

TOWN COUNCIL – October 7, 2025
CONDITIONS OF APPROVAL

31 University Avenue
Conditional Use Permit U-25-001

Consider a Request for Approval for Modification of Planned Development Ordinance 2025 to Allow Modifications to Building E, an Architecture and Site Application for Exterior Modifications to an Existing Commercial Building in the University/Edelen Historic District, and a Conditional Permit for Formula Retail over 10,000 square feet and for a Restaurant with Alcohol Service on a Property Zoned C-2:LHP:PD. APN 529-02-044. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.

Property Owner: SRI Old Town, LLC

Applicant: Rick Nelson, MBH Architects

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 and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
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 per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. **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.
4. **USE:** A formula retail business greater than 10,000 square feet with a restaurant with alcohol service and outdoor seating is permitted.
5. **HOURS:** The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday, and 10:00 a.m. to 9:00 p.m., Sunday.
6. **BUSINESS LICENSE:** A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
7. **LIVE ENTERTAINMENT:** Live entertainment until 10:00 p.m. is permitted in conformance with the Town Policy regulating Late Night Entertainment.
8. **GENERAL:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems occur that are not resolved by the licensed owner.
9. **CONFORMANCE WITH CODE.** No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.

10. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Additional Agency Review

13. ADDITIONAL REQUIREMENTS. Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.