



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: April 13, 2016

ITEM NO: 2
CONSENT

PREPARED BY: Erin Walters, Associate Planner
ewalters@losgatosca.gov

APPLICATION NO: Conditional Use Permit Application U-16-002

LOCATION: **663 Blossom Hill Road, Suite 200** (at the northwest corner of Blossom Hill Road and Los Gatos Boulevard)

APPLICANT/
CONTACT PERSON: LGC Barre LLC, Shadin Saah and Stacy Barrett

PROPERTY OWNER: Linda L. Lester c/o Lester Investment

APPLICATION SUMMARY: Requesting approval for a new fitness studio (Bar Method Studio) with group classes on property zoned CH:PD. APN 529-65-028.

DEEMED COMPLETE: March 11, 2016
FINAL DATE TO TAKE ACTION: September 11, 2016

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA: General Plan Designation: Mixed Use Commercial
Zoning Designation: Commercial Highway/Planned Development, CH:PD
Applicable Plans & Standards: General Plan
Parcel Size: 2.04 acres
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|-------|-------------------|----------------------------|---------|
| North | Office | Mixed Use Commercial | O |
| East | Commercial | Mixed Use Commercial | C-1 |
| South | Commercial | Mixed Use Commercial | CH |
| West | Residential | Medium Density Residential | RM-5:12 |

CEQA: A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were adopted by the Town Council on June 6, 2011 for a mixed use development. No further environmental analysis is required for this application.

FINDINGS

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

EXHIBITS:

1. Location Map
2. Findings (one page)
3. Recommended Conditions of Approval (six pages)
4. Business Description and Letter of Justification, received March 4, 2016 (two pages)
5. Mixed Use Planned Development Parking Summary (one page)
6. Public Comments received by 11:00 a.m. Thursday, April 7, 2016
7. Development Plans, received February 3, 2016 (three sheets)

BACKGROUND:

The proposed project would occupy a vacant second floor tenant space in an existing commercial center, Lester Square. The commercial center is made up of two buildings. The subject space is located on the second floor of the building located along Blossom Hill Road. The proposed use is group fitness classes.

PROJECT DESCRIPTION:

A. Conditional Use Permit

The applicant is requesting approval of a Conditional Use Permit (CUP) for a new fitness studio with group classes (Bar Method) in a vacant 3,373-square foot second floor tenant space. The maximum hours of operation would be 5:30 a.m. to 9:00 p.m. Monday through Friday and 6:30 a.m. to 5:00 p.m. on Saturday and Sunday. The applicant provided a letter of justification and description of the business (Exhibit 4) and development plans (Exhibit 7).

When reviewing a CUP, the deciding body should consider the information in the applicant's business plan; however, the key consideration should be the explicit proposed use since the business plan can change from owner to owner. The explicit use may be, and is often, defined in the recommended conditions of approval as a "use" condition. The CUP runs with the land, and the deciding body should review applications based on the explicit use as opposed to the applicant or the applicant's business plan.

B. Location and Surrounding Neighborhood

The project site is located on the northwest corner of Los Gatos Boulevard and Blossom Hill Road (Exhibit 1). The property is adjacent to a two-story office building to the north, commercial shopping centers to the east and south, and residential to the west.

C. Zoning Compliance

The zoning designation allows group fitness classes, subject to the approval of a CUP.

ANALYSIS:

A. Project Summary

The proposed group fitness classes (Bar Method) would occupy a 3,373-square foot tenant space within an existing commercial shopping center. The applicant is proposing to operate during the following hours:

| | |
|-------------------|-----------------------|
| Monday – Friday | 5:30 a.m. – 9:00 p.m. |
| Saturday & Sunday | 6:30 a.m. – 5:00 p.m. |

The applicant is proposing a maximum of 24 students and a maximum of four employees at any one time. The floor plan includes a lobby area, a reception area, a small 100-square foot retail area for the sales of clothing and water bottles, an office, two exercise studios, a locker room, restrooms, and a room for childcare (Exhibit 7). The proposal also includes childcare on weekdays for on-site members only (Condition of Approval 13, Exhibit 3). The applicant provided a project description and letter of justification describing the proposal (Exhibit 4).

B. Parking

The commercial center has 131 parking spaces [121 on-site spaces plus ten parking space credits from the residential portion of the Planned Development (Exhibit 5)]. Town Council, the Town Attorney, and staff have determined that the parking credit was approved as a part of the PD and Architecture and Site Applications. The Town Council adopted the PD Ordinance on June 20, 2011. The Planning Commission approved the Architecture and Site Applications for the residential and commercial sites on August 8, 2012.

The proposed group fitness use requires a total of 12 parking spaces. The proposed use and existing uses meet the parking requirements (see table on next page).

| Lester Lane Commercial Center Parking Analysis | | | | | | |
|--|---------------------------------------|---|----------------|-----------------------------------|---|-------------------------|
| Address | Business | Type of Use | Square Footage | # of Doctors or Students/Teachers | # of Seats | Required Parking Spaces |
| 15965 Los Gatos Boulevard | | | | | | |
| Suite 100, 1 st Floor | Adobe Animal Hospital Approved CUP | Medical Office | 6,073 | 4 doctors | | 24.3 |
| Suite 102, 1 st Floor | Adobe Animal Marketplace Approved CUP | Retail | 3,057 | | | 13 |
| Suite 200, 2 nd Floor | Vacant | Office | 4,152 | | | 17.7 |
| Suite x, 2 nd Floor | Vacant | Medical Office | 1,500 | 1 doctor | | 6 |
| 15991 Los Gatos Boulevard | | | | | | |
| | Super Duper Burger Approved CUP | Restaurant w/ Outdoor Dining Area, Beer/ Wine | 4,334 | | 65 max | 22 |
| 681 Blossom Hill Road | | | | | | |
| Suite 102 | Philz Coffee Approved CUP | Restaurant w/ Outdoor Dining Area | 1,611 | | 12 max | 4 |
| Suite 100 | Pizza Studio Approved CUP | Restaurant (Closed January 2016) | 2,109 | | 30 max | 10 |
| 663 Blossom Hill Road | | | | | | |
| Suite 100, 1 st Floor | Vacant | (Expired CUP-Bank) Office | 3,366 | | | 14.32 |
| Suite 200, 2 nd Floor | Proposed: Bar Method | Group Fitness (CUP Req.) | (3,373) | 24 students + 4 staff | | 12 |
| | | | | | Total Required | 123.32=124 |
| | | | | | Total Provided= 131 spaces as approved through PD/A&S (121 spaces on-site + 10 parking space credit) | |

C. Traffic

The approved Planned Development included commercial uses and therefore, no additional traffic analysis is required. Traffic Impact Fees were paid in full when the applicant submitted the building permit application for the commercial center. Future modifications of the mix of uses may require additional traffic analysis and/or Traffic Impact Fees.

D. Noise

The applicant has described in the project description (Exhibit 4) that music will be played at a reasonable volume. A condition of approval has been included that the noise must meet the Town's Noise Ordinance (Condition of Approval #11, Exhibit 3).

E. Conditional Use Permit Findings

In order to grant approval of a Conditional Use Permit, the deciding body must make the following findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare; and
2. The proposed use would not impair the integrity and character of the zone; and
3. The proposed use would not be detrimental to public health, safety or general welfare; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

In regards to the first finding, the proposed use is desirable to the public convenience because it provides a group exercise classes for the public. As required by finding two, the proposed use would not impair the integrity of the zone, in that the proposed use is a commercial service use and would be located in a commercial zone. In regards to the third finding, the use would not be detrimental to public health, safety or general welfare, and the conditions regarding the operating hours, number of students, and employees placed on the permit would maintain the welfare of the community. In regards to the final finding, the proposed use is in harmony with the General Plan and Town Code.

F. General Plan

The goals and policies of the 2020 General Plan applicable to this project include but are not limited to:

- Policy LU-2.1 – Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.
- Policy LU-9.2 – Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and preserve the small-town atmosphere.
- Policy LU-9.6 – Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use policies of the Town.

G. Environmental Review

A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were adopted by the Town Council on June 6, 2011, for a mixed use development. No further environmental analysis is required for this application.

PUBLIC COMMENTS:

The applicant has reached out to the existing commercial tenants and adjacent residents. The applicant has provided email correspondence with three neighbors (Exhibit 6).

CONCLUSION AND RECOMMENDATION:

A. Conclusion

Staff has recommended conditions of approval regarding the maximum number of students, employees, and operating hours. The site has adequate parking to accommodate the proposed use. The proposed use would close by 9:00 p.m. each day. The proposed use is in conformance with the Town Code and is consistent with the General Plan.

B. Recommendation

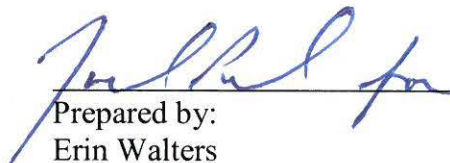
Staff recommends approval of the proposed project. If the deciding body concurs with staff's recommendation, it should:

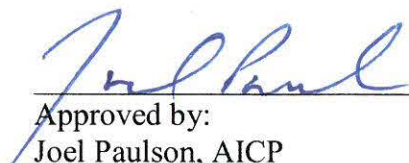
1. Find that the proposed project is categorically exempt, pursuant to Section 15301 of the California Environmental Quality Act as adopted by the Town (Exhibit 2); and
2. Make the required findings as required by Section 29.20.190 of the Town Code for granting approval of a Conditional Use Permit (Exhibit 2); and
3. Approve Conditional Use Permit application U-16-002 with the conditions contained in Exhibit 3.

ALTERNATIVES:

Alternatively, the Commission can:

1. Approve the application with additional and/or modified conditions of approval; or
2. Continue the application with direction to a specific hearing date; or
3. Deny the application.


Prepared by:
Erin Walters
Associate Planner


Approved by:
Joel Paulson, AICP
Community Development Director

JP:EW:cg

cc: Linda L. Lester c/o Lester Investment, 15466 Los Gatos Blvd., Los Gatos, CA 95032
LGC Barre LLC, Shadin Saah and Stacy Barrett, 637 Fuller Avenue, San Jose, CA 95125

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663 Blossom Hill Road, Suite 200



EXHIBIT 1

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PLANNING COMMISSION – April 13, 2016
REQUIRED FINDINGS FOR:

663 Blossom Hill Road, Suite 200
Conditional Use Permit Application U-16-002

Requesting approval for a new fitness studio (Bar Method Studio) with group classes on property zoned CH:PD. APN 529-65-028.

PROPERTY OWNER: Linda L. Lester c/o Lester Investment

APPLICANT: LGC Barre LLC, Shadin Saah and Stacy Barrett

FINDINGS

Required finding for CEQA:

- No further environmental analysis is required for this application because a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were adopted by the Town Council on June 6, 2011, for a mixed use development.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

- (1) The proposed use of the property is essential or desirable to the public convenience or welfare because it provides group exercise classes for the public; and
- (2) The proposed use would not impair the integrity and character of the zone in that the proposed use is a commercial use and would be located in a commercial zone; and
- (3) The proposed use would not be detrimental to public health, safety, or general welfare because the conditions regarding the operating hours, number of students, and employees placed on the permit would maintain the welfare of the community; and
- (4) The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

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PLANNING COMMISSION – April 13, 2016
CONDITIONS OF APPROVAL

663 Blossom Hill Road, Suite 200
Conditional Use Permit Application U-16-002

Requesting approval for a new fitness studio (Bar Method Studio) with group classes on property zoned CH:PD. APN 529-65-028.

PROPERTY OWNER: Linda L. Lester c/o Lester Investment

APPLICANT: LGC Barre LLC, Shadin Saah and Stacy Barrett

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 and noted as received on January 13, 2015. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, the Development Review Committee, the Planning Commission, or the Town Council depending on the scope of the changes.
2. **EXPIRATION OF APPROVAL:** The Conditional Use Permit application will expire two years from the date of approval (April 13, 2017) 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 for group fitness classes and childcare for members. Any change in the type of business requires modification of the Conditional Use Permit.
5. **NUMBER OF STUDENTS:** The maximum number of students is limited to 24 at any given time.
6. **NUMBER OF STAFF/INSTRUCTORS:** The maximum number of staff/instructors on-site at any given time is limited to four.
7. **HOURS OF OPERATION:** Maximum hours of operation are 5:30 a.m. to 9:00 p.m., weekdays and 6:30 a.m. to 5:00 p.m. weekends.
8. **DELIVERIES:** Deliveries shall occur between 9:00 a.m. and 4:00 p.m. Deliveries shall not be made from Blossom Hill Road or Los Gatos Boulevard.
9. **TRASH AND RECYCLING DISPOSAL HOURS:** Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m. to limit the noise impacts.
10. **TRASH MANAGEMENT PLAN:** The property owner and applicant shall comply with the Sandy Lane Trash Management Plan prepared by American Trash Management on December 1, 2014. The Trash Management Plan may be adjusted as tenant uses and waste volumes change within the commercial center.
11. **NOISE STANDARDS:** The use must comply with the Town Code's noise levels for commercial zones.
12. **CHILD CARE:** Shall be provided for use of onsite members only.
13. **EXTERIOR MAINTENANCE:** Exterior maintenance by employees shall not occur between the hours of 10:00 p.m. and 8:00 a.m.

14. **WINDOWS ALONG BLOSSOM HILL ROAD ELEVATION:** The windows along the Blossom Hill Road building elevation shall remain unobstructed, unblocked and un-tinted. Windows are to be free and clear of all stacked materials.
15. **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.
16. **CONSTRUCTION MANAGEMENT PLAN:** A construction management plan is required.
17. **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.
18. **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.
19. **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.
20. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

21. **PERMITS REQUIRED:** A Building Permit shall be required for Tenant Improvement alterations to the existing commercial building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
22. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover 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.
23. **SIZE OF PLANS:** Four sets of construction plans, size 24" x 36".
24. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be blue-lined on the plans including lighting compliance resulting from lighting changes and Mandatory Measures Form.
25. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** For any proposed Tenant Improvements, on-site parking and general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, accessibility to building entrances from parking facilities and sidewalks. For any proposed tenant improvements, the building shall be upgraded to comply the latest California Title 24 Accessibility Standards.
26. **PLANS:** The Tenant Improvement construction plans for this commercial building shall be prepared under the direct supervision of a licensed Architect or Engineer. (Business and Professions Code Section 5537.)
27. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a Building Permit:
 - a. Community Development – Planning Division: Erin Walters (408) 354-6867
 - b. Santa Clara County Fire Department: (408) 378-4010
 - c. West Valley Sanitation District: (408) 378-2407

28. ADVISORY COMMENTS FOR TENANT IMPROVEMENTS:

- a. 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, "Accessibility for Existing Buildings". Existing accessibility features and/or elements required to be accessible in order of priority include:
 - (a) Accessible main entrance with required signage and door hardware;
 - (b) Accessible route to altered area (including parking space and path of travel from public way and necessary signage);
 - (c) Accessible Restrooms.
- b. If Tenant Improvements are made and the cost of these alterations or remodeling is less than a threshold amount (currently at \$150,244.00) and the cost to provide all those features listed above is disproportionate to the improvement costs (i.e. more than 20% of the budget), then the Owner is only required to provide disabled access upgrades up to 20% of the budget cost for alterations with the approval of the Building Official. Please obtain the Town 20% Rule Form from the Town Permit Counter or download it from the Town of Los Gatos website at www.losgatosca.gov and completely fill it out showing all the required upgrades that will be provided and their costs. This form must be permanently affixed (i.e. blue-lined, sticky-backed onto the plans.
- c. This Tenant space is completely new and therefore all new construction must provide strict compliance with all the accessibility requirements of CBC Chapter 11B. For example, the accessibility requirements for accessible shower compartments must comply with all the details of CBC 11B-608.
- d. Plumbing facilities shall be provided in accordance with the California Plumbing Code. Exiting and Occupant Load shall be in strict compliance with California Building Code Chapter 10.
- e. Maintain a minimum aisle width of 36 inches.

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

Engineering Division

29. 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 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 Town performing the required maintenance at the Applicant's expense.
30. APPROVAL: This application shall be completed in accordance with all of 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.
31. 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.

32. **RESTORATION OF PUBLIC IMPROVEMENTS:** The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Applicant's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, 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 Applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
33. **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.
34. **PARKING:** Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
35. **SIDEWALK REPAIR:** The Applicant shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must 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.
36. **CURB AND GUTTER REPAIR:** The Applicant shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must 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.
37. **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.

38. **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 may authorize, on a case-by-case basis, alternate construction hours. The 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.
39. **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.
40. **CONSTRUCTION MANAGEMENT PLAN:** Prior to the issuance of any permits, the Applicant shall submit a construction management plan that shall incorporate at a minimum the Project Schedule, employee parking, materials storage area(s) and proposed outhouse location(s), as applicable.
41. **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 at a location specified by the Town.
42. **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 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.
43. **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 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 penalties and/or the Town performing the required maintenance at the Applicant's expense.

44. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
45. FUTURE STUDIES: Any post-project traffic or parking counts, or other studies imposed by Planning Commission or Town Council shall be funded by the Applicant.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

46. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project.
47. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

RECEIVED
U-16-002
MAR 04 2016

November 28, 2015
LGC Barre, LLC (DBA The Bar Method Los Gatos)
637 Fuller Avenue
San Jose, CA 95125

TOWN OF LOS GATOS
PLANNING DIVISION

Town of Los Gatos Community Development Department
110 E. Main Street
Los Gatos, CA 95030

RE: Project Description Letter for Conditional Use Permit Application
The Bar Method Los Gatos located at 663 Blossom Hill Road in Los Gatos, California
95032

Dear Community Development Department,

Enclosed please find the Conditional Use Permit Application and materials for our fitness studio located at the address above. The subject location is comprised of 3,373 square feet in the Lester Square shopping area.

The Bar Method is a boutique, barre-based fitness workout for up to 24 clients per class. The 60-minute class is led by a certified The Bar Method Instructor and includes low-impact strengthening exercises that use your own body weight and isometric movements to lengthen and tone each and every muscle group. There are currently 29 open studios in California, and 88 in the US.

The studio will include a small retail area of approximately 50-100 square feet primarily for the sale of The Bar Method branded clothing and water bottles. Deliveries will be minimal and will include regular mail and occasional packages of retail items, all between 9am and 4pm by standard mail carriers. Small amounts of trash and recycling (approximately two bags of each) will be taken out each evening by a cleaning service and added to the existing recycling/garbage bins for the center. All laundry will be done on-site.

We will be offering a locker room for clients to get ready and store their items during class. Two showers are included in the locker room for single use following class.

The hours of operation will be 5:30am to 9pm Monday-Friday and 6:30am and 5pm on Saturday and Sunday with at least 15 minutes between each class time. There will be larger breaks between classes when demand is lower. Throughout the day there will be one front desk associate, one owner, one child care staff member and one instructor at the studio for a maximum of 4 staff members at one time.

EXHIBIT 4

In addition, we will be offering childcare during the late morning and early afternoon class times on weekdays. A maximum of 5 children will be in attendance at a time, with one childcare staff member present.

Music will be played during class at a reasonable volume. Instructors are not permitted to yell during instruction, so all music is played at a level that can be spoken over. Studio rooms are carpeted with thick, plush carpet and include a thick underlay. Clients take class in socks only, and since it is a low-impact workout, there is no jumping or calisthenics involved.

With an allotted amount of 14 dedicated parking spaces, we have ample parking for both our clients and staff. Per the Town's requirement, operating at our maximum with clients and staff, we would only use 12 of the 14 spaces.

The Bar Method will be a positive addition to the Los Gatos Community. The studio will bring an exceptional service to both Lester Square and the Town.

Sincerely,

Stacy Barrett, co-owner LGC Barre, LLC

Shadin Saah, co-owner LGC Barre, LLC

Mixed Use Planned Development Parking Summary

16005 Los Gatos Boulevard (former Ford Swanson site)

The PD Ordinance was adopted by Council on June 20, 2011. The Architecture and Site Applications for the residential and commercial sites were approved by Planning Commission on August 8, 2012.

| Residential <i>Montecito at Los Gatos</i> | Spaces Required by Town Code | Approved Per PD/A&S | Provided On-Site | Difference |
|---|--|--|----------------------------------|--------------------|
| 9 Townhomes | 2 garages x 9= 18 garage spaces 1 guest surface= 9 surface spaces | 18 garage spaces + 9 surface spaces | | |
| 1 Duplex | 2 garage x 2= 4 garage spaces | 2 single car garage spaces + 2 surface spaces | | |
| 14 Single Family | 2 garage x 14= 28 garage spaces | 28 garage spaces | | |
| Total Residential= | 9 surface + 50 garage spaces | 11 surface + 10 extra surface (parking space credit for commercial) + 48 garage spaces | 21 surface + 48 garage spaces | +10 spaces* |

**parking space credit for commercial (not shared parking)*

| Commercial <i>Sandy Lane Commercial Center</i> | Spaces Required by Town Code | Approved Per PD/A&S | Provided On-Site | Difference |
|--|---|--------------------------------|-------------------------|---|
| | Approved and Proposed Uses (see tenant parking table)= 126 spaces | 121 spaces | 121 spaces | -5 spaces + 10 parking space credit* = 5 |
| | 29,575 s.f. (leasable gross square footage) x 1/235= 126 spaces | 121 spaces | 121 spaces | -5 spaces + 10 parking space credit * = 5 |
| | 30,744 s.f. (gross square footage) x 1/235 s.f.= 131 spaces | 121 spaces | 121 spaces | -10 spaces + 10 parking space credit * = 0 |

Total parking spaces required for the site per Town Code= 131 + 9 surface + 50 garage =190 spaces

Total spaces provided on site per PD and A&S = 131 + 11 surface + 48 garage= 190 spaces

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RECEIVED

U-16-002
MAR 14 2016

From: Leonid Goldgeisser [mailto:goldgeisser@gmail.com]
Sent: Friday, February 19, 2016 2:05 PM
To: David Yu
Cc: stacy.barrett@barmethod.com; bod; Allie Chee; Shadin Saah
Subject: Re: new business in Los Gatos!

TOWN OF LOS GATOS
PLANNING DIVISION

Welcome! We are very glad to have you here.

Best regards,

-Leon

On Fri, Feb 19, 2016 at 1:30 PM, David Yu <david.yu@gmail.com> wrote:
Hi Stacy,

Welcome to the community in Los Gatos.

Has the town created a CUP for your business that you could send to us? I looked up the Bar Method location in Palo Alto and their hours of operation is 6am to 8pm M-F. Do any of your work out classes consist of music playing in the background? If so, how will the acoustics be contained inside the studio? Will there be any music or sound early in the morning externally outside of your studio?

Another general concern is around parking. With the Pizza restaurant recently closed, this is not a concern for now but as the plaza fills up, parking could become an issue. Parking on the residential side is enforced by permit only. We don't want to have to tow anyone's vehicle so it would be helpful if you could encourage your clients to park in the plaza.

Regards,

David

On Fri, Feb 19, 2016 at 12:44 PM, stacy.barrett@barmethod.com <stacy.barrett@barmethod.com> wrote:
Hi Allie!

My name is Stacy Barrett and, along with my business partner Shadin Saah, we are opening The Bar Method Los Gatos in the Lester Square Pavilion on Blossom Hill Road!

As we have begun our permitting process and our discussions with the town, Erin Walters from the Planning Department encouraged us to reach out to you so we could begin a conversation with our soon-to-be commercial and residential neighbors!

Please let me know how we can facilitate these conversations and address any questions or concerns our neighbors may have about our fitness studio. I am happy to provide any information you may need.

EXHIBIT 6

We are so excited to be a part of the community of Los Gatos!

Best,

Stacy and Shadin



Stacy Barrett

Owner, Bar Method Los Gatos

www.barmethod.com

stacy.barrett@barmethod.com

RECEIVED

U-16-002
MAR 14 2016

-----Original Message-----

From: "stacy.barrett@barmethod.com" <stacy.barrett@barmethod.com>

Sent: Monday, February 22, 2016 3:44pm

To: "stacy.barrett@barmethod.com" <stacy.barrett@barmethod.com>

Cc: "David Yu" <david.yu@gmail.com>, "bod" <bod@montecitolosgatoshoa.com>, "Allie Chee" <caliallie@earthlink.net>, "Shadin Saah" <shadin.saah@barmethod.com>

Subject: Re: new business in Los Gatos!

TOWN OF LOS GATOS
PLANNING DIVISION

Hi David,

Just a quick update:

Our CUP application will be going forward to Planning Commission, but please let us know of any other questions about the business before the public hearing!

Thank you!

-Stacy

-----Original Message-----

From: "stacy.barrett@barmethod.com" <stacy.barrett@barmethod.com>

Sent: Monday, February 22, 2016 3:36pm

To: "David Yu" <david.yu@gmail.com>

Cc: "bod" <bod@montecitolosgatoshoa.com>, "Allie Chee" <caliallie@earthlink.net>, "Shadin Saah" <shadin.saah@barmethod.com>

Subject: Re: new business in Los Gatos!

Hi David!

I have reached out to the town regarding the CUP and will send to you as soon as I have it.

Our hours of operation for the studio are M-F 5:30am-9pm and Saturday and Sunday 6:30am-5pm. Music will be played during class at a reasonable volume. Instructors are not permitted to yell during instruction, so all music is played at a level that can be spoken over. Studio rooms are carpeted with thick, plush carpet and include a thick underlay. Clients take class in socks only, and since it is a low-impact workout, there is no jumping or calisthenics involved. There will be no music or sound played at any time outside of the studio.

With an allotted amount of 14 dedicated parking spaces, we have ample parking for both our clients and staff. Per the Town's requirement, operating at our maximum with clients and staff, we would only use 12 of the 14 spaces.

Please let me know if I can provide you with any more information!

Best,

Stacy

-----Original Message-----

From: "David Yu" <david.yu@gmail.com>

Sent: Friday, February 19, 2016 4:30pm

To: "stacy.barrett@barmethod.com" <stacy.barrett@barmethod.com>

Cc: "bod" <bod@montecitolosgatoshoa.com>, "Allie Chee" <caliallie@earthlink.net>, "Shadin Saah" <shadin.saah@barmethod.com>

Subject: Re: new business in Los Gatos!

Hi Stacy,

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Regards,
David

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Please let me know how we can facilitate these conversations and address any questions or concerns our neighbors may have about our fitness studio. I am happy to provide any information you may need.

We are so excited to be a part of the community of Los Gatos!

Best,

Stacy and Shadin



Stacy Barrett

Owner, Bar Method Los Gatos
www.barmethod.com
stacy.barrett@barmethod.com

RECEIVED

U-16-002
MAR 14 2016

TOWN OF LOS GATOS
PLANNING DIVISION

From: Natalie Ladd [mailto:natalieladd@gmail.com]
Sent: Monday, February 22, 2016 1:42 PM
To: stacy.barrett@barmethod.com
Cc: bod; Allie and Meng Chee; Shadin Saah
Subject: Re: new business in Los Gatos!

Hi Stacy,

Welcome to Los Gatos! I look forward to having your business in our community and look forward to meeting you!

Warm regards,
Natalie

On Fri, Feb 19, 2016 at 12:44 PM, stacy.barrett@barmethod.com
<stacy.barrett@barmethod.com> wrote:
Hi Allie!

My name is Stacy Barrett and, along with my business partner Shadin Saah, we are opening The Bar Method Los Gatos in the Lester Square Pavilion on Blossom Hill Road!

As we have begun our permitting process and our discussions with the town, Erin Walters from the Planning Department encouraged us to reach out to you so we could begin a conversation with our soon-to-be commercial and residential neighbors!

Please let me know how we can facilitate these conversations and address any questions or concerns our neighbors may have about our fitness studio. I am happy to provide any information you may need.

We are so excited to be a part of the community of Los Gatos!

Best,

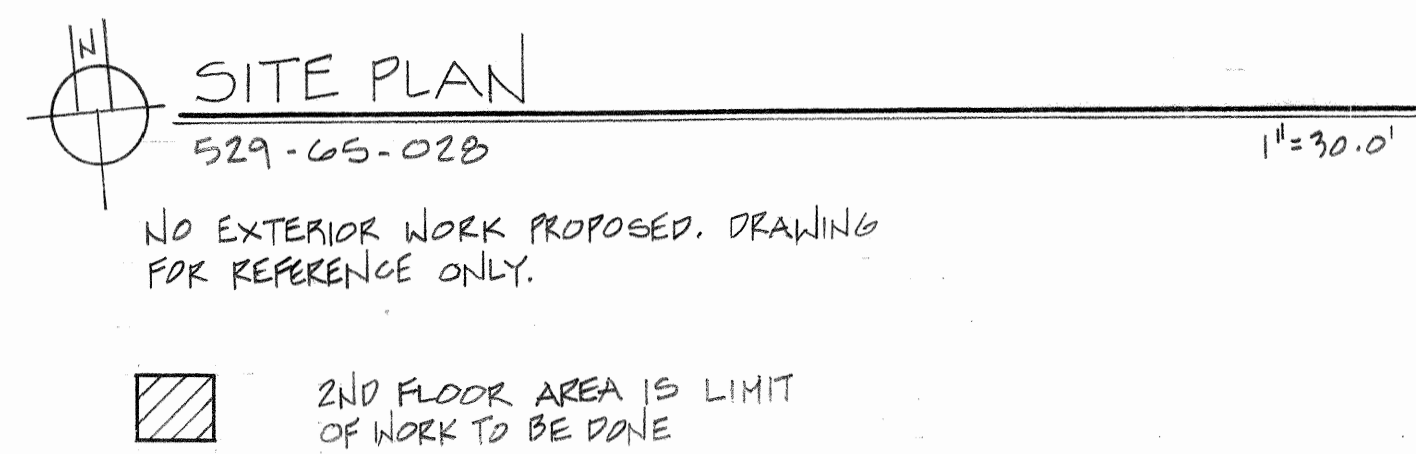
Stacy and Shadin



Stacy Barrett

Owner, Bar Method Los Gatos
www.barmethod.com
stacy.barrett@barmethod.com

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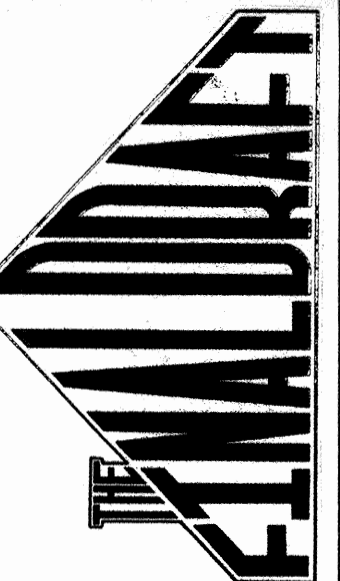
SHEET INDEX:

- C-1 COVER SHEET & SITE PLAN reference only
- A-1 EXISTING FLOOR PLAN
- A-2 PROPOSED FLOOR PLAN

PROJECT SCOPE:

PROPOSAL TO COMPLETE A TENANT IMPROVEMENT TO THE SECOND FLOOR OF A TWO STORY COMMERCIAL SPACE LOCATED AT 681 BLOSSOM HILL ROAD INTO A "BAR METHOD" EXERCISE STUDIO. NO EXTERIOR ALTERATIONS ARE PROPOSED. SCOPE TO INCLUDE TWO EXERCISE STUDIOS, OFFICE SPACES, RECEPTION AREA, LOCKER ROOM, ADA RESTROOM FACILITIES, & STORAGE CLOSETS. EMERGENCY EXIT SIGNAGE IS IN PLACE.

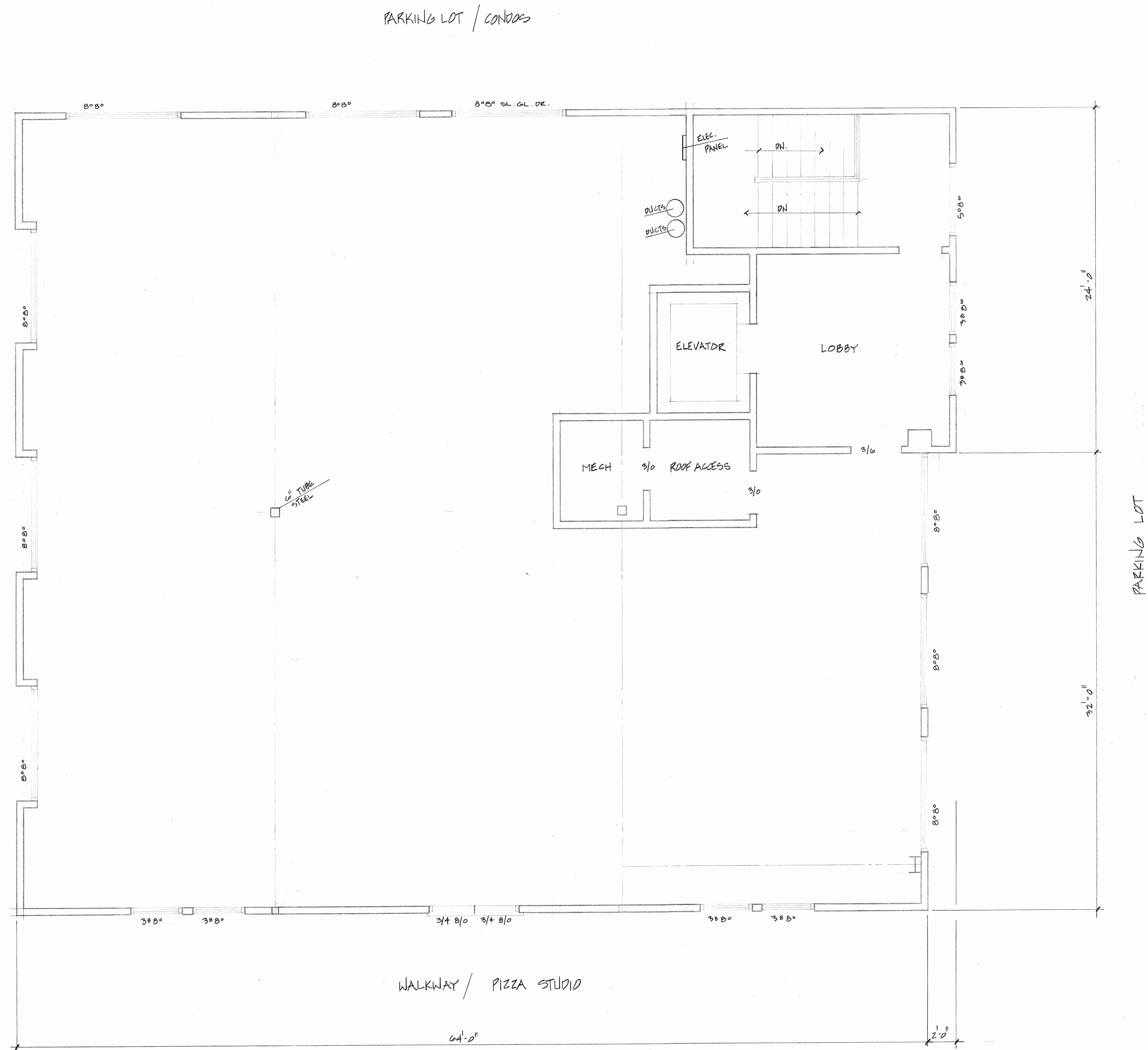
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THE FINAL DRAFT
P.O. BOX 2175
SANTA CRUZ, CA 95063
831-475-5038

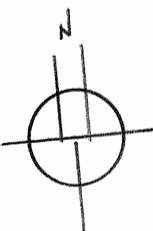
TENANT IMPROVEMENT:
BAR METHOD STUDIO
663 BLOSSOM HILL RD. # 200
LOS GATOS, CA 95025

| |
|--------------------|
| DRAWN CB |
| CHECKED |
| DATE 1-22-16 |
| SCALE NOTED |
| JOB NO. 2015-13 |
| SHEET C1 |

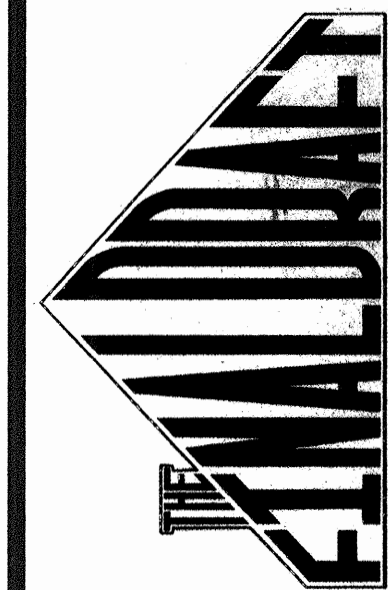


(E) FLOOR PLAN
3005 ± (TENANT SPACE)

1/4" = 1'-0"



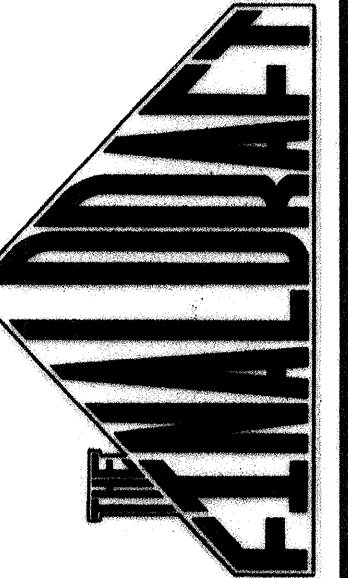
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THE FINAL DRAFT
P.O. BOX 2175
SANTA CRUZ, CA 95063
831-475-5038

TENANT IMPROVEMENT:
BAR METHOD STUDIO
663 BLOSSOM HILL RD # 200
LOS GATOS, CA 95123

| |
|--------------------|
| DRAWN CB |
| CHECKED |
| DATE 1-22-16 |
| SCALE NOTED |
| JOB NO. 2015-18 |
| SHEET 2 |
| A1 OF 3 SHEETS |

[illegible]

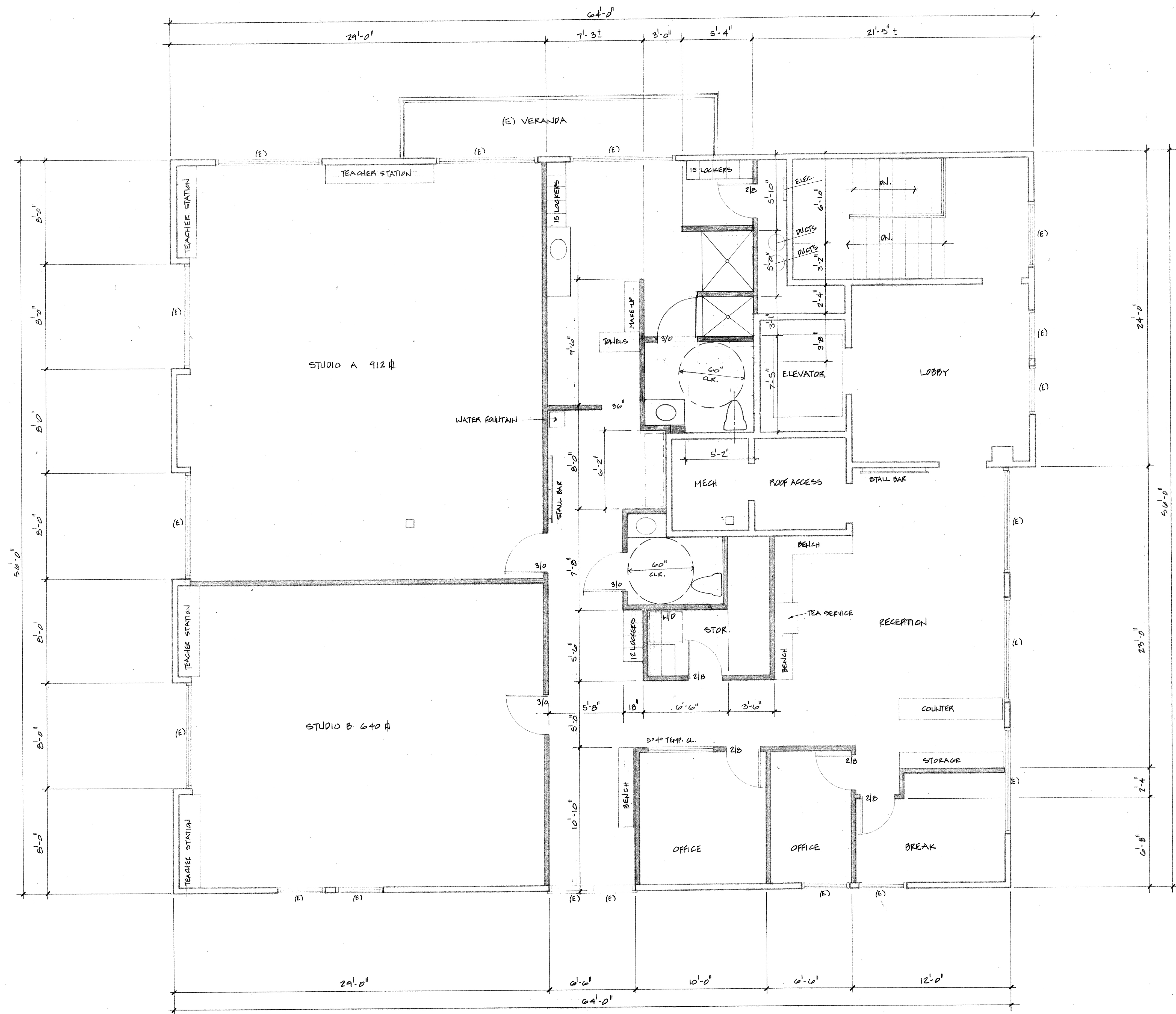
THE FINAL DRAFT
P.O. BOX 2175
SANTA CRUZ, CA 95063
831-475-5038


TENANT IMPROVEMENT
BAR METHOD STUDIO
663 BLOSSOM HILL RD. #200
LOS GATOS CA 95123

| |
|---------------------------|
| DRAWN CB |
| CHECKED |
| DATE 1-22-16 |
| SCALE NOTED |
| JOB NO. 2015-18 |
| SHEET 3 |

A 2

OF 3
SHEETS



 PROPOSED FLOOR PLAN
3005 # TENANT SPACE

$$1/4'' = 1' - 0''$$