



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

**ITEM NO: 2**  
**DESK ITEM 2**

PREPARED BY: Jennifer L. Savage, Associate Planner  
[jsavage@losgatosca.gov](mailto:jsavage@losgatosca.gov)

APPLICATION NO: Conditional Use Permit Application U-14-002

LOCATION: **81 W. Main Street** (south side of W. Main Street, approximately 340 feet southeast of N. Santa Cruz Avenue)

APPLICANT/  
CONTACT PERSON: Anna Pizzo

PROPERTY OWNER: Vermont Building, LLC/Sue Farwell

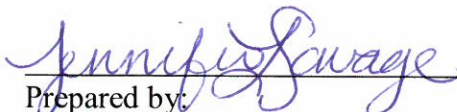
APPLICATION SUMMARY: Requesting approval to modify a Conditional Use Permit to increase seating and provide full alcoholic beverage service for a restaurant (Zona Rosa) on property zoned C-2:LHP. APN 529-01-025.


EXHIBITS:

- 1-7. Previously received with the March 26, 2014, Staff Report
- 8. Previously received with the Desk Item
- 9. Received with this Desk Item 2, 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 9.

  
Prepared by:  
Jennifer L. Savage, AICP  
Associate Planner

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

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## **CONDITIONS OF APPROVAL – March 26, 2014**

### **81 W. Main Street**

#### **Conditional Use Permit U-14-002**

**Requesting approval to modify a Conditional Use Permit to increase seating and provide full alcoholic beverage service for a restaurant (Zona Rosa) on property zoned C-2:LHP. APN 529-01-025.**

**PROPERTY OWNER: Vermont Building, LLC/Sue Farwell**

**APPLICANT: Anna Pizzo**

**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. Any changes or modifications 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 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 high turnover sit-down restaurant with full alcoholic beverage service.
5. **SEATING:** The maximum number of seats is 26. Outdoor seating is not permitted.
6. **HOURS OF OPERATION:** Maximum hours of operation 10:00 a.m. to 10:00 p.m., seven days a week.
7. **LIVE ENTERTAINMENT:** No live entertainment or amplified music is allowed.
8. **ALCOHOL SERVICE:** The service of alcohol is permitted only with meals. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals. No separate bar is allowed and alcoholic beverage service is not allowed outside.
9. **ALCOHOLIC BEVERAGE POLICY:** The applicant shall be subject to comply with any new requirements in the Town's Alcoholic Beverage Policy within six (6) months from the date of the change in policy.
10. **COMMUNITY BENEFIT:** The applicant has offered the following community benefit to offset traffic impacts created by the proposed project: to be determined. The community benefit shall be submitted to the Town prior to issuance of building permits or commencement of operation, whichever occurs first.
11. **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.
12. **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.

13. 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.
14. 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*

15. 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.
16. 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.
17. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36".
18. 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.
19. 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*

20. 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.
21. 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.

22. **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.
23. **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. Sidewalk replacement shall be Villa Hermosa Style and shall be constructed per Town requirements and standards ST-224 and ST-225.
24. **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.
25. **PLAN CHECK FEES:** Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.
26. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
27. **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.
28. **PARKING:** Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
29. **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 \$11,200. The fee is based on the existing high turnover restaurant rate with 6 seats and the proposed application with 26 seats. The estimated trips are as follows: ADT: 97 trips; AM Peak hour: Zero trips; PM peak hour: 8 trips. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application.
30. **TRAFFIC IMPACT COMMUNITY BENEFIT:** The developer is required to provide Community Benefit based on the Town Traffic Impact Policy.
31. **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.



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. 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. 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.
34. 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 Administrative. 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 issuance of a building permit.
35. OUTDOOR TRASH ENCLOSURES: (Restaurants Only). Outdoor trash enclosures shall be covered and provided with area drains connected to the sanitary sewer per current NPDES requirements. Temporary trash enclosures are exempt from this condition.
36. GREASE TRAPS: Meet all requirements of the Santa Clara County Health Department and West Valley Sanitation District for the interception, separation or pretreatment of effluent.
37. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed 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 a special permit is issued by the Engineering Division. 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.

TO THE SATISFACTION OF THE CHIEF OF POLICE:

38. UNIFORMED SECURITY: Uniformed privately provided security guards 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.
39. CONSULTATION AND TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going

employee training on alcoholic beverage service to the general public.

40. TRAINING MANUAL: The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
41. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
42. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

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