



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: April 9, 2014**

**ITEM NO: 1**

PREPARED BY: Erwin Ordoñez, Senior Planner  
[eordonez@losgatosca.gov](mailto:eordonez@losgatosca.gov)

APPLICATION NO.: Architectural and Site Application S-14-005  
Conditional Use Permit Application U-14-001

LOCATION: **620 Blossom Hill Road** (south side of Blossom Hill Road), three lots East of Los Gatos Boulevard)

APPLICANT: Hugh Hynes

PROPERTY OWNERS: Nancy R. Bowen

CONTACT PERSON: Hugh Hynes

APPLICATION SUMMARY: Request to modify a Conditional Use Permit for an automobile dealership (Los Gatos Luxury Cars) to allow demolition of existing showrooms and support facilities and construction of new showrooms, support facilities, and other associated site improvements on a property zoned CH. APN 529-16-041.

DEEMED COMPLETE: March 28, 2014

FINAL DATE TO TAKE ACTION: September 24, 2014

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA: General Plan Designation: Mixed Use Commercial  
Zoning Designation: CH  
Applicable Plans & Standards: General Plan  
Commercial Design Guidelines  
Parcel Size: 115,493 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential Apartments	Medium Density Residential	RM: 5-12
East	Retail/Commercial	Mixed Use Commercial	CH

South	Car Dealership	Mixed Use Commercial	CH
West	Residential Planned Developments & Apartments	Medium Density Residential	RM: 5-12 & RM:5-12:PD

CEQA: The project is categorically exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town for construction of an addition less than 10,000 square feet to an existing structure.

FINDINGS:

- As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
- That the project complies with the Commercial Design Guidelines.
- As required by the Town's Traffic Policy for community benefit.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

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

EXHIBITS:

1. Location map (one page)
2. Required Findings and Considerations (two pages)
3. Recommended Conditions of Approval for CUP (three pages)
4. Recommended Conditions of Approval for A&S (ten pages)
5. Project data sheet (one page)
6. Project description and letter of justification (seven pages), dated March 28, 2014.
7. Color and material exhibit (one page), dated October 1, 2013
8. Consulting Architect report (four pages), received March 24, 2014
9. Arborist report (24 pages), dated February 20, 2014
10. Development Plans (20 sheets), received March 28, 2014
11. Development Plans (11 sheets), received March 28, 2014

BACKGROUND:

The subject property is a roughly trapezoid shaped parcel located on the south side of Blossom Hill Road between Roberts Road and Los Gatos Boulevard, and is the second parcel east of Roberts Road.

The existing building on the site was constructed in 1973 and was subsequently remodeled with a series of additions over the last 41 years to its present size of approximately 23,300 square feet.

A Conditional Use Permit (CUP) was originally approved by the Planning Commission on January 25, 1985, allowing an auto body shop to operate on the property but the approval lapsed when the business closed in 1991.

On November 20, 1996, the Planning Commission approved a new CUP allowing an auto dealership (Los Gatos Auto Mall) to operate on the site. On October 27, 1999, the Commission approved a modification of the dealership's CUP to allow the operation of an automotive body shop as an additional authorized use for the site.

The current operator of the site is requesting another modification of the existing auto dealership's CUP to allow the demolition of existing showrooms and support facilities and construction of new showrooms, support facilities, and other associated site improvements. These improvements will allow the new business (Los Gatos Luxury Cars) to consolidate their operation at this location and remain in Town.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the south side of Blossom Hill Road, two parcels east of Roberts Road. The properties across Blossom Hill Road, to the north, contain multi-family residential apartments. Residential townhouses and apartment abut the property along its south property line. The Acura dealership and Blossom Hill Pavilion Shopping Center are located to the east of the site.

B. Conditional Use Permit

A modification of the site's existing Conditional Use Permit (CUP) is required to remodel and expand the size of the dealership and its facilities. Findings for granting approval of a CUP are included in Exhibit 2.

When reviewing a Conditional Use Permit (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.

Additionally, if the deciding body believes there is merit, it can include, as a condition of approval, a requirement that the CUP be reevaluated within one year or six months from occupancy (i.e. the commencement of the use). The Commission would need to determine if the evaluation should be done by Town staff with a report to the Planning Commission or by the Planning Commission through a public hearing process.

C. Architecture and Site Approval

Architecture and Site approval is required for the proposed demolitions and construction of the new improvements. Considerations for the review of Architecture and Site applications are included in Exhibit 2 as required by Section 29.20.150 of the Town Code.

D. Zoning Compliance

The Zoning Ordinance description of the CH (Restricted Highway Commercial Zone) notes that it is “intended for development of vehicular-oriented activities and sales along highway frontages, intermingled with compatible retail, service and administrative activities.” The existing use of an automobile dealership is consistent with the CH zone in which it is located. The proposed expanded use of the site complies with parking requirements, maximum height, lot coverage and setbacks specified by the Zoning Ordinance.

ANALYSIS:

A. Architecture and Site

The applicant is proposing to demolish portions of the existing L-shaped building that currently house the dealership’s show rooms and offices, and to construct new showrooms and upgraded service areas to modernize the facility and ensure its continued viability as a dealership in the future. The four showroom have corresponding plazas. As part of this upgrade, a reception area and a new interior carwash/detailing area will also be constructed.

With the exception of a small vehicles display area in the northwest corner of the site and two vehicle display pads in front of the new showrooms, the majority of vehicles sales display and storage area will be located at the rear of the site along the south and east property lines.



Customer parking is provided in a centralized parking plaza near the showrooms and reception area that will be constructed. Employee parking will be located near the new car wash/detailing area and to the rear of the service building near the east property line adjacent to the existing Acura dealership.

The existing portions of the building that will remain (i.e. service areas) are 20 feet in height and the new show room additions will be 19 feet 3 inches (i.e. Bentley showroom) and 18 feet six inches (i.e. Rolls Royce showroom) in height. The maximum height permitted in the CH zone is 35 feet. General project data is included in Exhibit 5.

The applicant's original design submittal for the new building additions proposed a structure with aggressive angular building lines, was slightly taller in height, and presented a more dominant massing and appearance when viewed along the streetscape (Exhibit 8).

Staff and the Consulting Architect raised a concern about the compatibility of the proposed design and met with the project architect and business owner on-site to discuss potential refinements to the building design to enhance its compatibility with surrounding uses and the existing neighborhood as required by the General Plan and Commercial Design Guidelines.

The applicant resubmitted plans on March 14, 2014, which reflect the following refinements to make the building more compatible with surrounding uses:

- Lowered building height to preserve greater views of the hillsides
- Shallower pitch of new parapets to soften the building's rooflines
- Modulation of parapet heights to segment the building into three (3) distinct elements (i.e. rather than the appearance of one large structure)
- Improved treatment of the wall and glass surfaces at the two end showrooms

Additionally, the applicant has provided a project description supplement to the Letter of Justification (Exhibit 6) and colored architectural plans (Exhibit 11) to better detail their design.

Staff and the Consulting Architect found that the revised design satisfies the Commercial Design Guidelines requirement to be compatible with the Town's character and addresses the specific policy:

- Guideline 5.B.3.1 Dealership designs should recognize the unique qualities of the Los Gatos Character

The Consulting Architect noted that, “The proposed showroom design is for a single long, modern, style structure with solid and glass walls. Although held to a relatively low height to partially mitigate view blockage to the distant hills, it will still be a highly distinctive landmark-type of structure. Its landmark nature, however, has been refined since the initial submission, and seems like it will more comfortably fit within the Los Gatos town fabric.”

After the resubmittal, the Consulting Architect further determined that he had “no recommendations for changes to the project design”. Staff concurs with the Architect’s analysis given the changes made by the applicant (Exhibit 8).

Story poles have been placed on the site to aid in the review of the project. The story pole height and location has been certified by a licensed engineer. As required by the new Story Pole Policy, the required project identification sign was installed on the site prior to noticing for the public hearing.

B. Parking

Sixty-three (63) spaces are required and proposed for the development. Of the total spaces, 20 are provided as dedicated customer parking (one space per 470 square feet) near the showrooms and reception area and 43 are dedicated for employee and vehicle service area parking (one space per lift and one space per employee) around the periphery of the service area.

C. South Property Line Wall

Town Code requires a six foot high masonry wall to be installed on property lines that abut a residential zone. The property’s rear property line (south) abuts existing residential uses which were developed after this site. A new masonry wall is proposed to be constructed by the applicant to satisfy this requirement. Staff has recommend Condition of Approval # 10 for the Architecture and Site approval (Exhibit 4) which notes that “a minimum 6-ft high masonry wall with vines or screening landscaping shall be erected along the rear property line.

D. Trees and Landscaping

The development plans were reviewed by the Town’s Consulting Arborist, Deborah Ellis, and a report was prepared (see Exhibit 9). Several trees are proposed to be removed by the applicant including four (4) Australian Willows, one (1) Crape Myrtle and one (1) Brisbane Box trees. The Arborist has recommended removal of these trees in her report. Additionally, one (1) Australian Willow and another (1) Brisbane Box were identified by the Arborist as being questionable and the applicant is considering their removal and replacement given the Arborist’s recommendation about compatibility with the proposed

landscaping palate of drought tolerant and native species. The applicant will mitigate any proposed tree removals as part of the required Tree Removal Permit by planting replacement trees based on the Canopy Replacement Table in the Tree Protection Ordinance. Trees to be retained will be required to protected as required by the Arborist recommendations (Exhibit 4).

E. Lighting

The applicant is proposing to upgrade the site's exterior lighting with new LED fixtures. Given the recent experience of neighboring communities with potential glare as the result of the replacement of incandescent street lights with LED lighting, staff is recommending Architecture and Site Condition of Approval #7, which requires that "All proposed exterior illumination shall be designed to not create off-site impacts to adjacent neighbors", approval of a final lighting plan during building permit plan check stage, and a 60-day inspection of the lighting by staff after occupancy to verify compliance.

F. Traffic

The proposed development will not result in a significant increase in traffic based on staff's analysis of the proposed uses.

It is estimated that the proposal for a net increase of 7,877 square feet will generate an additional 188 average daily trips. The project is expected to add eleven trips during the a.m. peak period and fifteen trips during the p.m. peak. The traffic impact is considered minor based on the Town Traffic Policy and a finding of Community Benefit and the payment of traffic impact mitigation fees will be required (see condition #54, Exhibit 4).

Although the applicant's proposal is being reviewed and conditioned using the established Traffic Engineering trip generation rates for a typical generic automobile dealership use based on the requirements from the Town's adopted Traffic Impact Policy, staff anticipates that the actual operations of a high-end luxury car dealership will be significantly less than the traffic estimates noted given the applicant's past experience at the three existing locations in Town. The applicant has noted that the majority of their regular sales are client-schedule based appointments rather than walk-in or drive-in impulse sales as typically seen with lower priced domestic or import brands. Additionally, this caliber of dealership does not generate the volume of vehicle test drives that would be generated by the average automobile dealership.

G. Community Benefit

As required by the Town's Traffic Policy the applicant is required to demonstrate community benefit if there will be a potential increase of more than five trips during a peak period. In addition to paying for the calculated traffic impact fee, the project applicants have referenced the following Community Benefits:

- Retention of an existing automobile dealership that provides for-sale vehicles and repair services for residents.
- Consolidation of four luxury brands in an updated modern facility that will potentially enhance the annual sales tax revenue for the Town
- Provision of another downtown store front along Main Street that previously housed the Lamborghini dealership and can potentially be used for locally serving retail uses which the Town has a policy of encouraging in the downtown.
- Voluntary abandonment and removal of a fourth driveway at the western portion of the site to improve traffic safety on Blossom Hill Road
- Installation of an interpretive educational display along with the proposed drought tolerant landscaping.

#### H. General Plan Conformance

Applicable goals and policies of the 2020 General Plan include, but is not limited to, the following:

- Policy LU-12.5 Retain and enhance auto dealerships.
- Policy LU-1.8: Commercial development of any type shall be designed in keeping with the small town character of Los Gatos.
- Policy LU-6.1: Protect existing residential areas from the impacts of non-residential development.
- Policy: LU-6.3: Protect existing residential areas from adjacent non-residential uses by assuring that buffers are developed and maintained.
- Policy LU-6.8: New construction, remodels, and additions shall be compatible and blend with the existing neighborhood.
- Goal CD-1: Preserve and enhance Los Gatos's character through exceptional community design.
- Policy CD-1.4: Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.
- CD-2: To limit the intensity of new development to a level that is consistent with surrounding development and with the Town at large.

#### G. CEQA Determination

The project is categorically exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town for construction of an addition less than 10,000 square feet to an existing structure.

PUBLIC COMMENTS:

Public hearing notices were sent to surrounding property owners within 300 feet of the project site. Tenants are noticed in addition to the property owner when the owner does not reside on the premises. As of the date of this report the Town has not received any public comment.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

The project complies with applicable zoning regulations and is consistent with applicable provisions of the Commercial Design Guidelines. The building will have high quality architecture and materials and allows for an upgraded automobile dealership facility to remain in Town.

B. Recommendation

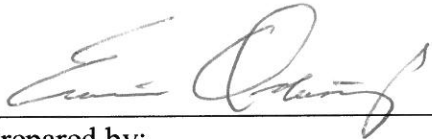
Staff recommends that the Planning Commission take the following actions to approve the applications:

1. Find that the project is categorically exempt from CEQA (Exhibit 2);
2. Make the required findings for the granting of a Conditional Use Permit (Exhibit 2);
3. Find that the project is consistent with the Commercial Design Guidelines (Exhibit 2);
4. Find that the project is consistent with the considerations for approval of Architecture and Site applications (Exhibit 2);
5. Find that community benefit is being provided (Exhibit 2); and
6. Approve Conditional Use Permit application U-14-001 and Architecture and Site application S-14-005, subject to the conditions in Exhibits 3 and 4 and the development plans (Exhibit 10).

Alternatively, the Commission may take one of the following actions:

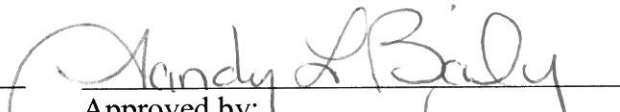
1. Approve the subject applications with additional and/or modified conditions of approval, including the requirement for the wall on the south property line to be of masonry construction; or
2. Continue the applications to a date certain and provide direction to the applicant and staff on desired plan changes or additional provision of community benefit; or
3. Make findings to deny the Conditional Use Permit and Architecture and Site applications.

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620 Blossom Hill Rd/ S-14-005, U-14-001  
April 9, 2014



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Prepared by:  
Erwin Ordoñez, AICP, EDFP  
Senior Planner



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

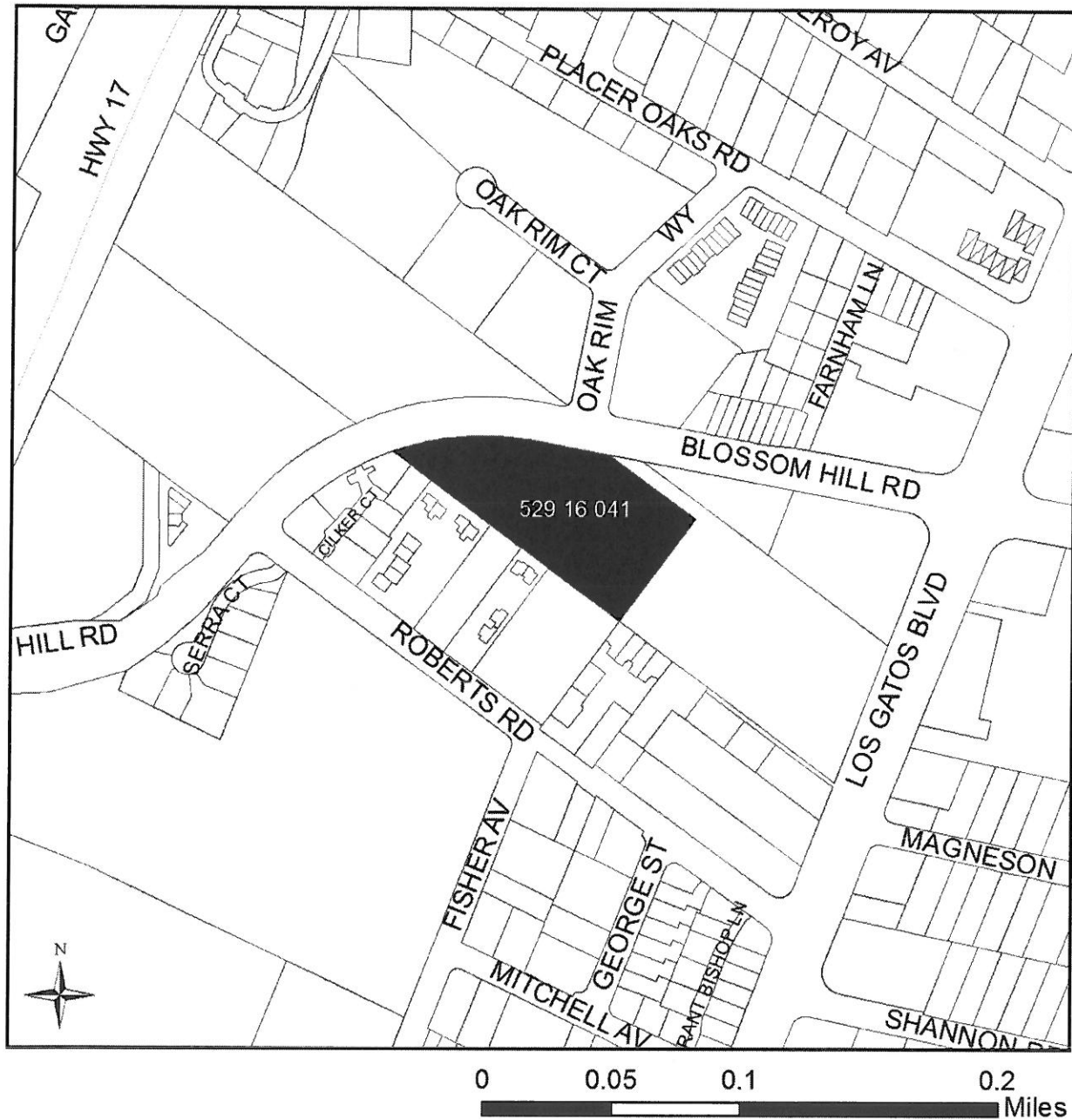
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cc: Nancy R. Bowen, P.O. Box 35660, Monte Sereno, CA 95030-0660  
Hugh Hynes, Proto Inc, 566 Folsom Street, San Francisco, CA 94110

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# 620 Blossom Hill Rd

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**Planning Commission – April 9, 2014**  
**REQUIRED FINDINGS FOR:**

620 Blossom Hill Road

Architecture and Site Application S-14-005

Conditional Use Permit Application U-14-001

Requesting approval to modify a Conditional Use Permit for an automobile dealership to allow demolition of existing showrooms and support facilities and construction of new showrooms, support facilities, and other associated site improvements on a property zoned CH.

APN 529-16-041.

PROPERTY OWNER: Nancy R. Bowen

APPLICANT: Hugh Hynes

**FINDINGS:**

***California Environmental Quality Act (CEQA):***

- The project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town for construction of an addition less than 10,000 square feet to an existing structure.

***Granting of a Conditional Use Permit:***

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:
  1. The proposed use of the property is essential or desirable to the public convenience or welfare in that the new building will provide needed office space.
  2. The proposed use will not impair the integrity and character of the zone in that the use will be in a commercial zone and has an adequate setback from an adjacent residence.
  3. The proposed use would not be detrimental to public health, safety or general welfare in that conditions placed on the permit will mitigate potential impacts.
  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.

***Compliance with Commercial Design Guidelines:***

- The project was reviewed by staff and the Architectural Consultant and determined to be in compliance with the Commercial Design Guidelines.

***Compliance with Traffic Policy:***

- In addition to paying for the calculated traffic impact fee, the project will retain an existing automobile dealership that provides for-sale vehicles and repair services in Town for residents and the Town has existing policies for the retention of existing dealerships. The consolidation of four luxury brands in an updated modern facility at this location will also potentially enhance the annual sales tax revenue for the Town and is considered a direct economic community benefit as required by the Traffic Impact Policy. Additionally, the

project will provide another downtown store front along Main Street that could be used for locally serving retail uses which the Town has a policy of encouraging in the downtown. A driveway at the western portion of the site is also voluntarily being abandoned to improve traffic safety and an interpretive educational display is being provided along with the proposed drought tolerant landscaping.

## **CONSIDERATIONS:**

- As required by Section 29.20.150 of the Town Code, the considerations in review of an architecture and site application were all made in reviewing this project. The project includes high quality design and materials, will enhance the streetscape and be compatible with surrounding development.

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**TOWN COUNCIL – April 9, 2014**  
**CONDITIONS OF APPROVAL**

620 Blossom Hill Road

Architecture and Site Application S-14-005

Conditional Use Permit Application U-14-001

Requesting approval to modify a Conditional Use Permit for an automobile dealership to allow demolition of existing showrooms and support facilities and construction of new showrooms, support facilities, and other associated site improvements on a property zoned CH. APN 529-16-041.

PROPERTY OWNER: Nancy R. Bowen

APPLICANT: Hugh Hynes

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 April 9, 2014, and noted as received by the Town on March 28, 2014. 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 an automobile dealership for the display, financing, lease, sale and servicing of new and used vehicles.
5. HOURS OF OPERATION (DEALERSHIP). The maximum hours for the dealership shall be Monday through Friday, 8:00 a.m. to 8:00 p.m. and weekends 9:00 am to 6:00 pm.
6. HOURS OF OPERATION (VEHICLE REPAIR & SERVICE). The maximum hours of operation for the repair and body shop offices shall be Monday through Friday, 7:30 a.m. to 5:30 p.m. The maximum hours of operation for the body shop (vehicle repair and service bays) shall be Monday through Friday, 8:00 a.m. to 5:00 p.m. and Saturday, 8:00 a.m. to 12:00 p.m.
7. OUTDOOR AUTOWASHING. Vehicles shall not be washed outdoors with powered equipment between the hours of 8:00 p.m. and 8:00 a.m.
8. DELIVERY HOURS. Deliveries shall occur between 9:00 a.m. and 4:00 p.m., Monday through Saturday.
9. OUTDOOR PAGING/SPEAKER SYSTEMS. Outdoor paging/speaker systems, if used, shall be operated during approved business hours only.
10. AUTOMOBILE DISPLAY. Automobile display shall only occur in designated display areas or display pads. No automobile display is allowed in front yard areas required to be landscaped with vegetation.
11. MAXIMUM NUMBER OF EMPLOYEES. The maximum number of employees shall be 25.

12. MAXIMUM NUMBER OF SERVICE BAYS. The maximum number of service bays shall be 18.
13. EMPLOYEE AND CUSTOMER PARKING. Parking spaces designated for employee or customer parking (as indicated on the site plans dated March 28, 2014) shall not be used for vehicle display purposes.
14. PARKING SIGNS. Parking areas for employees and customers (as indicated on the site plans dated March 28, 2014) shall be clearly marked with signs and have appropriate directional signs visible from Blossom Hill Road.
15. LIGHTING. All proposed exterior illumination shall be designated to not create off-site impacts to adjacent neighbors. Staff shall conduct an inspection within 60-days of final occupancy to verify compliance.
16. MASONRY WALL. A minimum 6-foot high masonry wall with vines or screening landscaping shall be erected along the rear property line.
17. AUTOMOBILE PAINTING. No vehicle painting shall be allowed in the body shop unless the operator is able to satisfy all applicable environmental, health and safety regulations, comply with applicable regulatory agency standards, and obtain the required permit approvals from the Town and the Bay Area Air Quality Management District prior to any work being performed. 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.
18. 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.
19. 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.
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.
21. 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.

*Building Division*

22. 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.
23. 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.
24. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36".

Conditions of Approval

620 Blossom Hill Road/S-14-005, U-14-001

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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. 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.
26. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: Erwin Ordoñez (408) 354-6806
  - b. Santa Clara County Fire Department: (408) 378-4010
  - c. County Environmental Health Department: (408) 885-4200

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**TOWN COUNCIL – April 9, 2014**  
**CONDITIONS OF APPROVAL**

620 Blossom Hill Road

Architecture and Site Application S-14-005

Conditional Use Permit Application U-14-001

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PROPERTY OWNER: Nancy R. Bowen

APPLICANT: Hugh Hynes

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 April 9, 2014, and noted as received by the Town on March 28, 2014. 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 Architecture and Site approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval is used prior to expiration.
3. 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.
4. PARKING SIGNS. Parking areas for employees and customers (as indicated on the site plans date March 28, 2014) shall be clearly marked with signs and have appropriate directional signs visible from Blossom Hill Road.
5. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Towns demolition inspection.
6. EXTERIOR BUILDING MATERIALS & COLOR. The exterior building materials and colors shall be consistent with the building materials and colors submitted for approval.
7. LIGHTING. All proposed exterior illumination shall be designated to not create off-site impacts to adjacent neighbors. The final lighting plan will be reviewed during building plan check. Any changes to the lighting plan shall be approved prior to installation. Staff shall conduct an inspection within 60-days of the completion of construction and the restart of dealer operations to verify compliance.
8. WATER EFFECIENCY LANDSCAPE ORDINANCE. The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current

- fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
9. LANDSCAPE PLAN. The approved landscape plan shall be fully installed prior to final inspection.
  10. MASONRY WALL. A minimum 6-foot high masonry wall with vines or screening landscaping shall be erected along the rear property line.
  11. TREE REMOVAL PERMIT. A Tree removal Permit shall be issued for trees to be removed, prior to issuance of a demolition permit. Replacement trees shall be planted based on the Canopy Replacement Table in the Tree Protection Ordinance, prior to final inspection.
  12. TREE PRESERVATION. All recommendations of the Town's Consulting Arborist shall be followed throughout all phases of construction. Refer to the report prepared by Deborah Ellis dated February 20, 2014 for details. Tree protection specifications shall be printed on the construction plans.
  13. TREE FENCING. Protective tree fencing shall be placed at the drip line of the existing trees in the vicinity of construction prior to issuance of a demolition permit and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart.
  14. FINAL UTILITY LOCATIONS. The applicant shall submit a plan showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plan shall be submitted for review and approval prior to issuance of building permits and any required screening shall be installed prior to final inspection.
  15. STORY POLES. The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
  16. 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.
  17. 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.
  18. 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.

*Building Division*

19. 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.
20. 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.
21. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36".

22. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor may be required to 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, the building pad elevation, on-site retaining wall locations and elevations are prepared according to 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 Walls
23. 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.
24. BACKWATER VALVE. The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
25. SPECIAL INSPECTIONS. When a special inspection is required by CBC Section 1701, 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, signed by all requested parties, and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
26. NONPOINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program sheet (or 24x36 Clean Bay sheet) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Counter for a fee of \$2 or at San Jose Blue Print for a fee.
27. PLANS. The construction plans shall be prepared under the direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
28. APPROVALS REQUIRED. The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development - Planning Division: Erwin Ordoñez (408) 354-6872
  - b. Engineering/Parks & Public Works Department: Trang Tu-Nguyen (408) 354-5236
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:  
(Engineering Division)

30. 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.
31. 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.
32. INDEMNITY AGREEMENT: The property owner shall enter into an agreement with the Town for existing and proposed improvements within the Town right of way. This agreement shall include all private improvements in the right of way
33. 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.
34. 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.
35. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction
36. 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
37. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
38. 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.



39. **GRADING PERMIT:** Grading permit may be required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of the Town Grading Ordinance. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
40. **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit/building permit.
41. **SURVEYING CONTROLS:** Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying.
42. **PRECONSTRUCTION MEETING:** Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
  - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
43. **RETAINING WALLS:** A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
44. **SOILS REPORT:** One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
45. **SOILS ENGINEER CONSTRUCTION OBSERVATION:** During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.
46. **UTILITIES:** The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.

47. **TRENCHING MORATORIUM:** Trenching within a newly paved street will be allowed subject to the following requirements:
  - a. The Town standard "T" trench detail shall be used.
  - b. A Town approved colored controlled density backfill shall be used.
  - c. The total asphalt thickness shall be a minimum of 3-inches or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of half inch medium asphalt. The initial lift(s) shall be of three quarter inch medium asphalt.
  - d. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
  - e. A slurry seal topping may be required by the construction inspector depending on his assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend 5-feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations.
48. **CURB AND GUTTER:** The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
49. **SHARED PRIVATE STREET:** The private street accessing Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
50. **EASEMENT:** Construction and access easement is required to be recorded prior to issuance of any building permit.
51. **FENCING:** Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
52. **SIGHT TRIANGLE AND TRAFFIC VIEW AREA:** Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Section 23.10.080, 26.10.065, 29.40.030.
53. **TRAFFIC IMPACT COMMUNITY BENEFIT:** The developer is required to provide Community Benefit based on the Town Traffic Impact Policy.
54. **TRAFFIC IMPACT MITIGATION FEE (COMMERCIAL):** 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 \$16,686. 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 proposed use.
55. **TRAFFIC CONTROL PLAN:** The project sponsor will be required to work with the Engineering Division of the Parks and Public Works Department to develop a traffic control plan for incorporation into the construction bid documents (specifications), and this plan will include, but not be limited to, the following measures:

- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
  - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
  - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
56. CONSTRUCTION MANAGEMENT PLAN: The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
57. SHARED ACCESS DRIVEWAY: The access driveway accessing Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice to all affecting users and the Town shall be provided at least one week in advance of closure
58. AS-BUILT PLANS: An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
59. 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.
60. HAULING OF SOIL: Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.
61. 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.



62. **BEST MANAGEMENT PRACTICES (BMP's):** The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be placed at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop orders.
63. **STORMWATER DEVELOPMENT RUNOFF:** All new development and redevelopment projects are subject to the Stormwater development runoff requirements. Every applicant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements.
64. **NPDES REVIEW:** C3-NPDES review and approval is required prior to submitting any building permit. Calculations, report and plans along with initial deposit of \$2,200 to Engineering.
65. **STORM WATER MANAGEMENT PLAN:** A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of the Municipal Regional Stormwater NPDES Permit, Order R2-2009-074. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.
66. **AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS:** The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit and all current amendments or modifications. The agreement will specify that certain routine maintenance shall be performed by the property owner and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.
67. **SITE DESIGN MEASURES:** All projects must incorporate the following measures:
  - a. Protect sensitive areas and minimize changes to the natural topography.
  - b. Minimize impervious surface areas.
  - c. Direct roof downspouts to vegetated areas.
  - d. Use permeable pavement surfaces on the driveway, at a minimum.
  - e. Use landscaping to treat stormwater.
68. **DUST CONTROL:** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum

of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

69. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the Town's grading and erosion control ordinance and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
70. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed 10' minimum from adjacent property line and/or right of way.
71. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
72. 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 SANTA CLARA COUNTY FIRE DEPARTMENT:

73. FIRE SPRINKLERS REQUIRED. An automatic fire sprinkler system shall be provided throughout all new buildings and structures as required by the Santa Clara County Fire Department and the applicable Fire Codes.

74. **WATER SUPPLY REQUIREMENTS.** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of the purveyor. Such requirements shall be incorporated into the design of any water-base fire protection systems, and /or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicants. 2010 CFC Sec. 903.3. and Health and Safety Code 13114.7
75. **FIRE DEPARTMENT CONNECTIONS.** The location of fire department connections shall be approved by the fire code official. CFC Sec. 903.3.7
76. **FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED.** Provide access roadways with a paved all weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. For installation guidelines refer to Fire Department Standard Details and Specifications sheet A-1.
77. **HAZARDOUS MATERIAL PERMITS & REVIEW.** Review of and permits for certain Hazardous Materials may be required. Contact the Fire Department for further information.
78. **EMERGENCY GATE/ACCESS GATE.** Gate installations shall conform with Fire Department Standard Details and Specifications G-1 and K-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. CFC Sec. 503 and 506.
79. **TIMING OF INSTALLATION.** When fire apparatus access roads or a water supply for protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. CFC Sec.501.4
80. **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. CFC Chapter 33
81. **PREMISE 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. CFC Sec. 505.

# 620 Blossom Hill Road - COMMERCIAL PROJECT DATA

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<b>Zoning district</b>	CH	same	automobile dealership is a conditional use
<b>Land use</b>	automobile dealership	same	-
<b>Lot size:</b>			
• <b>Square feet/acres</b>	23,335	31,212	no minimum
<b>Exterior materials:</b>			
• <b>siding</b>	brick, metal, wood	cement fiber board, metal panels, stucco, concrete	-
• <b>trim</b>	wood	metal	-
• <b>windows</b>	aluminum frame	aluminum frame	-
• <b>roofing</b>	metal	metal	-
<b>Building floor area:</b>			
• <b>first floor</b>	21,206	27,222	-
• <b>second floor</b>	2,129	3,990	-
• <b>total</b>	23,335	31,212	-
<b>Setbacks (ft.):</b>			
• <b>front</b>	18'	25'	25 feet minimum
• <b>rear</b>	20'	20'	20 feet minimum
• <b>side (left)</b>	n/a	n/a	n/a
• <b>side (right)</b>	45'	45'	15 feet minimum
<b>Maximum height (ft.)</b>	20'	20'	35 feet maximum
<b>Floor Area Ratio (%)</b>			
• <b>total building</b>	23,335	31,212	no maximum
<b>Parking</b>	63	63	one space/470 sq. ft. one space per lift one space per employee 63 total
<b>Landscaping</b>			
<b>Tree Removals</b>	n/a	7 on-site, 1 street tree	Tree replacement w/ possible in-lieu fee

EXHIBIT 5

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# PROTOinc

566 Folsom Street  
San Francisco CA 94105

Development Review Application  
Los Gatos Luxury Cars  
620 Blossom Hill Road, Los Gatos CA 95032  
APN: 529-16-041

January 13, 2014


## LETTER OF JUSTIFICATION

To whom it may concern:

We are pleased to submit this Development Review Application for the proposed building and site improvements to the existing Los Gatos Luxury Cars dealership at 620 Blossom Hill Road in Los Gatos, CA. The intent of these improvements is several-fold. First, the company will be consolidating their sales operations on this site, and decommissioning sales facilities at other locations in the town. Second, the showroom facilities will be upgraded to better suit the high-end nature of the cars being sold, and comply with the current brand-standards required by each manufacturer as part of the dealership franchise agreements. Third, improvements will be made to the service facilities for more efficient operations. Fourth, landscape and hardscape upgrades at the front of the property (along Blossom Hill Road) will bring the facility up to current accessibility, parking, lighting and water usage requirements, while improving the appearance of the site overall.

There has been an auto dealership in continuous operation on this site for several decades, under the auspices of an existing Conditional Use Permit and as described under the Town of Los Gatos Municipal Code for the C-H "Restricted Highway Commercial" Zone designated for this property. The proposed improvements remain consistent with this existing use of automobile sales and service, and no change of activity will occur. With the additional square footage created, the building still remains well under the allowable limits of both the California Building Code and the Los Gatos Municipal Code. No increased traffic is anticipated, as the improvements merely provide additional, better-functioning space for activities that are already taking place on site. Traffic flow is being consolidated and clarified with signage, eliminating hazardous conditions and mitigating congestion along Blossom Hill Road.

Best regards,



Hugh Hynes  
Principal & Project Architect  
PROTOinc

EXHIBIT 6

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Development Review Application  
Los Gatos Luxury Cars  
620 Blossom Hill Road, Los Gatos CA 95032

March 14, 2014

RECEIVED

MAR 28 2014

TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Town of Los Gatos Planning Commission:

We are delighted to submit these proposed improvements to the Los Gatos Luxury Cars facility located at 620 Blossom Hill Road. This project is the result of lengthy planning discussion involving all aspects of the business, as well as the property owner, the manufacturers of the four vehicle brands (Aston Martin, Bentley, Lamborghini, and Rolls Royce) sold in this location, neighbors in the adjoining residential and commercial properties, clients and customers, and Town staff in the Planning and Economic Vitality departments. As a result, we are proud to say that this proposal reflects the diverse interests of many stakeholders, and we hope one that can be an asset to the community for many years to come.

The primary intention of our significant capital re-investment in the 620 Blossom Hill location is to consolidate business operations from separate locations into one. The current facility is in dire need of an upgrade, as it no longer serves the needs of our growing business, and stands as an eyesore on this important corridor at the Town's north-eastern gateway. The facility consolidation will also allow for a higher level of Service for our existing Los Gatos and surrounding area clients, and fulfill their expectations for a state-of-the-art facility while keeping the business local. Furthermore, these facility improvements will streamline operations of the dealership day-to-day, thereby ensuring the smooth and sustainable presence of the business at this location for many years to come.

This proposed facility improvement will have a profound impact for the Town in a number of ways. By improving the appearance of the property and mitigating certain effects like traffic and noise, it will increase property values and overall quality of the surrounding neighborhood, and help to further integrate the existing automotive sales and service with the primarily residential uses nearby. The renovation is expected to generate robust increases in vehicle sales, which will in turn ensure healthy and consistent sales tax revenue for the Los Gatos economy in the coming years. Another by-product of this project is the freeing-up of two locations in the coveted Los Gatos downtown area, allowing new job creation, reducing traffic impacts in that area, and additional Sales Tax revenue from new tenants.

For these reasons, we're very excited to be undertaking this project, and grateful for the opportunity to present it to the Commission.

Best regards,



Kip Miles  
Executive General Manager  
British Motor Car Distributors, LTD  
Los Gatos Luxury Cars

**ARCHITECTURAL DESIGN INTENT**

The project attempts to strike a balance architecturally and reconcile potentially competing demands into a graceful, site-sensitive whole. Per the Commercial Design Guidelines' demand for projects that respond "to the unique character of Los Gatos," this proposed facility draws explicitly from the specific characteristics of the surrounding neighborhood, borrows heavily from the pedestrian-friendly streetscape conditions found throughout the town, blends the contemporary brand standards of the four manufacturers for a distinctive Los Gatos presence, and aspires to the highest level of quality as expected by the dealership's discerning clientele and Town residents alike.

Taking a cue from such notable local buildings as the new Town Library, this project attempts to refer to projects of the past through compatible massing and material choice, but also advances those architectural characteristics for the 21st century. As distinct from cookie-cutter auto dealerships found on commercial strips worldwide, the proposed Los Gatos Luxury Cars facility features a rich array of native plantings, authentic materials, and elegant details appropriate to its place at the base of the foothills. As a significant upgrade to an unsightly and utilitarian facility that has become long obsolete, this project will create a showcase property that the business and the community can be proud of.

**Building massing:** The new showroom structure at the front of the property incorporates a clearly-defined three-part massing for each of three brands: Bentley, Lamborghini, and Rolls-Royce. The building's footprint angles back at the two end bays, following the curvature of the road and breaking up what might otherwise be a long planar facade. This massing also reduces the visual bulk of the building, in deference to the scale of the neighboring residential structures. A sloping roof line references the pitched roofs of the homes behind and across the street from the project property. The building's formal geometry is intended to evoke a bird taking flight, recalling the wing iconography of these car brands but more importantly creating a dynamic and elegant sculptural presence along this heavily-trafficked road.

When seen from across Blossom Hill Road, the facade height drops in the middle to preserve views of the Sierra Azul OSP peaks beyond. While the Municipal Code allows for a 20' maximum roof height and 25' front-yard setback (when adjacent to residential properties), the proposed project reaches a maximum height of only 18'-0" above grade, and is pushed back from the property line further than required. Again, this is in deference to the prevailing scale and siting of the neighborhood. Furthermore, the building height has voluntarily been dropped to 18'-0" from an original height of 20'-0", in response to the Planning Staff initial comments on bulk.

**Facade materials:** The primary facade material facing Blossom Hill Road is a high-quality cementitious fiber panel (Swisspearl) with a variegated, matte surface. In tone as well as module layout, the panels evoke classical Travertine stone. The buff, creamy color is consistent with neighboring buildings and the palette common throughout Los Gatos. The secondary facade material is a painted, faceted metal panel

with a satin, non-reflective finish. Brand-specific signage required as part of the dealership's franchise agreements is included at the parapet level, and remains modest in scale.

The building is conceived of as a jewel box or pavilion, with wide aperture areas of glazing at either end that feature the automobiles prominently. Clear glass is used throughout, held within a dark-anodized metal frame. Structural columns pop out from the line of storefront glazing, to provide additional building detail (per staff comments), break up the glass uniformity, and provide shadow lines. Sloped glass headers in the original design have been eliminated, in favor of more conventional punched and rectilinear openings that align more closely with other precedents in Los Gatos.

**Four plazas:** Each of the four showrooms (the three along Blossom Hill Road plus the Aston Martin showroom set back from the street) opens on to its own paved apron or "plaza," affording a comfortable passage between interior and exterior. Consistent in scale and material with the pedestrian-friendly open air plazas and gathering spaces found in commercial properties throughout the town, these open spaces become places for customers to linger and enjoy the Los Gatos climate, and the selection of paving materials and landscape features supports this. On the eastern side of the building where customers enter, a linked pair of courtyard spaces with decorative concrete paving will welcome visitors to the interior of the site. Areas of paving will be interrupted with planters, shrubs, and hardscaping at a various heights, creating a visual variety distinct from the existing expanse of uninterrupted parking. A pedestrian pathway bordered by continuous planters will wrap the front of the building and tie together the plaza areas of the three front showrooms.

### **LANDSCAPE DESIGN INTENT**

A comprehensive scheme of new landscaping is introduced along the entire length of the Blossom Hill Road frontage, featuring a variety of native or climate-appropriate grasses and flowering plants that are carefully chosen for their shape, detail, and texture. These plantings can be enjoyed up close by pedestrians, but just as importantly provide a softened buffer for the building and areas of paving when seen from the road.

**Drought resistant landscaping:** All of the proposed plant selections are either native or naturalized to the Los Gatos area and are drought-resistant, low water use specimens. It is our intent to provide a finished landscape that is natural and more consistent with the original character of the area, and replace the turf that currently exists. Only drip irrigation will be used to minimize water use and eventually after the landscaping is established, the irrigation water use will be further reduced or eliminated.

**Educational displays:** Our proposal includes the installation of two small interpretive placards facing the sidewalk along Blossom Hill Blvd., one at either end. These educational displays would explain the project's landscaping and the benefits of using native and naturalized plant species that will thrive in the

Los Gatos micro-climate and minimize water use to help us preserve one of our most valuable natural resources.

**Mix of plant species:** Plant species for trees, shrubs and ground cover have been selected, in addition to their drought-resistant nature, to provide a variety of flowering color and leaf color and texture throughout the year.

**Bioswales:** A series of vegetated swales spanning the front of the property filter pollutants and silt out of surface runoff, and allow for the gradual percolation of storm water into the soil. This greatly minimizes amount of water and pollutants that find their way into the municipal storm drain system, and creates an ecologically-sensitive buffer between the vehicle display areas and the pedestrian sidewalk. Such strategies have been used to great effect at the Town Library, and the design intent for this project is very similar.

#### **LIGHTING DESIGN INTENT**

The lighting fixtures have been selected to provide horizontal cut-off to provide good visual cut-off to the light source, reduce glare, and focus the lighting downward. Pole lights are being located along Blossom Hill Road to utilize the existing pole footing locations with new low wattage LEDs with lower light output and horizontal cutoff to minimize glare. The lighting fixtures at the rear of the site adjacent to the residential neighbors have been specifically held away from the edge of the site to minimize their visibility and impact on the adjacent properties. These fixtures have been organized to cut off the lighting at the site perimeter to eliminate light trespass on respect of the adjacent residential properties. Automatic lighting controls have been specified to ensure that the exterior site lighting fixtures are turned off at the appropriate evening hours.

#### **COMMUNITY BENEFITS**

**Traffic mitigation:** The project consolidates all vehicular traffic (ingress) along Blossom Hill Road to the entry at the north-east corner of the property, where the sight lines and turning radii are optimal. A hazardous curb cut at the north-west corner of the property -- where there is virtually no visibility to fast-moving traffic and great potential for severe accidents -- is being demolished voluntarily. The third existing curb cut at the middle of the property will be devoted to egress only, and for sporadic test drive purposes only. These measures will greatly enhance the flow and safety of traffic for customers and the general public alike.

**Noise mitigation measures:** A new 6' high wall will be installed along the rear of the property where it abuts residences, helping to cut down on any noise from the rear yard service functions. In addition, car wash facilities will voluntarily be relocated from an outside area to an enclosed structure at the south-western corner of the facility. This will reduce noise from pressure washers considerably.

**Interpretive displays:** As described above, the landscape strip along Blossom Hill Road will feature a pair of educational placards that describe the plantings, for the enjoyment and edification of passers-by from the community.

**Sustainable building features:** In addition to high-performance rain screen cladding and Argon-gas filled glazing systems that optimize the energy efficiency of the building envelope, the project proposes to install photovoltaic arrays on the new showroom roof areas. The project will make every effort to use locally-sourced materials, in accordance with LEED guidelines.

**Site screening & appearance:** Several voluntary measures are put in place to eliminate unsightly existing barriers, create community amenities, and still screen utilitarian "back-of-house" operations of the business. An existing imposing steel fence along the front of the property will be removed voluntarily, and replaced with native plantings and bioswales (see above), as well as intermittent boulders for security & property retention. A 6' hedge to the west of the building will screen the more utilitarian rear-yard activities from Blossom Hill Road, and instead create a green backdrop for that portion of the site. A damaged street tree on public property -- to the north-east of the site -- will be replaced as part of this project. Finally, an existing overhead power line and pair of utility poles across Blossom Hill Road will be re-routed to an underground trench.

**Site lighting:** Existing dilapidated pole-mounted metal halide fixtures and poles will be replaced with shielded, high-efficiency LED fixtures, and placed on a time clock to ensure minimal disturbance to neighbors and support dark-sky initiatives. New fixtures at the rear of the property will be placed on motion-sensor activation, in order to dissuade criminal activity and support the efforts of the Police Department.

**Downtown revitalization:** By consolidating operations at the Blossom Hill Road facility, Los Gatos Luxury Cars will vacate space at one of their very desirable downtown spaces. This will allow for a new small business tenant to move into a prominent location with excellent pedestrian traffic, further increasing the diversity of commercial offerings in the Town.

#### **PROJECT TEAM:**

Architect: PROTOinc, 566 Folsom Street, San Francisco CA 94105

Landscape Architect: John Cahalan Landscape Architect, 15559 Union Ave., #206, Los Gatos CA 95032

Civil Engineer: Underwood & Rosenblum, Inc., 1630 Oakland Road, Suite A114, San Jose CA 95131

Lighting Designer: Studio Three Twenty One, 321 Church Street, San Francisco CA 94114

## **PROJECT SUMMARY**

The project consists of the following:

- The demolition of existing showroom areas, and construction of a single-story showroom structure along the Blossom Hill Road frontage with dedicated spaces for the Bentley, Lamborghini, and Rolls-Royce brands. Pedestrian walkway is to be constructed around the front of this new showroom structure, including accent landscape planters around the base.
- Construction of new customer parking area to the east of the new showroom structure, including accessibility upgrades, hard- and soft-scaping, new vehicle display areas, brand-specific monument signage, and site lighting.
- Upgrades to landscaping strip along north Blossom Hill Road edge of property, including removal of existing fences, light stanchions, and selective removal of existing trees; construction of new native-plant landscaping, bioswale site drainage features, vehicle display areas (with new retaining walls in select locations), new light stanchions with site lighting fixtures, and brand-specific monument signage.
- Expansion of an existing Aston Martin showroom including facade, interior, and restroom upgrades.
- Upgraded site surfacing throughout, including permeable pavers and asphalt seal-coat.
- Construction of a service drop-off canopy and structure to afford sheltered drop-off for service customers.
- Modest interior improvements including restroom upgrades for accessibility compliance, and reconfiguration of customer waiting & support areas.
- Demolition of existing accessory structures at the rear of the property, including a small office kiosk, car wash shed & canopy, and modular storage containers.
- Construction of a new enclosed car wash structure which includes a storage mezzanine.
- Removal of existing curb cut at western edge of property, where blind curve and hazardous traffic conditions exist.
- Existing curb cut at middle of property is being allocated for test-drive exit only, and all customer entry/exit consolidated at eastern-most curb cut.
- Upgraded site lighting throughout property, in all cases shielded and on time clocks with motion sensors for late-night shut-off.