encouraged to carpool or take alternative transportation modes; however, businesses shall not prohibit employee parking on-site. The Transportation Demand Management coordinator shall submit a report to the Town annually regarding employee parking outreach efforts.

59. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval.

60. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include:

a.	Final grading	b.	Drainage
c.	Retaining wall location(s)	d.	Driveway(s)
e.	Utilities	f.	Interim erosion control

Grading plans shall list earthwork quantities and a table of existing and proposed (created and replaced) impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department at 110 E. Main Street is needed for grading within the building footprint.

61. GRADING/EARTHWORK QUANTITIES: Prior to the issuance of a grading permit, a table of earthwork quantities shall be provided with identification of individual areas of cut and fill, classified by site element (structures, roadway, landscape, etc.).

62. GRADING ACTIVITY SEQUENCING: On-site grading activity may be done concurrently with the off-site public improvements. The removal of any necessary off-haul material is expressly prohibited, as the material shall be stockpiled and remain on-site until the public improvements have been completed.

63. DRIVEWAY: The driveway conform to the pavement on Los Gatos Boulevard at the east-west roadway through the area labeled as Parcel Q shall be constructed in a manner such that the existing drainage patterns will not be obstructed.

64. CONSTRUCTION EASEMENT: Prior to the issuance of a grading permit, it shall be the sole responsibility of the Developer/Applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.

65. DRAINAGE STUDY: Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Town Engineer:
    a. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions.
    b. A drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities.
    c. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems, including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

66. DRAINAGE IMPROVEMENT: Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only), or prior to the issuance of any grading/improvement permits, whichever comes first, the Applicant shall:
    a. Design provisions for surface drainage.
    b. Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.
    c. Provide a recorded copy of any required easement(s) to the Town.
67. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
68. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
    a. Retaining wall: top of wall elevations and locations.
    b. Toe and top of cut and fill slopes.
69. PAD CERTIFICATION: A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
70. PRECONSTRUCTION MEETING: Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
    a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work and that a copy of the project conditions of approval will be posted on site at all times during construction.
71. RETAINING WALLS: A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Top and bottom of wall elevations at the endpoints, angle points and any critical points of all proposed retaining walls shall be provided. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
72. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
73. SOILS REPORT: One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

74. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of:

a.	Foundations	b.	Retaining walls
c.	Concrete on-slab construction	d.	Excavation
e.	Drainage	f.	On-site utility trenching
g.	Pavement sections		

All recommendations of the investigation shall be incorporated into project plans.

75. SOILS REVIEW: Prior to issuance of any permit, the Applicant's engineers shall prepare and submit a design-level geotechnical/geological investigation for review and approval by the Town of Los Gatos. The Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for:

a.	Foundations	b.	Retaining walls
c.	Site grading	d.	Site drainage

are in accordance with their recommendations and the peer review comments. Approval of the Applicant's soils engineer shall then be conveyed to the Town either by letter or by signing the plans.

76. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Applicant's soils engineer and submitted to the Town of Los Gatos before final release of any occupancy permit is granted.

77. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the Preliminary Geotechnical Investigation by Treadwell & Rollo Environmental & Geotechnical Consultants dated January 18, 2010, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant, and all costs shall be borne by the Applicant.

78. IMPROVEMENTS AGREEMENT: The Applicant shall enter into an agreement to construct public improvements that are part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and materials) prior to issuance of any permit. The Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. A copy of the recorded agreement shall be

submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.

79. JOINT TRENCH PLANS: The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will by Rule LS2A, and that private lights shall be metered with billing to the homeowners association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

80. WATER DESIGN: Water plans prepared by San Jose Water Company must be reviewed and approved prior to issuance of any permit. Plans shall include the proposed connection to the existing Montevina Pipe at San Jose Water Company's 7-Mile Station, Pressure Regulator facility, and all proposed improvements for both transmission and distribution facilities. Details and relevant information for the proposed Pressure Regulator facility (i.e. sizing/dimensions, criteria, schematics/pictures, etc.) shall be submitted to the Town Engineer for approval prior to construction.

81. 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 and storm drainage along the Phase 1 frontages as directed by the Town Engineer. All improvements shall be constructed per Town Standard Details.
   ii. The existing street section of Los Gatos Boulevard from Lark Avenue to Burton Road 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 Phase 1 Los Gatos Boulevard frontage, as directed by the Town Engineer.
   iv. Center median islands for prohibiting left turn movements from northbound and southbound Los Gatos Boulevard shall be installed, except at Neighborhood Street, between Lark Avenue and the northern limits of Phase 1.

b. Lark Avenue:
   i. Provide new curb, gutter, and sidewalk with landscaped planting strip, street lights, signing, striping, new traffic signals or traffic signal modifications, and storm drainage along the northern side of Lark Avenue from the California State Route 17 northbound on-ramp to Los Gatos Boulevard as directed by the Town Engineer. All improvements shall be constructed per Town of Los Gatos Standard Details.

ii. A multi-use path shall be installed along the north side of Lark Avenue from Los Gatos Boulevard to the California State Route 17 northbound ramps.

iii. The existing street section of Lark Avenue from the California State Route 17 northbound on-ramp to 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.

82. 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.

83. FRONTAGE IMPROVEMENTS: The Applicant shall be required to improve the project's public frontages to the current Town of Los Gatos Standards. These improvements may include, but are not limited to:

a.	Curb	b.	Gutter
c.	Sidewalk	d.	Driveway approach(es)
e.	Curb ramp(s)	f.	Street lighting (upgrade and/or repaint)
g.	Traffic signal(s)		

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

84. FRONTAGE IMPROVEMENTS (INTERSECTION OF LARK AVENUE AND LOS GATOS BOULEVARD): The Applicant shall upgrade the existing traffic signal to current Town of Los Gatos standards. These improvements include, but may not be limited to:

a. signal controller cabinet assembly
b. signal service pedestal
c. update of non-LED signal indication to LEDs
d. LED safety lights
e. update of non-ADA compliant pedestrian pushbuttons to ADA compliance
f. eight (8) inch signal heads to twelve (12) inch
g. installation of pedestrian count down signals where non-pedestrian count down signals are currently located
h. fire preemption
i. video detection system
j. signal interconnection
k. fiber optic connection
l. communication modem and switches

As directed by the Town Engineer. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

85. 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.

86. EMERGENCY VEHICLE CROSSING ON LARK AVENUE: The Applicant shall be required to install a median island within Lark Avenue at the Intersection with Highland Oaks Drive that provides an access crossing only for emergency vehicles.

87. LARK AVENUE BIKE LANES: In addition to the development's Lark Avenue frontage, the Applicant shall install Class II bike lanes on westbound and eastbound Lark Avenue, extending west of the project to the connection point with the Los Gatos Creek Trail. The Lark Avenue roadway along this section shall be slurry sealed prior to final striping. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

88. GREEN BICYCLE FACILITIES: The Applicant shall install green bike lanes and bike boxes in all directions of improved streets and intersections as directed by the Town Engineer. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

89. 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.

Connections to the above-listed intersections shall be constructed with enhanced amenities, such as textured pavement and adequate waiting areas for pedestrians and bicyclists, to encourage use of the multi-use path. The multi-use path shall be placed within a ten (10) foot easement along Lark Avenue. The multi-use path shall be placed behind the roadway curb along Los Gatos Boulevard and extend into a multi-use path easement. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

90. ROADWAY AND MULTI-USE PATH IMPROVEMENT PLANS: Plans shall be prepared by Applicant's design consultants registered in Civil and Traffic Engineering practice. The multi-use path system, including on-site and off-site paths as well as access connection to roadways and intersections shall be prepared by engineers with expertise in the design of multi-use paths. Plans shall be submitted to the Town Engineer for approval prior to building permit.

91. ADA COMPLIANCE: The Applicant shall be required to meet all ADA standards, which must be completed and accepted by the Town of Los Gatos before a Certificate of Occupancy for any new building can be issued. This may require additional construction measures as directed by the Town.

92. UTILITIES: The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines

underground, as required by Town of Los Gatos Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.

93. UTILITY SETBACKS: Building foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the building foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.

94. 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.

95. 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.

96. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
    a. The Town standard "T" trench detail shall be used.
    b. A Town-approved colored controlled density backfill shall be used.
    c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
    d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.
    e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
    f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.

97. SIDEWALK REPAIR: The Developer shall repair and replace to existing Town of Los Gatos standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructures shall meet current ADA standards. Sidewalk repair

shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

98. CURB AND GUTTER REPAIR: The Developer shall repair and replace to existing Town of Los Gatos standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructures shall meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

99. DRIVEWAY APPROACH: The developer shall install one (1) Town of Los Gatos standard commercial driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

100. CURB RAMPS: The developer shall construct all curb ramps in compliance with ADA Standards which must be completed and accepted by the Town of Los Gatos before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

101. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town of Los Gatos Code Section §23.10.080.

102. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including, but not limiting to, monument signs, fences, trees and hedges, shall abide by Town of Los Gatos Code Sections 23.10.080, 26.10.065, 29.40.030.

103. FENCES: Fences between all adjacent parcels shall be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property shall be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition requires signed and notarized letters from all affected neighbors. Fencing restricting access to public open space is prohibited.

104. SOUND WALL: The location of the sound wall is dependent on the off-site improvements, such as the future curb, sidewalk, and multi-use path. The sound wall

location proposed in the Vesting Tentative Map will be finalized prior to recordation of the Final Map. The sound wall design shall be reviewed by the Arts and Culture Commission to ensure that it has an appropriate aesthetic appearance on both sides.

105. CIRCULATION AND INFRASTUCTURE PHASING PLAN: Prior to the issuance of any permits, the Applicant shall prepare and provide a detailed Circulation and Infrastructure Phasing Plan that illustrates the intended sequencing of the construction and installation of proposed on- and off-site utilities, public and private improvements, site access and buildings. At the discretion of the Town of Los Gatos, construction hours may be reduced and night construction hours encouraged for off-site activities to reduce traffic impacts. This shall be approved by the Town prior to the commencement of any construction work or related activity.

106. ENHANCEMENT OF EXISTING BUS STOP: The Developer is required to coordinate with the Santa Clara Valley Transportation Authority (VTA), plan for, and provide an enhanced bus stop at the location of the existing stop along southbound Los Gatos Boulevard between Neighborhood Street and Bennett Way. The improvements shall be in compliance with VTA standards and must be completed and accepted by the Town of Los Gatos before a Certificate of Occupancy for any new building can be issued.

107. STREET LIGHTS AND TRAFFIC SIGNAL INSPECTION FEES: The Applicant shall pay a fee in the amount of $15,000 for the Town's inspection of street lights and traffic signal related work installed by the Applicant. The fees shall be due at time of building permit application.

108. TRAFFIC IMPACT MITIGATION FEE: The Applicant shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos in the estimated amount of $3,432,495.00. The fee amount will be based upon the Town Council resolution in effect at the time the Vesting Tentative Map is approved by Town Council. The fee shall be paid before issuance of a building permit. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time Vesting Tentative Map is approved by Town Council, using a comparison between the existing and proposed uses. The Applicant shall enter into an agreement with the Town to reimburse the construction costs for eligible off-site improvements per the Town's traffic mitigation fee policy.

109. INTERSECTION IMPROVEMENTS (INTERSECTION OF LARK AVENUE AND LOS GATOS BOULEVARD): The Applicant shall modify the intersection of Lark Avenue and Los Gatos Boulevard to provide:

a. A third northbound left turn lane
b. A third eastbound left turn lane
c. Bike lanes
d. Additional turn storage length
e. Necessary transition conforms

As directed by the Town Engineer, the Applicant shall modify the northwestern corner of said intersection to accommodate the connection of the multi-use path, including, but may not be limited to:

a. Modification or removal of the pork-chop island

b. Removal of the existing signal controller cabinet and the installation of a new signal controller cabinet away from where the proposed multi-use path shall connect to the corner of intersection.

110. INTERSECTION IMPROVEMENTS (INTERSECTION OF NEIGHBORHOOD STREET AND LOS GATOS BOULEVARD): The Applicant shall:

a. Construct the intersection of Neighborhood Street and Los Gatos Boulevard, install a new traffic signal and provide a construction entrance at the proposed project entrance on Los Gatos Boulevard.
b. Construct signal interconnection along Los Gatos Boulevard from Lark Avenue to the new project signal and from the new project signal to the existing traffic signal at Burton Road.
c. Install fiber optic communication along Los Gatos Boulevard from Lark Avenue to the new project signal.

The new intersection shall continue to allow access to the driveway of 15000 Los Gatos Boulevard. The east side of the new intersection shall be constructed with temporary curb, gutter, sidewalk and driveway that will provide southbound U-turn, northbound bus stop, and access to existing properties. The west side of intersection shall be constructed with standard roadway, curb, gutter, sidewalk, and ADA compliant multi-use path ramps, and 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. These improvements shall be installed prior to the commencement of any on-site construction activities or issuance of any grading or building permits. Plans for the construction access shall be prepared by a California registered civil engineer, reviewed and approved by the Town of Los Gatos.

111. CONSTRUCTION TRAFFIC PLAN: Prior to the issuance of any encroachment, grading or building permits, the Applicant shall submit for approval by the Town of Los Gatos construction traffic plan.

112. INTERSECTION IMPROVEMENTS (INTERSECTION OF LARK AVENUE AND NORTHBOUND CALIFORNIA STATE ROUTE 17 ON-RAMPS) The Applicant shall coordinate with the Town of Los Gatos and Caltrans to design and install the following improvements:

a. Modify the intersection of Lark Avenue and the northbound California State Route 17 on-ramps to add a second right turn lane feeding the northbound California State Route 17 on-ramp. The westbound approach shall consist of two (2) through lanes, two (2) 200-foot right-turn lanes, and a preserved five (5) foot space for a future bike lane.
b. Relocate existing signal interconnection and fiber optic cables and conduits along Lark Avenue from Los Gatos Boulevard to California State Route 17 northbound ramps.
c. Construct a pedestrian crosswalk to allow for the crossing of Lark Avenue immediately east of the northbound California State Route 17 on- and off-ramps.
d. Transition from three (3) to four (4) westbound lanes starting immediately west of 'A' Street.

This intersection is within Caltrans jurisdiction and will require Caltrans review and approval. The final configuration may change as ultimately approved by the Town and Caltrans.

113. INTERSECTION IMPROVEMENTS (INTERSECTION OF LARK AVENUE AND 'A' STREET / HIGHLAND OAKS DRIVE): The Applicant shall construct 'A' Street and a median island within Lark Avenue through the intersection with 'A' Street and Highland Oaks Drive. The modified intersection shall:
   a. Allow left-in movements from eastbound Lark Avenue
   b. Right-in, and right-out only movements for 'A' Street
   c. Allow emergency access only for turning into Highland Oaks Drive from westbound Lark Avenue.

   This intersection shall provide:
   a. Four (4) eastbound lanes
   b. Three (3) westbound through lanes before 'A' Street
   c. One (1) westbound right-turn deceleration lane before 'A' Street

   The Applicant shall install pedestrian barricades to prevent pedestrians crossing Lark Avenue from Highland Oaks Drive to 'A' Street. Prior to the issuance of grading or building permits, the Applicant shall install a construction exit from the project site at the proposed intersection of 'A' Street and Lark Avenue. Plans for the construction access shall be prepared by a California registered civil engineer, reviewed and approved by the Town of Los Gatos.

114. SIGNAL TIMING COORDINATION: The project's traffic engineer shall re-time and coordinate the signals along Los Gatos Boulevard from Neighborhood Street to Blossom Hill Road at the time of the new project signal is activated; again at 50% occupancy; and again at 95% occupancy. The project's traffic engineer shall work with the City of San Jose in reviewing the feasibility of inclusion of the City of San Jose's traffic signals at Samaritan Drive and the California State Route 85 ramps and the California Department of Transportation (Caltrans) traffic signals at California State Route 17 ramps in the signal timing coordination. The project's traffic engineer shall work with Caltrans in reviewing the feasibility of inclusion of the traffic signals on Lark Avenue at California State Route 17 ramps and at Oka Road in the signal timing coordination. Include these additional signals in the signal timing coordination as directed by the Town Engineer.

115. TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN: The Applicant shall prepare a Transportation Demand Management (TDM) Plan for the residential and commercial uses for Town of Los Gatos approval prior to the issuance of a building permit. The TDM shall include a minimum of those measures identified in the Specific Plan such as:
   a. Bicycle facility provisions
   b. Transit passes and subsidies
   c. Carpool incentive
   d. Reserved car share parking
   e. Electrical car charging stations

f. Coordination with the Santa Clara Valley Transportation Authority (VTA) to decrease headway times to connect to regional destinations, etc.

The TDM shall include a TDM coordinator who will submit a TDM effectiveness report to the Town annually. The TDM shall be modified accordingly when commercial tenants change.

116. LARK AVENUE WIDENING: The Applicant shall dedicate ten (10) feet of right-of-way and widen Lark Avenue along the property frontage from Los Gatos Boulevard to the northbound California State Route 17 on-ramp. The improved roadway shall provide:

a. A landscaped median island
b. Eastbound bike lanes
c. A ten (10) foot multi-use path
d. Three (3) to four (4) westbound lanes
e. Four (4) eastbound lanes
f. Preserved width for westbound bike lanes.

The eastbound bike lane shall extend from the northbound California State Route 17 on-ramp to Los Gatos Boulevard. A five (5) foot width shall be preserved for a future westbound bike lane from Los Gatos Boulevard to the California State Route 17 on-ramp. In the eastbound direction, there shall be:

a. Three (3) through lanes and one (1) left-turn lane west of Highland Oaks Drive
b. Two (2) left-turn lanes, one (1) shared left-turn/through lane, and one (1) right turn lane east of Highland Oaks Drive.

In the westbound direction, there shall be:

a. Three (3) through lanes and one (1) right-turn deceleration lane east of 'A' Street
b. Three (3) lanes opening up to four (4) lanes starting immediately west of 'A' Street.

In the area at and near the Lark Avenue/California State Route 17 ramps is within Caltrans jurisdiction and would require Caltrans review and approval. The final configuration may change as ultimately approved by the Town and Caltrans.

117. LARK AVENUE SIGNAL INTERCONNECT AND FIBER OPTIC COMMUNICATION: The Applicant shall construct and relocate the existing traffic signal interconnect conduit/cable and fiber optic conduit/cable along the north side of Lark Avenue conduits and cables as directed by the Town Engineer.

118. LOS GATOS BOULEVARD MEDIAN IMPROVEMENTS: The Applicant shall construct a continuous raised median island from Lark Avenue to the project's northern limits on Los Gatos Boulevard, except at the intersection of Los Gatos Boulevard and Neighborhood Street.

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

120. TRAFFIC CALMING ('A' STREET): The Applicant shall prepare a traffic calming plan for 'A' Street and Neighborhood Street for Town of Los Gatos approval as part of the construction plan submittal. The plan shall discourage cut-through and speeding traffic as well as commercial traffic access from Lark Avenue and 'A' Street.

121. CONSTRUCTION STREET PARKING: No vehicle having a manufacture's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior to approval from the Town Engineer.

122. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved prior to any work in the public right-of-way. This plan shall include, but not be limited to, the following measures:
   a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
   b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
   c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.

123. HAULING OF SOIL: Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the Developer shall work with the Town of Los Gatos Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Developer/Owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.

124. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc. shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town of Los Gatos may authorize on a case-by-case basis alternate construction hours. The Applicant/Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.

125. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

126. CONSTRUCTION MANAGEMENT PLAN: Prior to the issuance of any permits, the Applicant shall submit a construction management plan that shall incorporate at a minimum:

a.	Earth Movement Plan	b.	Traffic Control Plan
c.	Project Schedule	d.	Site security fencing
e.	Employee parking	f.	Construction staging area
g.	Materials storage area(s)	h.	Construction trailer(s)
i.	Concrete washout(s)	j.	Proposed outhouse location(s)
		k.	Designated contact person and phone number during construction hours

127. PRIVATE STREETS: All streets within the development shall be private and thus privately maintained.
128. MAINTENANCE ACCESS: Prior to the issuance of any permits, the Applicant shall propose maintenance access improvements for the Town Engineer to review, comment on, and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.
129. SHARED PRIVATE STREET: All private streets within the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
130. SANTA CLARA VALLEY WATER DISTRICT (SCVWD): Prior to start of any work along or within Santa Clara Valley Water District (SCVWD) right-of-way/easement, the Developer shall submit construction plans to SCVWD for review and approval, and obtain necessary encroachment permits for the proposed work. A copy of the approved encroachment permit(s) is/are required to be submitted to the Engineering Division of the Parks and Public Works Department prior to Grading Permit issuance.
131. CALTRANS: Prior to the start of any work along or within the California Department of Transportation (Caltrans) rights-of-way and/or easement, the Developer shall obtain all necessary approvals and permits for the proposed work. Copy of approved permit(s) is/are required to be submitted to the Engineering Division of the Parks and Public Works Department prior to permit issuance.
132. JARPA: (The Bay Area Joint Aquatic Resources Permit Application). The Applicant shall apply for a permit through JARPA for any proposed drainage system within the creek setback. This permit shall be obtained prior to issuance of any permits.
133. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. A Sanitary Sewer Clean-out is required for each property at the property line or location specify by the Town.
134. SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town of

Los Gatos shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.

135. STORMWATER MANAGEMENT: Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs one (1) acre or more which are part of a larger common plan of development which disturbs less than one (1) acre are required to obtain coverage under the construction general permit with the State Water Resources Control Board. The Applicant is required to provide proof of Waste Discharger Identification number (WDID#) and keep a current copy of the storm water pollution prevention plan (SWPPP) on the construction site, which shall be made available to the Town of Los Gatos Engineering Division of the Parks and Public Works Department and/or Building Department upon request.

136. BEST MANAGEMENT PRACTICES (BMPs): The Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.

137. STORMWATER DEVELOPMENT RUNOFF: All new development and redevelopment projects are subject to the stormwater development runoff requirements. Every applicant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements in such a way that post-development flows meet or are below pre-development flows.

138. SITE DESIGN MEASURES: All projects shall incorporate the following measures:
   a. Protect sensitive areas and minimize changes to the natural topography.
   b. Minimize impervious surface areas.
   c. Direct roof downspouts to vegetated areas.
   d. Use permeable pavement surfaces on the driveway, at a minimum.
   e. Use landscaping to treat stormwater.

139. LANDSCAPING: In finalizing the landscape plan for the biotreatment areas, it is required that the landscape architect ensure that the characteristics of the selected plants are similar to those of the plants listed for use in bioretention areas in Appendix D of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 Stormwater Handbook.

Deleted: recommended

140. LANDSCAPE MAINTENANCE AGREEMENT: The Developer shall enter into a Landscape Maintenance Agreement with the Town of Los Gatos in which the Developer agrees to

maintain the vegetated areas along the project's Los Gatos Boulevard and Lark Avenue frontages located within the public right-of-way. The agreement must be completed and accepted by the Town Attorney prior to the Issuance of any permits.

141. STORMWATER TREATEMENT MEASURE SETBACKS: Building foundations shall be set back from proposed stormwater treatment measures a sufficient distance to allow excavation for and installation of said measure(s) without undermining the building foundation(s). The Town Engineer shall determine the appropriate setback based on the depth of the measure(s), input from the project soils engineer, and the type of foundation.

142. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one (1) acre. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Monitoring for erosion and sediment control is required and shall be performed by the Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) as required by the Construction General Permit. Stormwater samples are required for all discharge locations and projects may not exceed limits set forth by the Construction General Permit Numeric Action Levels and/or Numeric Effluent Levels. A Rain Event Action Plan (REAP) must be developed forty-eight (48) hours prior to any likely precipitation even, defined by a fifty (50) percent or greater probability as determined by the National Oceanic and Atmospheric Administration (NOAA), and/or whenever rain is imminent. The QSD or QSP must print and save records of the precipitation forecast for the project location area from (http://www.srh.noaa.gov/forecast) which must accompany monitoring reports and sampling test data. A rain gauge is required on-site. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

143. DUST CONTROL: The following measures shall be implemented at construction sites greater than four (4) acres in area:

   a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
c. Limit traffic speeds on unpaved roads to fifteen (15) miles per hour.
d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
e. Replant vegetation in disturbed areas as quickly as possible.

144. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.

145. STORMWATER DISCHARGE: New buildings, such as food service facilities and/or multi-family residential complexes or subdivisions, shall provide a covered or enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area. Areas around trash enclosures, recycling areas, and/or food compactor enclosures shall not discharge directly to the storm drain system. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to a grease removal device prior to discharging to the sanitary sewer. The Applicant shall contact the local permitting authority and/or sanitary district with jurisdiction for specific connection and discharge requirements

146. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

147. OFF-SITE DRAINAGE: The Developer shall construct and install a private on-site storm drain system that is adequately sized to collect and convey adjacent off-site tributary drainage. Prior to the issuance of any permits, hydraulic calculations for a 100-year storm event shall provide documentation that the proposed storm drain system can convey said off-site drainage as well as on-site drainage during this event over, within, through and off the site, and ultimately into Los Gatos Creek.

148. CONVEYANCE OF DRAINAGE TO LOS GATOS CREEK: Prior to the issuance of any permits, the Applicant shall confirm with the sufficient hydraulic calculations that the existing storm drain facilities that will convey drainage from the project site to the outfall at Los Gatos Creek are sufficient for surface drainage produced as a result of Phase I, the entire Specific Plan Area, and that conveyed by the adjacent off-site tributary drainage areas (i.e. Los Gatos Boulevard and its adjoining properties).

Deleted: future phase(s)

149. STORM WATER MANAGEMENT PLAN: A storm water management plan shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Order R2-2015-0049, NPDES Permit No. CAS612008. The plan shall delineate source control measures and Best Management Practices (BMPs) together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town of Los Gatos. In the event that the storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town will require a modification of the Planning approval prior to release of the Building Permit. The Applicant may elect to have the Planning submittal certified to avoid this possibility.

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150. STORM WATER MANAGEMENT PLAN NOTES: The following note shall be added to the storm water management plan: "The biotreatment soil mix used in all stormwater treatment landscapes shall comply with the specifications in Attachment L of the Municipal Regional Permit (MRP). Proof of compliance shall be submitted by the Contractor to the Town of Los Gatos a minimum of thirty (30) days prior to delivery of the material to the job site using the Biotreatment Soil Mix Supplier Certification Statement."

151. STORM WATER MANAGEMENT PLAN CERTIFICATION: Certification from the biotreatment soils provider is required and shall be given to Engineering Division Inspection staff a minimum of thirty (30) days prior to delivery of the material to the job site. Additionally deliver tags from the soil mix shall also be provided to Engineering Division Inspection staff. Sample Certification can be found here: http://www.scvurppp-w2k.com/nd_wp.shtml?zoom_highlight=BIOTREATMENT+SOIL

152. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS: The property homeowner's association(s) shall enter into an agreement with the Town of Los Gatos for maintenance of the stormwater filtration facilities and devices required to be installed on this project by Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement shall specify that certain routine maintenance shall be performed by the property homeowner's association(s) and shall specify device maintenance reporting requirements. The agreement shall also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the release of any occupancy permits.

153. PUBLIC STORM DRAINAGE CONVEYANCE AGREEMENT: The Developer shall enter into a Public Storm Drainage Conveyance Agreement with the Town of Los Gatos to allow for the conveyance of storm drainage from the Los Gatos Boulevard public right-of-way through the on-site private storm drain system and within the private streets to be constructed with the project. The Developer shall be solely responsible for maintaining the storm drain system at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Town Attorney prior to the issuance of any permits.

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154. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.

155. OUTDOOR TRASH ENCLOSURES: Outdoor trash enclosures shall be covered and provided with area drains connected to the sanitary sewer per current National Pollutant Discharge Elimination System (NPDES) requirements before a Certificate of Occupancy for any new building can be issued. Temporary trash enclosures are exempt from this condition. Connecting said drainage system to the storm drain system shall not be permitted.

156. GREASE TRAPS: The Applicant shall meet all requirements of the Santa Clara County Health Department and West Valley Sanitation District for the interception, separation or pretreatment of effluent.

157. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued. The Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Developer's expense.

158. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: The Applicant shall initiate a weekly neighborhood e-mail notification program to provide project status updates. Interested community members may opt-in to the e-mail notification program and the e-mail notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.

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159. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.

160. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

161. FUTURE STUDIES: Any post project traffic, parking counts, air quality studies, or other studies imposed by Planning Commission or Town Council shall be funded by the Applicant.

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162. SUBDIVISION IMPROVEMENT AGREEMENT: The Applicant shall enter into an agreement to construct public improvements in accordance with Town of Los Gatos Code Section 24.40.020. The Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and materials) prior to the issuance of any permit. The Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public

Works Department. A copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.

163. ABOVE GROUND UTILITIES: The Applicant shall submit a seventy-five (75) percent progress printing to the Town for review of above ground utilities including:

a. Backflow prevention devices
b. Fire department connections
c. Gas and water meters
d. Off-street valve boxes
e. Hydrants
f. Site lighting
g. Transformers
h. Electrical/communication/cable boxes
i. Mail boxes

Above ground utilities shall be reviewed and approved by the Town of Los Gatos Community Development Department prior to issuance of any permit.

164. PUBLIC STREET LIGHTING: Replace existing street light fixtures along Los Gatos Boulevard frontage between Lark Avenue and the northern limits of Phase 1 with new LED light fixtures. Install new street light poles and LED light fixture for the widened Lark Avenue frontage. The Applicant's engineer shall prepare street light plan for the widened Lark Avenue for approval by the Town Engineer. On-lot lighting shall be incorporated for the multi-use path.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

165. REQUIRED FIRE DEPARTMENT ACCESS: Compliance with the following is required; CFC Sec. 503, 504, 506, 509 and Santa Clara County Fire Dept. Standard Detail and Specification A-1. Minimum required roadway width is 20 feet. Note specifically the requirements for a minimum 26-foot wide roadway serving buildings more than 30 feet in height from the lowest level of Fire Dept. Access. No parking is allowed within these minimum required widths. Minimum vertical clearance is 13' 6".

166. FIRE SPRINKLERS REQUIRED: System requirements will vary depending upon the occupancy classification and projected use of each structure. It appears that the largest single structure will be a commercial multistory structure of 18,000 square feet. Applicants are advised to consult with the San Jose Water Company to determine what existing and proposed infrastructure will be required to meet the anticipated demand. CFC Chp. 9 and CRC Sec. 313 as adopted and amended by LGTC.

167. 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).

168. PUBLIC FIRE HYDRANT(S) REQUIRED: Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be determined by the currently adopted edition of the California Fire Code, with a minimum single hydrant flow of 1,500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

169. HOSE VALVES/STANDPIPES REQUIRED: Hose valves/standpipes shall be installed as per the 2010 CFC Sec. 905, or where emergency access has been deemed minimal, shall be equipped with standpipes designed per NFPA Std. #14, and be equipped with 2-1/2" inch hose valves, located within the stair enclosure(s). Note specifically, within parking structure(s) at stairwells and on any proposed podium within certain courtyard areas.

170. FIRE APPARATUS (LADDER TRUCK) ACCESS ROADS REQUIRED: All access roadways shall be paved with an all-weather surface and a minimum unobstructed width of 26 feet, vertical clearance of 13 feet 6 inches, and have a minimum circulating turning radius to the satisfaction of the Santa Clara County Fire Marshall, as well as a maximum slope of 10 percent and vehicle loading of 75,000 pounds.

171. PARKING ALONG ROADWAYS: The required width of fire access roadways shall not be obstructed in any manner and, parking shall not be allowed along roadways less than 28 feet in width. Parking may be permitted along one side of roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured curb face to curb face, with parking space based on an 8 ft. width.

172. GROUND LADDER ACCESS: Ground-ladder rescue from second and third floor sleeping 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.

173. REQUIRED BUILDING ACCESS. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

174. KEY BOXES: Where required: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. Locks. An approved 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 rekeyed. The key to such lock shall be secured in the key box.

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

176. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: Gate installations shall conform to Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed. Gates providing access from a road to a driveway or other roadway shall be at least 30 feet from the road being exited.

177. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. Plan pages specifically dedicated to safety plans, including proposed temporary access and water supply for each phase will be required.

178. PREMISES IDENTIFICATION: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

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. PLAN MODIFICATIONS: The plan modifications illustrated in Attachment 13 (Exhibits B-G) and any modifications for Buildings 24, 25, 26 and 27 shall be incorporated in the Vesting Tentative Map prior to recordation.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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. A monthly tree preservation report shall be submitted to the Town. A final tree preservation report shall be provided to the Town illustrating compliance

with the arborist's recommendations.

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

Engineering Division

8. 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.
9. 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.
10. COMPLIANCE WITH NORTH 40 SPECIFIC PLAN: The project shall meet the items and specifications as provided in the North 40 Specific Plan.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.

18. 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.

19. 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.

20. 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, which ever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.

21. 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."

22. 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. Fencing restricting access to public open space is prohibited.
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.

23. DEMOLITION: The existing buildings shall be demolished prior to recordation of the final map affected by these existing buildings.

24. JOINT TRENCH PLANS: Joint trench plans shall be reviewed and approved by the Town prior to recordation of a map. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will by Rule LS2A, and that private lights shall be metered with billing to the homeowners association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

25. 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:
        v. 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.
        vi. 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.
26. 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.
27. 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.
28. 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.

29. 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.

30. 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.

31. PRIVATE STREETS: All streets within the development shall be private and thus privately maintained.

32. 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.