

PLANNING COMMISSION – March 13, 2024
CONDITIONS OF APPROVAL

666 North Santa Cruz Avenue
Conditional Use Permit Application U-22-002

Requesting Approval of a Modification to an Existing Conditional Use Permit for a Convenience Market that Includes the Sale of Beer and Wine at an Automobile Service Station on Property Zoned C-1.

PROPERTY OWNER/APPLICANT: Samir Dave, HDLM Associates
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 listed below and in substantial compliance with the plans approved by the Planning Commission on March 13, 2024. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission, depending on the scope of the changes.
2. EXPIRATION: The Conditional Use Permit approval will expire two years from the approval date unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
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.
4. USE: The approved use is a service station with a convenience store that includes the sale of beer and wine.
5. HOURS OF OPERATION: The maximum hours of operation for the automobile service station and convenience store shall be 5:00 a.m. to 12:00 a.m. Monday through Friday and 6:00 a.m. to 12:00 a.m. Saturday and Sunday.
6. 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.
7. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
8. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
9. BEER AND WINE LOCATION: No beer or wine shall be displayed within five feet of the cash register.
10. ADVERTISEMENT: No advertisement or display of beer or wine shall be made outside the building in which sales of beer and wine occur.
11. POINT OF SALE LOCATION: No sale of beer or wine shall be made from a drive-in window.

12. BEER AND WINE LOCATION: No beer or wine for sale shall be refrigerated, and no display or sale of beer or wine shall be made from an ice tub.
13. SELF-ILLUMINATION SIGNAGE: No self-illuminated advertising for beer or wine shall be located on buildings or windows.
14. EMPLOYEES: Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who may sell beer or wine shall be at least 21 years of age.
15. CONSUMPTION OF BEER AND WINE: There shall be no on-premises consumption of beer or wine.
16. INCIDENTAL USE: The sale of beer and wine shall at all times be incidental to the operation of the building as a service station. Whether the sale of beer or wine is incidental shall be determined by measurement of the space devoted to sales of beer and wine with relation to sales of grocery and convenience items, and the volume of sales of beer and wine with relation to sales of other grocery and convenience items.
17. SECURITY: Uniformed security personnel may be required in or around the premises by the Chief of Police if alcohol-related problems recur that are not resolved by the licensed owner.
18. EMPLOYEE TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives of the Police Department for ongoing employee training on alcoholic beverages sales to the general public.
19. WARNING SIGNAGE: The operator shall post and maintain a warning regarding driving after consumption of alcoholic beverages in a visible location near the cash register.
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.

Building Division

21. 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.
22. 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.
23. 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 SANTA CLARA COUNTY FIRE DEPARTMENT:

24. 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.
25. Please note that tenant improvements will be reviewed during building permit submittal.
26. 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]

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