

AMENDED CONDITIONS OF APPROVAL-April 21, 2020

106 E. Main Street

Conditional Use Permit U-13-017

**Requesting approval to operate a museum (Los Gatos Museum Association (LGMA) formerly known as Museums of Los Gatos) on property zoned C- 1:PD. APN 529-34-108.**

**PROPERTY OWNER: Town of Los Gatos**

**APPLICANT: Museums of Los Gatos**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

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 received by the Town on July 22, 2014. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. USE: The approved use is the operation of an art and history museum.
4. HOURS OF OPERATION: Maximum hours of operation are:
  - a. Monday through Sunday 9:00 a.m. to 9:00 p.m.
5. MUSEUM EVENTS: Museum events, such as committee meetings, exhibit openings, fundraisers, and private art/history receptions, are permitted. Museum events may require a special event permit from the Los Gatos-Monte Sereno Police Department, or a Park Permit from the Los Gatos Parks and Public Works Department.
  - a. HOURS: Museum events may occur past 9:00 p.m. when coordinated with and approved by the Town Manager's Office, and must end by 12:00 a.m.
  - b. NUMBER OF ATTENDEES: The maximum number of attendees is 253 based on maximum occupancy inside the space leased from the Town.
  - c. COORDINATION: Coordination with the Town Manager's Office consists of the Executive Director of the Museums, or designee, sending a letter to the Town Manager summarizing the proposed event, proposed date, proposed start and end times, and estimated attendance at least three weeks prior to the proposed event and prior to any publicity regarding the proposed event. The Town Manager, or designee, shall respond in writing within five business days regarding any potential conflicts with Civic Center, Town Library, and/or Adult Recreation Center operations.
6. ALCOHOLIC BEVERAGE SERVICE: The service of Alcohol is permitted prior to 11:00 p.m.

7. **PRIVATE EVENT RENTAL:** The space may be rented out for private events and receptions, including weddings.
  - a. The applicant must coordinate with the Town Manager ' s Office for events that may affect parking at the Civic Center.
  - b. **HOURS:** Private events may occur past 9:00 p.m. when coordinated with and approved by the Town Manager's Office, and must end by 12:00 a.m.
  - c. **NUMBER OF ATTENDEES:** The maximum number of attendees is 253 based on maximum occupancy inside the space leased from the Town.
  - d. **COORDINATION:** Coordination with the Town Manager's Office consists of the Executive Director of the Museums, or designee, sending a letter to the Town Manager summarizing the proposed event, proposed date, proposed start and end times, and estimated attendance at least three weeks prior to the proposed event and prior to any publicity regarding the proposed event. The Town Manager, or designee, shall respond in writing within five business days regarding any potential conflicts with Civic Center, Town Library, and/or Adult Recreation Center operations.
8. **FOOD AND BEVERAGE SERVICE:** Food and beverage service is permitted.
9. **SCULPTURE GARDEN:** A sculpture garden between the west parking lot and the west entrance is permitted. An Architecture and Site application may be required for an enclosure for the sculpture garden.
10. **ENTERTAINMENT:** Art and history performances are permitted. Other entertainment must be consistent with Town Codes and policies, as amended.
11. **DELIVERIES:** Deliveries are permitted from 9:00 a.m. to 7:00 p.m. seven days a week to align with staff attendance provided a staff member is present to receive the delivery. Deliveries vehicles shall not block access to the parking lot, parked vehicles, or Civic Center buildings. Deliveries shall not occur during Town meetings or events.
12. **SIGNS:** A Sign Permit from the Los Gatos Community Development Department is required for any permanent or temporary signs. Approval by the Town Council is required prior to issuance of a Sign Permit per the lease with the Town.
13. **TOWN COUNCIL CHAMBERS:** The Town Council Chambers may be used for lectures if the lectures do not conflict with Town events or meetings and the lectures are approved by the Town Manager prior to occurring. The applicant is subject to the Town' s policy and fee requirements for the use of the Town Council Chambers.
14. **CIVIC CENTER, PAGEANT GROUNDS, AND FRONT LAWN:** The applicant is subject to the Town's policy and fee requirements for the use of the Civic Center, Pageant Grounds, and Front Lawn.
15. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1. I 0.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

16. **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 pursuant to Section 29.20.340 of the Zoning Ordinance.
17. **MODIFICATIONS TO THE SPACE:** Any future modifications to the space must be consistent with the lease with the Town and obtain all required permits.
18. **LEASE:** The lease shall be modified to incorporate all of the conditions of approval prior to commencement of use.

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

19. **ALCOHOLIC BEVERAGE SERVICE NOTIFICATION:** The applicant shall notify, in writing, the Los Gatos-Monte Sereno Police Department of any intentioned service of alcohol at least two weeks prior of any anticipated event that includes alcohol beverage service. The Los Gatos-Monte Sereno Police Department shall have the authority to designate how, when, and where alcoholic beverages are served.
20. **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.
21. **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.