



MEETING DATE: 4/16/07
ITEM NO: 11
DESK ITEM

COUNCIL AGENDA REPORT

DATE: April 16, 2007
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER A REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR A RESTAURANT WITH ALCOHOL SERVICE (VIVA PRIMAVERA) TO EXPAND THE HOURS OF OPERATION, MODIFY THE OUTDOOR PATIO DINING AREA, EXPAND TO AN ADJACENT TENANT SPACE (FORMERLY HIGH TECH BURRITO), EXPAND TO FULL LIQUOR FOR VIVA A GO-GO AND ALLOW SERVICE OF ALCOHOL IN THE OUTDOOR SEATING AREA FOR VIVA A GO-GO, AND EXPAND APPROVED ENTERTAINMENT ON PROPERTY ZONED C-1. APN 523-01-012 AND 013. CONDITIONAL USE PERMIT U-07-006. PROPERTY LOCATION: **15960 AND 15970 LOS GATOS BOULEVARD.** PROPERTY OWNER: COLG, LP. APPLICANT: VIVA PRIMAVERA, LLC.

DISCUSSION:

Café Primavera's (now Viva Primavera) Letter of Justification for their original approval included the following statement:

Café Primavera also proposes to provide occasional, incidental, entertainment such as a piano or harp accompanist.

This item was never added as a specific condition of approval. Staff has added a condition for the originally approved entertainment (Condition #10 of Attachment 2) and does not have any concerns with the applicant's request.

The Council could determine that the request for jazz trios and other live music is not an intensification and therefore is consistent with the previously allowed occasional, incidental entertainment.

PREPARED BY: BUD N. LORTZ,
Director of Community Development

Reviewed by: PSJ Assistant Town Manager _____ Town Attorney
_____ Clerk Administrator _____ Finance _____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: 15960 – 15970 LOS GATOS BOULEVARD/CUP U-07-006

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If the Council decides to approve the application, it is recommended that condition #10 be modified to read as follows:

LIVE ENTERTAINMENT: Occasional, incidental, indoor entertainment such as piano, harp accompanist, jazz trios, or other live music is permitted.

Staff would like to clarify that the currently proposed Conditional Use Permit (CUP) for Viva Primavera/Viva A Go-Go (U-07-006) would replace the previously approved CUP for High Tech Burrito (PRJ-97-003) and the CUP for Cafe Primavera (U-99-11) when it is vested.

Staff would like to clarify that Viva Primavera and Viva A Go-Go are a single entity and all operations will be connected. Staff recommends that Condition #3 be modified to read as follows:

USE: The approved use is for a quality restaurant with a high turn over sit down service area which operates as a single entity and all operations shall be connected.

In the addendum dated April 13, 2007, staff recommended a new condition relating to Alcohol License and a modification to Condition #4 Number of Seats. Those items should be further modified to read as follows:

ALCOHOL LICENSE: The applicant shall amend the existing ABC license or have a new ABC license issued as required by that agency for alcohol service for all service features of the restaurant.

NUMBER OF SEATS: The maximum number of seats for the restaurant shall not exceed 176 (total includes indoor, outdoor, and banquet/meeting rooms). No more than 16 seats shall be allocated to the high turn over sit down service area.

Lastly, if the Council determines that the high turn over sitdown service area should be permitted to serve alcohol then Condition #9 should be eliminated and Condition #8 should read as follows:

ALCOHOL SERVICE: The service of alcohol 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.

Attachments:

1.-7. Previously submitted under separate cover
(No new attachments)

BNL:JP

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