



MEETING DATE: 8/1/05  
ITEM NO. 3

## COUNCIL AGENDA REPORT

DATE: July 28, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT RESOLUTION GRANTING A REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR A RESTAURANT (SUSHI E!) TO ALLOW THE SERVICE OF BEER AND WINE WITH MEALS ON PROPERTY ZONED C-1. CONDITIONAL USE PERMIT APPLICATION: U-05-014. PROPERTY LOCATION: 1458 POLLARD ROAD. APN: 407-33-021. PROPERTY OWNER: RINCONADA HILL INVESTMENT CO. APPLICANT: YOON NYOUN KIM.

### RECOMMENDATION:

Adopt resolution confirming Council action on June 20, 2005.

### DISCUSSION:

On June 20, 2005, Council granted the request to modify a Conditional Use Permit for the property located at 1458 Pollard Road.

Attachments: Resolution

### Distribution:

Yoon Nyoun Kim, Sushi E!, 1458 Pollard Road, Los Gatos, CA 95032  
David Lam, Rinconada Hills Investment Co., 11150 Santa Monica Blvd., #760, Los Angeles, CA

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Sushi-E!.TCR.wpd]

Reviewed by: *[Signature]* Town Manager *[Signature]* Assistant Town Manager \_\_\_\_\_ Clerk Administrator  
Finance \_\_\_\_\_ Community Development

Rev: 7/28/05 5:02 pm

Reformatted: 7/19/99

File# 301-05

## RESOLUTION

### RESOLUTION GRANTING A REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR A RESTAURANT (SUSHI E!) TO ALLOW THE SERVICE OF BEER AND WINE WITH MEALS ON PROPERTY ZONED C-1

CONDITIONAL USE PERMIT APPLICATION: U-05-014

PROPERTY LOCATION: 1458 POLLARD ROAD

APN: 407-33-021

PROPERTY OWNER: RINCONADA HILL INVESTMENT CO.

APPLICANT: YOON NYOUN KIM

#### WHEREAS:

A. This matter came before Council for public hearing on June 20, 2005, on a request for modification by Yoon Nyoun Kim (applicant) regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the applicant and all interested persons who wished to give evidence. Council considered all testimony and materials submitted, including the packet of material contained in the Council Agenda Report dated June 8, 2005, along with subsequent reports and materials prepared concerning this request.

C. The applicant is requesting approval to modify a 1977 Conditional Use Permit to allow the service of beer and wine with meals. No other modifications are requested. There are no parking or traffic impacts associated with the request. The Planning Commission considered this application on May 11, 2005, and forwarded the request to the Town Council with a recommendation for approval. The Police Department reviewed this application and had no concerns.

D. The Town Council finds as follows:

1. As required by Section 15301 of the State Environmental Guidelines as adopted by the Town this project is Categorically Exempt.

2. The provisions of Town Code section 29.20.190 for granting of a Conditional Use Permit have been met. In making this finding, Council incorporates herein by this reference the findings of the

Planning Commission made on May 11, 2005 in recommending approval of this application.

RESOLVED:

1. The request to modify Conditional Use Permit U-05-014 is therefore granted.
2. Revised Conditions of approval, attached hereto as Exhibit A, are applied to this Application.
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 or federal law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the      day of      , 2005 by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST

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

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