

RESOLUTION 2020-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVING A REQUEST FOR A ZONING CONSISTENCY DETERMINATION AND
A CONDITIONAL USE PERMIT FOR A BANK (CHARLES SCHWAB COMMUNITY
BANKING AND INVESTMENT SERVICES) ON PROPERTY ZONED C-2:LHP:PD.**

**APN 529-02-044
ARCHITECTURE AND SITE APPLICATION: U-20-009
PROPERTY LOCATION: 35 UNIVERSITY AVENUE
APPELLANT: LOS GATOS CHAMBER OF COMMERCE
APPLICANT: AMBER DEMAGLIO
PROPERTY OWNER: SRI OLD TOWN, LLC**

WHEREAS, on November 11, 2020, the Planning Commission held a public hearing and considered a request for a zoning consistency determination and a Conditional Use Permit (CUP) for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD. The Planning Commission determined that the proposed use is a bank and approved a CUP subject to conditions of approval.

WHEREAS, on November 19, 2020, the appellant filed an appeal of the decision of the Planning Commission approving the zoning consistency determination and a CUP for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD.

WHEREAS, this matter came before the Town Council for public hearing on December 15, 2020, and was regularly noticed in conformance with State and Town law.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report for their meeting on December 15, 2020, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission approving a request for a zoning consistency determination and a CUP for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD is denied and the application is approved.
2. The Town Council hereby adopts all findings, considerations, and conditions of approval set forth in the documents attached as Exhibits A and B.
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 15th day of December 2020, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

TOWN COUNCIL – December 15, 2020

REQUIRED FINDINGS AND CONSIDERATIONS FOR:

35 University Avenue

Conditional Use Permit Application U-20-009

Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044.

PROPERTY OWNER: SRI Old Town LLC.

APPLICANT: Amber DeMaglio

FINDINGS

Required Finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will relocate an existing banking and financial services business to a new location in the Central Business District; and
2. The proposed use would not impair the integrity and character of the zone because limitations will be placed in the conditions of approval to preserve the character of the residential zone; and
3. The proposed use would not be detrimental to public health, safety, or general welfare because the conditions of approval will address any potential impacts; and
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.

TOWN COUNCIL – December 15, 2020
CONDITIONS OF APPROVAL

35 University Avenue

Conditional Use Permit Application U-20-008

Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044.

PROPERTY OWNER: SRI Old Town LLC.

APPLICANT: Amber DeMaglio

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. 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 pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: The approved use is a bank.
5. HOURS OF OPERATION: Maximum hours of operation are Monday through Friday, 8:00 a.m. to 6:00 p.m.; and Saturday, 8:00 a.m. to 4:00 p.m.
6. DELIVERIES: Deliveries shall occur between 9:00 a.m. and 4:00 p.m. Deliveries shall not be made from University Avenue or Elm Street.
7. TRASH AND RECYCLING DISPOSAL HOURS: Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m., to limit the noise impacts.
8. 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.
9. 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.
10. 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.
11. 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.

12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

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