



MEETING DATE: 04-17-2006  
AGENDA ITEM: 7

## COUNCIL AGENDA REPORT

DATE: April 11, 2006  
TO: MAYOR AND TOWN COUNCIL  
FROM: ORRY P. KORB, TOWN ATTORNEY *OK*  
SUBJECT: ADOPT RESOLUTION GRANTING A REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT FOR A RESTAURANT / BAKERY (LA MAISSON DU CROISSANT) TO INCREASE THE NUMBER OF SEATS, HOURS OF OPERATION AND TO SERVE BEER AND WINE FOR A NEW RESTAURANT (JAMES RANDALL) ON PROPERTY ZONED C-2. CONDITIONAL USE PERMIT APPLICATION U-06-3. PROPERTY LOCATION: 303 N. SANTA CRUZ AVENUE. APN 510-14-048. PROPERTY OWNER: BERT MILLEN. APPLICANT: BRENDA HAMMOND.

### RECOMMENDATION:

Adopt resolution confirming Council's decision on April 3, 2006.

### DISCUSSION:

On April 3, 2006, Council granted a request to modify an existing conditional use permit for a restaurant (La Maisson du Croissant) to increase the number of seats and to serve beer and wine for a new restaurant (James Randall) on property zoned C-2. The attached resolution finalizes that decision.

Attachment: Proposed Resolution

Distribution: Bert Millen, 18364 Oak Drive, Monte Sereno, CA 95030  
Brenda Hammond, 18131 June Court, Los Gatos, CA 95033

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Report JamesRandall.wpd]

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

Rev: 4/12/06 11:30 am

Reformatted: 7/19/99

File# 301-05

**RESOLUTION 2006**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
GRANTING A REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT  
FOR A RESTAURANT / BAKERY (LA MAISSON DU CROISSANT) TO INCREASE  
THE NUMBER OF SEATS, HOURS OF OPERATION AND TO SERVE BEER AND  
WINE FOR A NEW RESTAURANT (JAMES RANDALL) ON PROPERTY ZONED C-2**

**APN: 510-11-048  
CONDITIONAL USE PERMIT APPLICATION U-06-3  
PROPERTY LOCATION: 303 N. SANTA CRUZ AVENUE  
PROPERTY OWNER: BERT MILLEN  
APPLICANT: BRENDA HAMMOND**

**WHEREAS:**

A. This matter came before the Town Council for public hearing on April 3, 2006, and was 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 testify or submit documents. 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 dated March 22, 2006, along with subsequent reports and materials prepared concerning this application.

C. The applicant seeks approval to modify an existing conditional use permit for a restaurant / bakery (La Maisson du Croissant) to increase the number of seats, hours of operation and to serve beer and wine for a new restaurant (James Randall) on property zoned C-2.

D. The Planning Commission considered this matter on March 8, 2006, and supported the request because they were able to make the required finding for the approval of a CUP and they determined that the request is consistent with the Town's Alcohol Policy.

E. The matter is before Council consistent with the Town's practice of having Council make the final decision on all applications falling under the Town's Alcohol Policy.

F. Council agrees with the recommendation of the Planning Commission to approve the application.

G. Pursuant to Town Code section 29.20.190, Council finds that the proposed uses of the property are essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the general plan and purposes of Chapter 29 of the Town Code based on evidence contained in the record demonstrating that the applicant will bring a high quality restaurant to the Town that will fully conform with all Town policies, that there was no evidence indicating that the proposed uses will impair the integrity and character of the zone or will be detrimental to the public health, safety or general welfare. In addition to these findings, Council incorporates the findings of the Planning Commission on this application.

**RESOLVED:**

1. The request to modify Conditional Use Permit U-06-3 is approved to allow for additional seating, hours of operation and to serve beer and wine.

2. Conditions of approval, attached hereto as Exhibit A, are applied to this resolution.

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 on the 17<sup>th</sup> day of April 2006, by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR  
TOWN OF LOS GATOS, CALIFORNIA

**RECOMMENDED CONDITIONS OF APPROVAL FOR:**

**303 N. Santa Cruz Avenue**

**Conditional Use Permit U-06-013**

**Requesting approval to modify a Conditional Use Permit for a restaurant/bakery (La Maison Du Croissant), to increase the number of seats, hours of operation and to serve beer and wine for a new restaurant (James Randall), on property zoned C-2. APN 510-14-048**

**PROPERTY OWNER: Bert Millen**

**APPLICANT: Brenda Hammond**

**TO THE SATISFACTION OF THE PLANNING DIRECTOR:**

(Planning Section)

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 and noted as Exhibit F in the report to the Planning Commission. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development or the Planning Commission, depending on the scope of the changes.
2. **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.
3. **USE:** The approved use is a quality restaurant.
4. **NUMBER OF SEATS:** The maximum number of seats for the restaurant shall not exceed 24, with a maximum of 12 of those seats permitted outdoors on the portion of the sidewalk on private property and the existing deck.
5. **OUTDOOR SEATING:** A physical delineation must shall be installed, have some form comparable to Attachment 6 of the Council Report dated March, 22, 2006, and shall be a minimum of 3 feet high, but no higher than 4 feet for outdoor seating on the portion of the sidewalk on private property, to the satisfaction of the Director of Community Development, Chief of Police, and Director of Parks and Public Works.
6. **OUTDOOR FURNITURE:** Outdoor furniture shall be of high quality in terms of materials and appearance (Plastic furniture is not permitted). If the outdoor furniture is left outside it must be of a quality that provides a high quality appearance.
7. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 7:30 a.m. to 10:00 p.m. seven days a week.
8. **ALCOHOL SERVICE:** The service of beer and wine for the restaurant is permitted only with meals. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals. There shall be no separate bar for the restaurant.
9. **LIVE ENTERTAINMENT:** No live entertainment shall be provided.
10. **TAKE OUT SERVICE:** There shall be no dedicated walk up counter.

**TO THE SATISFACTION OF THE CHIEF OF POLICE:**

11. **UNIFORMED SECURITY:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.

12. CONSULTATION AND TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
13. TRAINING MANUAL: The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
14. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
15. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

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