



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: March 26, 2014

ITEM NO: 1
CONSENT
DESK ITEM

PREPARED BY: Jennifer L. Savage, Associate Planner
jsavage@losgatosca.gov

APPLICATION NO: Conditional Use Permit Application U-14-003

LOCATION: **15551 Union Avenue** (southwest corner of Union Avenue and Los Gatos Almaden Road)

APPLICANT/
CONTACT PERSON: Jana Vickers

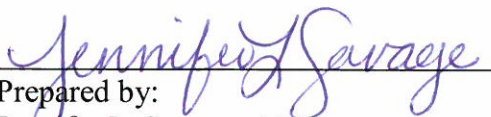
PROPERTY OWNER: DS Downing LP, A Delaware Limited Partnership


APPLICATION SUMMARY: Requesting approval to conduct group fitness classes (Core Evolution Studio) on property zoned C-1. APN 523-41-036.

EXHIBITS: 1-6. Previously received with the March 26, 2014, Planning Commission Staff Report
7. Recommended Conditions of Approval

REMARKS:

Staff erroneously attached incomplete recommended conditions of approval to the March 26, 2014, Planning Commission Staff Report. Complete recommended conditions of approval are attached as Exhibit 7.


Prepared by:
Jennifer L. Savage, AICP
Associate Planner


Approved by:
Sandy L. Bailly, AICP
Director of Community Development

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CONDITIONS OF APPROVAL – March 26, 2014

15551 Union Avenue

Conditional Use Permit U-14-003

Requesting approval to conduct group fitness classes (Core Evolution) on property zoned C-1. APN 523-41-036.

PROPERTY OWNER: DS Downing LP, A Delaware Limited Partnership

APPLICANT: Jana Vickers

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 by the Town on February 19, 2014. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, 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. **USE:** The approved use is for group fitness classes.
4. **NUMBER OF STUDENTS:** The maximum number of students is limited to 11.
5. **NUMBER OF STAFF/INSTRUCTORS:** The maximum number of staff/instructors onsite at any given time is limited to one.
6. **HOURS OF OPERATION:** Maximum hours of operation are 5:00 a.m. to 10:00 p.m., seven days a week.
7. **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

8. **PERMITS REQUIRED:** A Building Permit shall be required for the any alterations to the existing commercial building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
9. **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.
10. **SIZE OF PLANS:** Four sets of construction plans, maximum size 24" x 36".
11. **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. The building shall be upgraded to comply

the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design Architect and then confirmed by Town staff.

12. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: Jennifer Savage (408) 399-5702
 - b. Santa Clara County Fire Department: (408) 378-4010
 - c. County Environmental Health Department: (408) 885-4200

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

Engineering Division

13. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. 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 a special permit is issued. The developer'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 developer's expense.
14. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the applicant/developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), SBC, Comcast, Santa Clara Valley Water District, California Department of Transportation. Copies of any approvals or permits must be submitted to the Town Engineering Department prior to releasing of any permit.
15. PUBLIC WORKS INSPECTIONS: The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
16. RESTORATION OF PUBLIC IMPROVEMENTS: The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer'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. 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. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
17. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the 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.
18. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to altered work is started. The Applicant Project Engineer shall

notify, in writing, the Town Engineer at least 72 hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.

19. **TRAFFIC IMPACT MITIGATION FEE:** The developer shall pay a fee proportional to the project's share of transportation improvement needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The fee shall be paid before the building permit is issued. The traffic impact mitigation fee for this project, using the current fee schedule and the preliminary plans is \$1,800. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application, using a trip generation rate based on use.
20. **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 approval from the Town Engineer.
21. **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. 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.
22. **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. Sanitary Sewer Clean-out is required for each property at the property line or location specify by the Town.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

23. **FIRE SPRINKLER SYSTEMS:** Fire Department records indicate that the building is equipped with a fire sprinkler system. Any interior remodeling may require modification to this system. Note: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the fire department for review and approval prior to beginning their work.
24. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

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