

**PLANNING COMMISSION – May 27, 2020**  
**CONDITIONS OF APPROVAL**

**59 N Santa Cruz Avenue**  
**Variance Application V-19-003**

**Requesting approval for construction of an addition to an existing commercial building to exceed floor area ratio (FAR) standards on property zone C-2 located at 59 N. Santa Cruz Avenue (APN 510-44-029).**

**Property Owner/Applicant: Bean Avenue Associates.**

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. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. GENERAL: 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.
5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any Town-regulated trees to be removed, prior to the issuance of a building or grading permit.
6. TREE FENCING: Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Fencing shall be six-foot-high chain link attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans. Any trenching within the dripline of existing trees shall be hand dug.
7. ROOFTOP EQUIPMENT: Any new or modified roof mounted equipment shall be fully screened and painted to match the roof material prior to issuance of an occupancy permit.
8. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
  - a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.

- b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
  - c. If the Community Development Director finds that the archaeological find is not a significant resource, work will 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 will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
  - d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
9. 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.
10. 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*

- 11. PERMITS REQUIRED: A Building Permit will be required for the addition of an elevator to an existing commercial building.
- 12. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
- 13. 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.
- 14. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
- 15. SOILS REPORT: 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.
16. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
  17. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    - a. Building pad elevation
    - b. Finish floor elevation
    - c. Foundation corner locations
    - d. Retaining wall(s) locations and elevations
  18. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
  19. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
  20. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
  21. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
  22. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, 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 the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
  23. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the

Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).

24. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: (408) 354-6874
  - b. Engineering/Parks & Public Works Department: (408) 399-5771
  - c. Santa Clara County Fire Department: (408) 378-4010

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

25. ELEVATOR FIRE ALARM: The elevator shall be tied into a monitored fire alarm system. Submit 3 sets of drawings, a completed permit application and fees to the Santa Clara County Fire Dept. for approval prior to altering system. [CFC 901.4]. Response letter received by Town of Los Gatos on 1/13/2020 indicates "TMA Fire alarm system will be submitted for permit as noted". Deferred submittal should have been noted on Cover Sheet A-1.
26. FIRE SPRINKLERS REQUIRED: A hydraulic elevator shall be protected by a monitored fire sprinkler system. Submit 3 sets of drawings, a completed permit application and fees to the Santa Clara County Fire Dept. for approval prior to altering system. [CFC 901.4]. Response letter received by Town of Los Gatos on 1/13/2020 indicates "TMA Fire sprinkler system will be submitted for permit as noted". Deferred submittal should have been noted on Cover Sheet A-1.
27. FIRE DEPARTMENT ACCESS: Fire department access to the site, the building, and to all fire protection systems shall be maintained at all times, in accordance with CFC Chapter 5. Response letter received by Town of Los Gatos on 1/13/2020 indicates "TMA Noted."
28. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. [CFC Chp. 33]. Response letter received by Town of Los Gatos on 1/13/2020 indicates "TMA Appropriate notations will be included in future plan submittals."
29. ADDRESS IDENTIFICATION: Address numbers shall be maintained. 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. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. 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. [CFC Sec. 505.1]. Response letter received by Town of Los Gatos on 1/13/2020 indicates "TMA All address numbers shall be maintained as noted."

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