

**PLANNING COMMISSION – March 8, 2023**  
**CONDITIONS OF APPROVAL**

**15600-15650 Los Gatos Boulevard**  
**Conditional Use Permit Application U-22-005**

**Requesting Approval for Construction of a New Commercial Building, a Formula Retail Business (Whole Foods) Greater Than 6,000 Square Feet, a Merger of Two Lots into One, a Variance from the Required Number of Parking Spaces, and the Removal of Large Protected Trees on Properties Zoned CH. APNs 424-14-028 and -036. Categorically Exempt Pursuant to CEQA Guidelines Section 15332: In-Fill Development Projects.**

**PROPERTY OWNER/APPLICANT: Steve Lynch, Sand Hill Property Company.**  
**PROJECT PLANNER: Jocelyn Shoopman.**

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 shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: The approved use is for a formula retail greater than 6,000 square feet.
5. HOURS: The business hours of operation are from 7:00 a.m. to 10:00 p.m.
6. OUTDOOR DISPLAY OF MERCHANDISE: Outdoor display of merchandise shall comply with Town Code Section 29.50.025 including a pedestrian walkway of six (6) feet between the display and any other obstruction. Prior to the issuance of building permits, the building plans shall show six feet of clearance between outdoor displays and vehicle overhangs at front ground level parking spaces.
7. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
8. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
9. BUSINESS LICENSE: A business license is required from the Town of Los Gatos Finance Department prior to commencement of use.
10. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
11. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be

conducted in full compliance with all local, state, and federal laws.

12. 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.
13. COMPLIANCE MEMEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.