

PLANNING COMMISSION – June 8, 2022
CONDITIONS OF APPROVAL

465 N. Santa Cruz Avenue
Conditional Use Permit U-22-001

Requesting Approval of a Mixed-Use Project with One Dwelling Unit in an Existing Commercial Building, with Shared Parking on Property Zoned C-1. APN 410-16-004.
PROPERTY OWNER: Jamie Pfister
APPLICANT: Marcie MacDonough

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 intensification beyond this authorized use requires a Conditional Use Permit amendment.
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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
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 mixed-use project with one residential dwelling unit.
5. **HOURS OF OPERATION:** The hours of non-residential operation shall be limited to the following:
 - 9:00 a.m. to 5:00 p.m., Monday through Friday
6. **SHARED PARKING AGREEMENT:** A Shared Parking Agreement shall be obtained and approved pursuant to Town Code prior the issuance of building permits. The Shared Parking Agreement hours are:
 - Non-Residential Parking Hours - 9:00 a.m. to 5:00 p.m. - Monday through Friday
 - Residential Parking Hours - 5:00 p.m. to 9:00 a.m. - Monday through Friday and 24 hours on Saturday and Sunday
7. **PARKING FEE:** The appropriate in-lieu parking fee for two spaces, \$4,000.00, shall be paid to the Finance Department prior to issuance of building permits.
8. **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.
9. **ROOFTOP EQUIPMENT:** Any new or modified roof mounted equipment shall be fully screened prior to issuance of an occupancy permit.
10. **OUTDOOR LIGHTING:** Prior to final occupancy all exterior lighting shall be kept to a

minimum and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. All exterior lighting shall utilize shields so that no bulb is visible and to ensure that the light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.

11. EXISTING TREES: 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.
12. TREE FENCING: Protective tree fencing, and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
13. TREE REPLACEMENT: Prior to issuance of final occupancy replacement trees must be planted.
14. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
15. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the requirements of the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. Submittal of a Landscape Documentation Package pursuant to WELO is required prior to issuance of a building permit. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review. A completed WELO Certificate of Completion is required prior to final inspection/certificate of occupancy.
16. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
17. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
18. 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.
19. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS: The subject use shall be conducted in full compliance with all local, state, and federal laws.
20. 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.
21. COMPLIANCE MEMORANDUM: 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.

Building Division

22. REVIEW: A comprehensive plan review has not been completed for this CUP modification under consideration by the Development Review Committee and compliance with applicable codes have not been verified.
23. PERMITS: No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official.
24. ACCESSIBILITY: In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities".

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

Engineering Division

25. GENERAL: All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction 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 by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant'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 issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner and/or Applicant's expense.
26. APPROVAL: This application shall be completed in accordance with all the conditions of approval 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.
27. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner and/or Applicant or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner and/or Applicant or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, thermoplastic pavement markings, etc., 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 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

- restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner and/or Applicant or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
28. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner and/or 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.
 29. PLANS AND STUDIES: Any studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
 30. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
 31. CONSTRUCTION HOURS: All 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 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
 32. 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.
 33. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: If required with the proposed improvements, prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the change with the trash and recycling collection location shall be provided to the Town.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

34. REVIEW: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
35. FIRE SPRINKLERS: (As Noted on Sheet A0.0) An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made to create conditions described in CFC Sections 903.2.1 through 903.2.18. New

created R3 unit considered change of occupancy and will therefore require installation of an automatic fire sprinkler system.

- 36. NOTE: Note that a plan review is required prior to any proposed tenant improvement.
- 37. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. (CFC, Ch.1, 105.3.6)

Additional Agency Review

- 38. ADDITIONAL REQUIREMENTS: Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.

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