



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 06/12/2024

ITEM NO: 2

DESK ITEM

DATE: June 12, 2024  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval for a Private Sports Recreation Club on Property Zoned C-1. **Located at 15920 Los Gatos Boulevard.** APN 523-01-011. Conditional Use Permit Application U-24-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: Carl Cilker. Applicant: Mary C. Egan. Project Planner: Jocelyn Shoopman.

REMARKS:

Staff has modified Condition of Approval 10 to further clarify that the applicant comply with all applicable State and local Building Code requirements at the time of Building Permit submittal.

If the Planning Commission finds merit with the proposed project, it should approve Conditional Use Permit Application U-24-005 with the modified conditions contained in Exhibit 8, and the development plans contained in Exhibit 7.

EXHIBITS:

Previously Received with the June 12, 2024, Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Business Description
6. Existing Photos
7. Site and Parking Plan

Received with this Desk Item:

8. Modified Recommended Conditions of Approval

PREPARED BY: Jocelyn Shoopman  
Senior Planner

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Reviewed by: Planning Manager and Community Development Director

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**PLANNING COMMISSION – June 12, 2024**  
**CONDITIONS OF APPROVAL**

**15920 Los Gatos Boulevard**  
**Conditional Use Permit Application U-24-005**

**Requesting Approval for a Private Sports Recreation Club on Property Zoned C-1. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: Carl Cilker. Applicant: Mary C. Egan. Project Planner: Jocelyn Shoopman.**

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 June 12, 2024. 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 a private sports recreation club.
5. HOURS OF OPERATION: The maximum hours of operation for the private sports recreation club shall be 5:00 a.m. to 11:00 p.m., seven days a week.
6. 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.
7. 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.
8. 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.
9. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval and may be secured to the satisfaction of the Town Attorney.

*Building Division*

10. A comprehensive plan review has not been completed by the Building Division for the physical improvements associated with this CUP under consideration by the Planning

EXHIBIT 8

Commission, and compliance with applicable codes have not been verified. The applicant must comply with all applicable requirements of State and local Building Codes in effect at the time of building permit submittal.

11. PERMITS: No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Chief Building Official.
12. ACCESSIBILITY: In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities."

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

*Engineering Division*

13. GENERAL: The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
14. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
15. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
16. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to

twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

17. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
18. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

19. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
20. Note that a plan review is required prior to any proposed tenant improvement.
21. No changes to the building's exterior and fire department access to the building.
22. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

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