



MEETING DATE: 8/6/12
ITEM NO: 15
DESK ITEM

COUNCIL AGENDA REPORT

DATE: AUGUST 6, 2012

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: CONDITIONAL USE PERMIT APPLICATION U-12-008. PROJECT LOCATION: 160 W. MAIN STREET. PROPERTY OWNER: ROBERT & MURIEL BROUWER, LLC. APPLICANT: LINDA J. LEZOTTE.
CONSIDER A REQUEST TO APPROVE CONDITIONAL USE PERMIT U-12-008.

DISCUSSION:

In response to a Council Member’s inquiry, staff would like to note the difference between maximum seating and maximum occupancy. The Town limits the maximum number of seats through Conditional Use Permits (CUPs) and is primarily based on parking spaces. Maximum occupancy is based on building and fire codes. Maximum seating and maximum occupancy often differ because the maximum occupancy accounts for non-customers, such as cooks and wait staff. However, at no time may a business exceed the maximum number of seats or the maximum occupancy; a business would be limited to whichever is more restrictive.

The applicant proposes to maintain the number of seats permitted by the current Conditional Use Permit: a maximum of 72 seats until 5:30 p.m.; 108 seats after 5:30 p.m. Although the Town does not typically condition the maximum occupancy, the Town limited the maximum occupancy of the Los Gatos Bar and Grill (15 ½ N. Santa Cruz Avenue) through their Operational Agreement, and the maximum occupancy of Rootstock (217 B N. Santa Cruz Avenue) and Pedro’s (316 N. Santa Cruz Avenue) through their conditions of approval. If the deciding body finds merit with the proposal, staff recommends the following revised seating condition (additions underlined):

NUMBER OF SEATS: The maximum number of seats shall not exceed 72 seats prior to 5:30 p.m. After 5:30 p.m., the maximum number of seats shall not exceed 108. The establishment may not exceed the maximum occupancy established by building and fire codes at any time.

PREPARED BY: Wendie R. Rooney, Director of Community Development *SLB*

Reviewed by: *PS* Assistant Town Manager *CS* Town Attorney _____ Finance