



MEETING DATE: 1/17/06
ITEM NO. 17

COUNCIL AGENDA REPORT

DATE: January 9, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: TOWN MANAGER 
SUBJECT: CONSIDER A REQUEST TO AMEND AN APPROVED PLANNED DEVELOPMENT TO ALLOW OFFICE CONDOMINIUMS AND SEVEN APARTMENTS TO BE OWNER-OCCUPIED CONDOMINIUMS. PROPERTY LOCATION: 14880-14890 LOS GATOS BLVD. FILE# PD-06-01. PROPERTY OWNER/APPLICANT: CUPERTINO DEVELOPMENT.

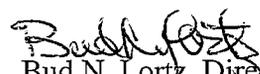
RECOMMENDATION:

- 1. Hold the public hearing and receive public testimony;
- 2. Close the public hearing;
- 3. Direct the Clerk Administrator to read the title of the ordinance (no motion required);
- 4. Move to waive the reading of the ordinance (motion required);
- 5. Introduce the ordinance to effectuate Planned Development PD-06-01 (motion required).
- 6. Direct the Clerk Administrator to publish summary of the ordinance no more than five days prior to adoption (no motion required);

PROJECT SUMMARY

On July 16, 2001 the Town Council adopted a Planned Development for a 14,000 square foot office building, seven apartments and 12 single family town houses. Two of the townhouses and two of the apartments were approved as Below Market Price (BMP) units. One of the apartments was given a teacher priority (see condition #5 of the approved PD Ordinance, Exhibit C to Attachment 4).

On January 30, 2002 the Commission approved the Tentative Map and Architecture and Site applications for the PD. Construction began in June 2002. The 12 town houses have been completed and are occupied by new owners. The below grade parking garage and podium for the office building and apartments have been built and the apartment units are being constructed. The final phase of the project will be to construct the office building.

PREPARED BY:  Bud N. Lortz, Director of Community Development

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Reviewed by: Assistant Town Manager Town Attorney Clerk Finance
 Community Development Revised: 1/9/06 10:36 am

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MAYOR AND TOWN COUNCIL
SUBJECT: **14880-14890 LOS GATOS BLVD/PD-06-01**
January 4, 2006

The applicant is now requesting to convert the rental apartments and office suites to condominium ownership, and has requested to amend the Planned Development to accomplish this.

DISCUSSION

The applicant is requesting to amend the approved Planned Development (PD) for the Terreno de Flores mixed-use project to allow seven rental apartments and the rental office suites to be changed to condominium ownership units. The two BMP units would become for-sale units instead of rentals. Exhibit E to Attachment 4 is the applicant's letter of explanation for the requested change. The project would comply with open space and parking requirements for condominiums.

Ownership versus Rental Housing

The Town has historically maintained a housing ratio that includes 30-35% rental units. General Plan policy H.P.3.1 states that at least 30% of the Town's housing stock be rental units. Rental housing is currently at 35% according to Claritas demographic data dated September 22, 2005. This data does not include the Sobrato project. Given the small number of units, the requested change from rental to ownership housing units would not cause the percent of rental housing to fall below the 30% minimum. The Sobrato PD is currently constructing 290 apartments units which will greatly increase the number of rental units.

There are currently 2 rental BMP units required as part of this PD. Community Services Department Staff has indicated that owner occupied BMP units are more desirable than rentals because the Town has more control over ownership units and there are fewer coming online.

While the Town currently exceeds the 30% rental unit goal as set forth in the General Plan, it is important to note that since 2000, no new rental housing projects have been submitted because the rental housing market has softened. In addition, at least one previously approved rental housing project may request to convert to ownership housing. Staff does not anticipate any new rental projects will be submitted for the foreseeable future given the economic conditions of the Bay Area.

Office Condominiums

The conversion of office suites to condominiums would allow business owners to own their space rather than renting. The applicant has indicated that there is an increasing demand for this type of office space, and that construction of more rental office space is not desirable given the current market conditions (see Exhibit E of Attachment 2 in staff report).

SUMMARY OF PROJECT REVIEW

On November 9, 2005 the Planning Commission voted 4-2 to forward the requested PD amendment to the Town Council with a recommendation for approval. The two Commissioners who did not support the motion were concerned about losing the rental housing units.

Revisions to the PD Ordinance (Attachment 2) are shown in bold (new text) and strikeout (deletions). The following conditions have been added to the PD Ordinance to clarify timing for installation of public improvements, and the applicability of prior conditions of approval:

FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits are issued.

PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

a. Los Gatos Blvd. Widen Los Gatos Boulevard approximately 7.5-feet beyond the widening required under PD-00-002. The intent of the widening is to align the curb on the project frontage with the curb adjacent to 14850 Los Gatos Boulevard. Provide curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, storm drainage, water, fire, and sanitary sewers, as required.

PREVIOUS CONDITIONS. All previous Engineering conditions of approval associated with applications PD-00-002, S-01-14, and S-01-83 through S-01-95 shall apply.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration and corresponding Mitigation Monitoring Plan were prepared for the project and were adopted by the by the Town Council on July 2, 2001. No further environmental review is required for the current application.

FISCAL IMPACT:

None

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MAYOR AND TOWN COUNCIL
SUBJECT: **14880-14890 LOS GATOS BLVD/PD-06-01**
January 5, 2006

Attachments:

The following were previously distributed under separate cover:

1. November 9, 2005 desk item (one page) with Exhibit F
2. November 9, 2005 Report to Planning Commission (three pages) with Exhibits A-E
3. Letter from Thomas R. Jackson, Terreno de Flores HOA (eight pages), received November 9, 2005
4. Planning Commission Minutes of November 9, 2005 (10 pages)
(Copies of the above are available in the Clerk Department.)

New Attachments:

5. Required Findings (one page)
6. Planned Development Ordinance (23 pages)

Distribution:

Keith Kolker, Cupertino Development Corp., 21060 Homestead Road, Suite 120, Cupertino, CA 95014

Rodger Griffin, Paragon Design Group 405 Alberto Way, Suite C, Los Gatos, CA 95032

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TOWN COUNCIL - JANUARY 17, 2006

REQUIRED FINDINGS FOR:

14880-14890 Los Gatos Blvd
Planned Development Application PD-06-01

Requesting approval of an amendment to an approved Planned Development to allow office condominiums and seven apartments to be owner-occupied condominiums on property zoned CH:PD. APN 424-10-079.

PROPERTY OWNER/APPLICANT: Cupertino Development Corp.

Required consistency with the Town's General Plan:

- That the proposed General Plan Amendment and Zone Change are internally consistent with the General Plan and its Elements.

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ORDINANCE

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING PLANNED DEVELOPMENT PD-00-2 RELATIVE TO CONVERSION OF RENTAL UNITS AND OFFICE SUITES TO CONDOMINIUMS AND REPEALING ORDINANCE 2089 FOR THE TERRENO DE FLORES PROJECT AT 14880-14890 LOS GATOS BOULEVARD AND 14950-14960 TERRENO DE FLORES

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 14880 & 14890 Los Gatos Boulevard and 14950 & 14960 Terreno de Flores Lane as shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from R-1:8 (Single Family Residential) and RM:5-12:PD (Multiple Family Residential, 5-12 units per acre/Planned Development), to CH:PD (Restricted Highway Commercial/Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by Ordinance 2089 is hereby amended to authorizes the following construction and use of improvements:

1. Demolition of three existing single-family residences, five rental units and all accessory structures;
2. Construction of ten (10) market price single family residential units and two (2) Below Market Price (BMP) single family residential units;
3. Construction of one (1) Below Market Price (BMP) ~~rental apartment~~ **residential condominium**, one ~~apartment~~ **condominium** for teacher housing pursuant to condition #5, and five (5) market rate ~~apartment units~~ **condominiums**;

4. Construction of a 14,000 sq. ft., two-story building for office uses (**office units will be condominiums**);
5. Landscaping, private street, parking, and other site improvements shown and required on the Official Development Plan (Exhibit B);
6. Uses permitted are those specified in the underlying CH (Restricted Highway Commercial) zone by Sections 29.60.420 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future subject to any restrictions or other requirements specified elsewhere in this ordinance including, but not limited to, the Official Development Plan. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance.
7. **Ordinance 2089 is hereby repealed.**

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

Architecture and Site Approval is required before the demolition of the single family residences, rental units and accessory structures, or any construction work for the residential units or office building is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in issued in a manner complying with Section 29.80.130 of the Zoning Ordinance.

SECTION V

The attached Exhibit A (Map) and Exhibit B (development plans received by the Town of Los Gatos on October 31, 2005, 20 sheets), incorporated herein by this reference, are part of the Official Development Plan. The following must be complied with before issuance of any grading, demolition or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site Applications and approval shall be required for the proposed residential units, office building, parking areas and landscape improvements.
2. BUILDING SIZES. The size of the BMP units shall be at least 1,020 square feet (excluding garages); the single-family units shall be in the range of 1,570 to 2,262 square feet (excluding garages); the market rate apartments shall be in the range of 1,442 to 1,531 square feet; the BMP and BMP/teacher ~~apartments~~ **condominiums** shall be at least 813 square feet; and the two-story office building shall be a maximum of 14,000 square feet.
3. SITE PLAN. The site plan provided is conceptual in nature. Final footprints and building designs shall be determined during the architecture and site approval process.
4. ACCESS. Deeded reciprocal access rights shall be provided across the two larger parcels as indicated by the note on the site plan, "future property line".
5. COMMUNITY BENEFIT. ~~Apartment~~ **Condominium number unit 6**, as indicated by the applicant, is a one bedroom unit that as an additional community benefit shall be made available to the school district for teacher housing. If a teacher is not available to ~~fill~~ **purchase** this unit, then the unit shall be **sold** subject to the Town's Below Market Price

Program. Teachers shall have the first right of refusal for the teacher unit. The BMP-rental agreement shall be prepared by the developer, with input from the school district and Town staff, prior to the issuance of any permits. A deed restriction shall be recorded prior to the issuance of any building permits, stating that the BMP units must be rented and/or sold, as applicable, as below market priced units pursuant to the Town's BMP requirements. The deed restriction shall also indicate the rental agreement of the teacher **priority for unit 6.**

6. **OFFICE USES. A maximum of nine doctors and/or dentists may occupy the office building based on the on-site parking.**
7. ELEVATOR. The elevator shall be relocated to better serve the apartments.
8. DESIGN. Address the issues of territoriality, surveillance, safety and isolation with appropriate design of the apartments and their access to the common open space.
9. CONFIGURATION. Change lot 8 from a C unit to a B unit and switch one of the single family BMP units with unit 7 to allow a BMP unit and a larger for sale unit to be attached.
10. ****ARCHAEOLOGICAL/CULTURAL RESOURCES MITIGATION-1.** If cultural or archaeological resources are uncovered during project construction, all work must be halted within a 50-foot radius of the find, the Community development Director shall be notified and a qualified archaeologist must be retained to examine the find, determine its significance and make appropriate recommendations. Project personnel shall not alter the materials or their context or collect cultural resources. The cost of the Town retaining a qualified archaeologist shall be paid for by the property owner/developer.
11. ****ARCHAEOLOGICAL/CULTURAL RESOURCES MITIGATION-2.** If human remains are discovered, the Los Gatos Police Department and Santa Clara County Coroner shall

immediately be notified. The Coroner would determine whether or not the remains were Native American. If the Coroner determines that the remains are not subject to his or her authority, the Coroner shall notify the Native American Heritage Commission, who would attempt to identify descendants of the deceased Native American.

12. ****ARCHAEOLOGICAL/CULTURAL RESOURCES MITIGATION-3.** If the Community Development Director, with advice from a qualified archaeologist, finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial would follow the protocol set forth in Appendix K of the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Planning Director for consideration and approval, in conformance with the protocol set forth in Appendix K of the CEQA Guidelines. The cost of the Town retaining, a qualified archaeologist shall be paid for by the property owner/developer.
13. ****ARCHAEOLOGICAL/CULTURAL RESOURCES MITIGATION-4.** A final report shall be prepared by a qualified archaeologist when a find is determined to be a significant archaeological site, and/or when Native American remains are found on site. The final report shall include background information on the completed work, a description and a list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms. The cost of the Town retaining a qualified archaeologist shall be paid for by the property owner/developer.

14. **ARCHAEOLOGICAL/CULTURAL RESOURCES MITIGATION-5. The Planning and Building Divisions of the Community Development Department shall be responsible for ensuring that the archaeological/cultural resources mitigation measures are implemented appropriately during construction as the need arises.
15. SOLAR WATER SYSTEM: Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
16. SOLAR. During the Architecture and Site application process all new residences, to the extent feasible, shall be designed to take full advantage of passive solar opportunities.
17. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
18. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company that 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.
19. GARAGE DIMENSIONS. Minimum interior clear dimensions of two car garages shall be 20' x 20'. Minimum interior clear dimensions of one car garages shall be 11' x 20'.
20. BELOW MARKET PRICE (BMP) UNIT. The location of the BMP units shall be determined during the Architecture and Site approval process. The BMP unit building permits must have been issued prior to issuance of the last market rate unit building permit.
21. FENCING & PRIVATE YARDS. Fencing and private yard areas for the residences will be reviewed with the Architecture & Site application.
22. DEMOLITION. The demolition of existing residences and accessory structures shall not take place until the Planned Development has been approved by the Town Council.

Building Division

23. **HAZARDOUS MATERIALS MITIGATION-1: Construction finish materials that are suspect for containing lead-based paint will be tested, and pending laboratory analysis, will not be subjected to any process that renders them friable unless proper engineering controls and worker protection procedures are initiated.
24. **HAZARDOUS MATERIALS MITIGATION-2: The Building Division will be responsible for ensuring that appropriate testing for lead-based paints is completed and recommendations are properly implemented during construction.
25. UTILITIES. The developer must agree to install all utility service, including telephone, electric power, and other communications lines underground, according to Town policy. Cable television capability shall be provided to all new houses.
26. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
27. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
28. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
29. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
30. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (415) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. As part of the permit application process a site plan shall be provided that includes all existing structures and existing utility lines such as

water, sewer, and P.G.&E. No demolition work shall be done without first obtaining a demolition permit from the Town.

31. HOUSE NUMBERS. Obtain addresses from the office of the Town Clerk.
32. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
33. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
34. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed to include the following features:
 - a. Wooden backing (no smaller than 2 inches x 8 inches) shall be provided in all bathroom walls at water closet, shower and bathtub locations, located at 34 inches from the floor to the center of the backing, suitable for the addition of grab bars.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.

- c. Primary entrance shall have a 36-inch wide door including: a 5-foot by 5-foot level landing no more than one inch out of the plane with the immediate interior floor level, with an 18-inch clearance at interior strike side.
 - d. Door buzzer, bell or chime shall be "hard" wired.
35. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR-IR and MF-IR shall be printed on the construction plans.
36. TITLE 24 ACCESSIBILITY - COMMERCIAL-1. On-site parking facilities shall comply with the latest California Title 24 Accessibility Standards. Work shall included not shall not be limited to building entrances from parking facilities and sidewalks. Accessibility parking shall be provided for at the covered and uncovered parking areas.
37. TITLE 24 ACCESSIBILITY - COMMERCIAL-2. On-site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but shall not be limited to, accessibility to building entrances from parking and sidewalks.
38. TITLE 24 ACCESSIBILITY - COMMERCIAL-3. The building shall comply with the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design architect then confirmed by Town staff.
39. TITLE 24 ACCESSIBILITY-COMMON AREAS. On site common areas shall comply with the latest California Title 24 Accessibility Standards for disabled access. Work shall include but not be limited to sidewalks and curb cuts.
40. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase 11 approved appliances per Town Ordinance 1905. Tree limbs shall be cut within 10 feet of chimneys.
41. SPECIAL INSPECTIONS. When a special inspection is required by UBC Section 1701, 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 any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.

42. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (Size 24" x 36") is available at the Building Division service counter.
43. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
- a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Los Gatos School District: 395-5570

Note: Obtain the school district forms from the Town Building Department, after the Building Department has approved the building permits.

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

Engineering Division

44. ****HYDROLOGY AND WATER QUALITY MITIGATION-1.** To the extent feasible, the project applicant shall incorporate best management practices for storm water quality protection both during and after construction. Measures could include directing runoff from parking lots and roofs to appropriate landscaping areas to allow pollutants to be reduced in the water that will eventually be discharged to Los Gatos and Ross Creeks.

45. **HYDROLOGY AND WATER QUALITY MITIGATION-2. The Engineering Division of the Parks & Public Works Department will be responsible for reviewing and approving drainage plans.
46. **TRANSPORTATION & TRAFFIC MITIGATION-1. Outbound traffic at both project access points shall be stop-sign controlled.
47. **TRANSPORTATION & TRAFFIC MITIGATION-2. "No stopping any time" signs shall be installed on the light standards along the east side of the proposed private street. At least two "No stopping any time" signs shall be installed on the west side of the proposed private street between proposed homes 1 and 2.
48. **TRANSPORTATION & TRAFFIC MITIGATION-3. An arrangement shall be made that would allow visitors of the residential units to use the office parking during non-business hours (e.g. weekends and nights). However, no office-related parking shall be allowed in the residential area.
49. **TRANSPORTATION & TRAFFIC MITIGATION-4. Proposed parking for the office portion of the project shall meet minimum Town parking requirements.
50. **TRANSPORTATION & TRAFFIC MITIGATION-5. A minimum four-foot wide sidewalk with appropriate ramps shall be installed on at least one side of the proposed private street.
51. **TRANSPORTATION & TRAFFIC MITIGATION-6. The Engineering Division of the Parks & Public Works Department will be responsible for ensuring that the transportation and traffic mitigation measures are incorporated into the project design.
52. GRADING PERMIT. A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application

for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.

53. **SOILS REPORT.** Two copies of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer, in conformance with Section 6735 of the California Business and Professions Code.
54. **MAP APPROVALS.** A tentative map approval is required. When approved, a final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title report and appropriate fee. The map shall be recorded prior to the issuance of any construction permits.
55. **TENTATIVE MAP.** A Tentative Map shall be ~~submitted with the architecture and site approval application~~ **approved prior to submittal of the final map. The Development Review Committee may be the deciding body for the tentative map.**
56. **FINAL MAP.** A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits are issued.

57. **PUBLIC IMPROVEMENTS.** The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

a. **Los Gatos Blvd. Widen Los Gatos Boulevard approximately 7.5-feet beyond the widening required under PD-00-002.** The intent of the widening is to align the curb on the project frontage with the curb adjacent to 14850 Los Gatos Boulevard. Provide curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, storm drainage, water, fire, and sanitary sewers, as required.

58. **PREVIOUS CONDITIONS.** All previous Engineering conditions of approval associated with applications PD-00-002, S-01-14, and S-01-83 through S-01-95 still apply.

59. **TRAFFIC.** Traffic issues highlighted on page 15 of the May 8, 2001 TJKM Traffic Analysis under "Site Access, Parking, & Internal Circulation" shall be addressed to the satisfaction of the Director of Community Development and the Director of Parks and Public Works.

60. **TURN LANE.** As a community benefit, a turn lane be provided into the project site, through re-striping of Los Gatos Boulevard to the satisfaction of the Director of Public Works.

61. **DEDICATIONS.** The following shall be dedicated on the final map. The dedications shall be recorded before the issuance of any permits.

a. **Public Service Easement (PSE).** All on-site roadways shall be within PSE'S.

- b. Ingress-egress, storm drainage and sanitary sewer easements, as required.
- c. Public right-of-way on Los Gatos Boulevard.

62. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or 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 and Terreno de Flores curb, gutter, sidewalk, street lights, tie-in paving, striping, storm drainage and sanitary sewers as required.

63. VTA RECOMMENDATIONS. The recommendations in the letter from the Santa Clara Valley Transportation Authority dated May 24, 2000 shall be incorporated into the project.

64. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.

65. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). The developer shall pay a fee proportional to the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request for Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for Certificate of Occupancy.

66. TRAFFIC IMPACT MITIGATION FEE (COMMERCIAL). The developer shall pay a fee proportional to the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The fee shall be paid the building permit is issued. The traffic impact mitigation fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application and shall be based on TJKM's revised traffic analysis.
67. FINAL CC&R'S. Final CC&R's shall be approved by the Town Attorney prior to recordation of the final map. The CC&R's shall include provisions for traffic circulation, and vehicle parking enforcement procedures.
68. LIGHTING. Final exterior lighting plans shall be reviewed with the Architecture & Site application.
69. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Standard Specifications for Public Works Construction. All work shall conform to the applicable Town ordinances. Adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of day. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
70. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Public Works Inspector at least twenty-four (24) hours before starting any work pertaining

to on-site drainage facilities, grading, or paving; and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.

71. GRADING INSPECTIONS. The soils engineer or his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
72. NON-POINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device in the catch basins or a grease and oil separator shall be installed.
73. UTILITIES. The developer shall install all utility service, including telephone, electric power, and other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new residences.
74. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvements to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
75. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "As-built" plans shall again be signed and "wet-stamped" by the engineer who prepared the plans, attesting to the changes. The original "As-built" plans

shall be reviewed and approved the Engineering Inspector. A photo mylar of the approved "As-built" plans shall be provided to the Town before the release of the Faithful Performance Security.

76. 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.
77. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
78. GRADING INSPECTIONS: The soils engineer or his/her qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
79. 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:
 - a. Retaining wall - top of wall elevations and locations; and
 - b. Toe and top of cut and fill slopes
80. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. On sites over five (5) acres, 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. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. In addition, fiber rolls, silt fences and erosion control blankets shall be stored on-site for emergency

control, if needed. Install fiber berms, check dams, retention basins, silt fences, etc., as needed on the project site to protect down stream water quality during winter months.

81. SIDEWALK REPAIR. The developer shall repair and replace to Town standards any sidewalk damaged now or during construction of the project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
82. CURB AND GUTTER. The developer shall repair and replace to Town standards any curb and gutter damaged now or during construction of the project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
83. DRIVEWAY APPROACH. The developer shall install three (3) Town standard residential commercial driveway approaches. The new driveway shall be constructed per Town Standard Detail.

Parks Division

84. **TREE MITIGATION-1. Replacement trees of a size and number adequate to mitigate the loss of existing mature trees shall be planted on the project site. The comprehensive landscape plan shall be reviewed as part of the Architecture & Site approval process.
85. **TREE MITIGATION-2. The Parks & Public Works Department will be responsible for reviewing and approving the comprehensive landscape plan.
86. NEW TREES. Newly planted and relocated trees shall be double-staked, using rubber tree ties and shall be planted prior to acceptance of the subdivision or architecture and site

approval as determined by the Parks Superintendent. The Redwood trees to be planted on the project site shall be minimum 36-inch box specimens.

87. STREET TREES. The trees to be planted on the inside of the sidewalk along Los Gatos Boulevard shall be Cork Oak (*Quercus suber*).
88. 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.
89. GENERAL. All existing trees shown on the plan are specific subjects of approval of this plan and must remain on site.
90. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance, Chapter 26, Article IV of the Town Code. A fee of \$472 shall be paid when the landscape, irrigation plans and water calculations are submitted for review.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

91. REQUIRED FIRE FLOW. Required fire flow is 3,500 GPM at 20 psi. residual pressure.
92. AUTOMATIC FIRE SPRINKLER SYSTEM. Buildings requiring a fire flow in excess of 2,000 GPM shall be equipped with an approved automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standards #13. A copy of the Santa Clara County Fire Department "approved" underground fire service drawings shall be provided to the appropriate water company for record purposes, prior to installation. To prevent engineering delays, the underground contractor shall submit three sets of shop drawings designed per NFPA Standard 24 to the Fire Department along with a completed application and applicable fees for review as soon as possible.

93. FINAL REQUIRED FIRE FLOW. Required fire flow may be reduced up to 50% in buildings equipped with automatic fire sprinkler systems, but can be no less than 1500 GPM. Therefore, the final required fire flow of 1,750 GPM at 20 psi residual pressure shall be available from any two hydrants on or near the site, provided that they have a maximum spacing of 250 feet.
94. PUBLIC FIRE HYDRANT. Provide one (1) public fire hydrant at a location to be determined jointly by the Santa Clara County Fire Department and San Jose Water Company. Maximum hydrant spacing shall be 250 feet with a minimum single flow of 1,500 gallons per minute at 20 psi. residual pressure. Prior to applying for building permits, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible. The existing fire hydrant located on Los Gatos Boulevard near the office development may need to be relocated to accommodate the new frontage design. Consult with the San Jose Water Company as early as possible to avoid design delays.
95. PRIVATE FIRE HYDRANT. Provide one (1) private on-site fire hydrant installed per NFPA Standard 24, at a location to be determined by the Fire Department. Maximum hydrant spacing shall be 250 feet with a minimum single flow of 1,500 gallons per minute at 20 psi. residual pressure. *Prior to design, the project civil engineer shall meet with the Fire Department water supply officer to jointly spot the required fire hydrant location.*
96. FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED. Provide access roadways with a paved all weather surface and a minimum width of 20 feet, vertical clearance of 13 feet six inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15 percent. Installations shall conform with Fire Department Standard Details and Specifications A-1.

97. **PARKING ALONG ROADWAYS.** The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width (excluding the parking bays). Parking will be allowed along one side of the street for roadways 28-25 feet in width. For roadways with a width equal to or greater than 36 feet, parking will be allowed on both sides of the road. Roadway widths shall be measured face of curb to face of curb. Parking spaces are based on an eight-foot wide space.
98. **FIRE LANE MARKING REQUIRED.** Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installation shall also conform to Local Government Standards and Fire Department Standard Details & Specifications A-6.
99. **TIMING OF REQUIRED INSTALLATIONS.** The required fire services, fire hydrants and access road installations shall be in place, inspected, and accepted by the Fire Department prior to the start of framing. Bulk construction materials shall not be delivered to the site until the hydrants and roadway have been accepted. Clearance for building permits will not be given until such time as this requirement is addressed by the developer, to the satisfaction of the Fire Department. During construction, emergency access roads shall be maintained clear and unimpeded.
100. **PREMISE IDENTIFICATION.** Approved addresses shall be placed on all new buildings so they are clearly visible and legible from the street or road fronting the property. Numbers shall be a minimum of four inches high and shall contrast with their background.
101. **LANDSCAPE CLEARANCE.** The landscape plan shall allow for proper clearance over the required fire turnaround at the center circular drive (minimum of 13 feet six inches). Circulating radius of the first-due apparatus is 46 feet outside, 31 feet inside. The overall wheel base is 190 feet and the overall length is 36 feet.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on January 17, 2006, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, 2006. This ordinance becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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