



MEETING DATE: 03-19-2007

AGENDA ITEM:

4

COUNCIL AGENDA REPORT

DATE: MARCH 14, 2007

TO: MAYOR AND TOWN COUNCIL

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

SUBJECT: ADOPT RESOLUTION APPROVING AN APPLICATION TO MODIFY A CONDITIONAL USE PERMIT (I GATTI'S) TO ALLOW THE SERVICE OF FULL LIQUOR ON PROPERTY ZONED C-2. APN: 529-28-037. CONDITIONAL USE PERMIT U-06-005. PROPERTY LOCATION: 25 E. MAIN STREET. PROPERTY OWNER: HOO GEE HOM. APPLICANT: I GATTI ITALIAN BISTRO, INC.

RECOMMENDATION:

Adopt resolution approving an application to modify a conditional use permit to allow full liquor service on property zoned C-2.

DISCUSSION:

On March 5, 2007, Council approved an application to modify a conditional use permit to allow full liquor service on property zoned C-2. The attached resolution finalizes that decision.

Attachment: Proposed Resolution

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Report 25 E. Main St (I Gatti's).wpd]

Reviewed by: <i>[Signature]</i>	Town Manager <i>PSJ</i>	Assistant Town Manager	Clerk
	Finance	<i>SUB</i> Community Development	

Rev: 3/15/07 2:21 pm

Reformatted: 7/19/99

File# 301-05

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING AN APPLICATION TO MODIFY A CONDITIONAL USE PERMIT (I GATTI'S) TO ALLOW THE SERVICE OF FULL LIQUOR ON PROPERTY ZONED C-2.

APN: 529-28-037

CONDITIONAL USE PERMIT: U-06-005

PROPERTY LOCATION: 25 E. MAIN STREET

PROPERTY OWNER: HOO GEE HOM

APPLICANT: I GATTI ITALIAN BISTRO, INC.

WHEREAS:

A. This matter came before Council for public hearing on March 5, 2007, 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 February 26, 2007, along with any and all subsequent reports and materials prepared concerning this application.

C. The original Conditional Use Permit (CUP) for the restaurant at 25 E. Main Street was issued in 1986 to Dorothy's Pizza. In 1991, the CUP was modified to increase the number of seats to 28 and to allow for the sale of beer and wine for Thai Basil Restaurant. The current owners purchased the restaurant site in 1994.

D. Applicant seeks approval to modify its CUP to allow for the on-site service of full liquor. Applicant does not intend to have a stand alone or separate bar, provide any entertainment at the restaurant, or operate past 11 PM. Applicant does

intend to require that patrons be served a lunch or dinner meal before being served alcoholic beverages, as required by the Town's Alcohol Policy, and that service of alcohol in approved existing outdoor seating areas be separated from public areas with a physical barrier.

E. Town Council finds as follows:

i. Pursuant to Town Code section 29.20.190, the proposed use of the property is desirable to the public convenience; will not impair the integrity and character of the zone; would not be detrimental to public health, safety or general welfare; and is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code. Evidence in the record demonstrates that the proposed modification to the CUP would encourage (1) economic and social activity consistent with a small-scale, small town atmosphere and image, (2) the development and retention of locally-owned stores and shops, and (3) the preservation of downtown Los Gatos as the historic center of the Town with goods and services for local residents while maintaining the existing Town identity, environment and commercial viability.

ii. The project is categorically exempt from environmental review pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

iii. The proposed use is consistent with the Redevelopment Plan for the Central Los Gatos Redevelopment Project Area (section IV.B), as evidenced by the staff report prepared for the public hearing on March 5, 2007.

RESOLVED:

1. Application U-06-005 is approved.

2. The Conditions of Approval attached hereto as Exhibit A are adopted as the Conditions of Approval of this permit.

3. The decision constitutes a final administrative decision pursuant to California 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 California 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 March 2007 by the following vote.

COUNCIL MEMBERS:

AYES: Steve Glickman, Joe Pirzynski, Barbara Spector, Diane McNutt,
Mayor Mike Wasserman

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED: _____

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST

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

CONDITIONS OF APPROVAL FOR:

25 E. Main Street

Conditional Use Permit U-06-005

Requesting approval to modify a Conditional Use Permit (i gatti's) to allow the service of full liquor on property zoned C-2. APN. 529-28-037

PROPERTY OWNER: Hoo Gee Hom

APPLICANT: I Gatti Italian Bistro, Inc.

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, the Development Review Committee 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:** There shall be no more than 28 seats for both indoor and outdoor seating.
5. **OUTDOOR FURNITURE:** Any tables or chairs used outdoor shall be moved indoors nightly. The use of outdoor seating will require a physical barrier separating the outdoor seating from the public sidewalk.
6. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 11:00 a.m. to 11:00 p.m. seven days a week.
7. **OUTDOOR LITTER:** The owner or employees of the business shall police all outdoor areas adjacent to the restaurant for litter, especially the outdoor areas from Main Street Bridge to 41 E. Main St.
8. **ALCOHOL SERVICE:** The service of full service alcohol for on-site consumption 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. **BENCHES:** No benches shall be placed in the public right-of-way unless approved by the Town.
10. **LIVE ENTERTAINMENT:** No live entertainment shall be provided.

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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