TOWN OF LOS GATOS

RESTAURANT CONDITIONAL USE PERMIT CHECKLIST

		YES	NO
1.	For existing restaurants, are more than two additional parking spaces required?	____	____
2.	For new restaurants, are more than 10 parking spaces required?	____	____
3.	Will there be a change in the service of alcoholic beverages?	____	____
4.	Is this a new application for serving alcoholic beverages?	____	____
5.	For existing restaurants, is additional floor area being constructed or utilized? (This does not include the addition of outdoor seating only.)	____	____
6.	Is there a history of complaints at the restaurant within the last five years?	____	____

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STANDARDS FOR OUTDOOR RESTAURANT SEATING

1. Outdoor seating is prohibited on public property. Outdoor seating may be allowed on private property with a conditional use permit.

2. A physical delineation in the form of landscaping or planters is required to separate public and private property. The height of the separation shall be a minimum of three feet but no higher than four feet. The physical design and plant material should compliment the design of the building and prevent passing or carrying alcoholic beverages outside the restaurant seating area. Plant material shall be alive.

3. When alcoholic beverages are permitted in outdoor seating areas that are immediately adjacent to a public pedestrian way, the landscape separation shall be designed to clearly suggest that alcohol is not allowed outside the restaurant seating area.

4. For outdoor seating areas immediately adjacent to the public right-of-way, a hold harmless agreement shall be recorded releasing the Town from any liability related to the outdoor seating.

5. When alcoholic beverage service is permitted outside, a restaurant employee shall seat patrons.

POLICY REGULATING THE CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES

I. Purpose

The consumption or service of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents. This policy provides parameters for alcoholic beverage service, particularly addressing late night service when alcohol related incidents are most likely to occur and when the disturbance to Town residents is least tolerable.

The service of alcoholic beverages, with or without meals, past 10 PM is a discretionary privilege to be determined on a case by case basis. The following provisions are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of our commercial centers in which restaurants have an essential role. Hours of operation may be regulated based on an establishment's proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may be raised at the public hearing.

The deciding body may approve a conditional use permit to serve alcoholic beverages based on the merits of the application and subject to the following requirements:

II. General Policy:

1. The Town shall continue to discourage new applications for stand alone bars or restaurants with separate bars.

2. The Town shall continue to discourage applications for entertainment establishments serving alcoholic beverages.

3. Entertainment in association with an eating or drinking establishment may be allowed if standards and a permit process are adopted.

4. Alcoholic beverage service for new conditional use permit applications or applications for modification of a conditional use permit shall not be allowed:

    a. After 11 PM Sunday through Thursday, except for holidays and evenings before holidays;

    b. After 1 AM Friday, Saturday, holidays or evenings before holidays.

An existing establishment with a conditional use permit in good standing allowed to serve alcoholic beverage past the hours stated above, may continue to operate under their existing hours of operation.

EXHIBIT A

4. Any establishment serving alcoholic beverages shall be subject to the following:

   a. 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.

   b. 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.

   c. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.

   d. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.

   e. Taxicab telephone numbers shall be posted in a visible location.

5. The deciding body shall make the following findings prior to approving an application for conditional use permit to serve alcoholic beverages past 10 PM:

   a. Late night service will not adversely impact adjacent residential neighborhoods;

   b. The applicant does not have a history of complaints and non-compliance with local ordinances or the Alcoholic Beverage Policy;

   c. The applicant has demonstrated a clear benefit to the community.

6. 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.

7. Alcoholic beverage service in approved outdoor seating areas may be permitted if adequate separation from public areas is provided as determined by the Town Manager. The separation shall clearly suggest that alcohol is not allowed outside the restaurant seating area.

III. Specific Policy

1. Restaurants:

   Alcoholic beverages may only be served with meals.

2. Restaurants With Separate Bars:

   Alcoholic beverage service is permitted in the dining area only in conjunction with meal service. Meal service shall be available until closing or 11 PM Sunday through Thursday and until 12 midnight Friday, Saturday, holidays and evenings before holidays, whichever is earlier, if late night bar service is available. Specific hours of operation for each establishment are determined upon issuance of a conditional use permit.

IV. Enforcement

All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.20.310(b) of the Town Code authorizing the Town Manager to take enforcement action if it is determined that the sale of alcohol has become a nuisance to the Town's public health, safety or welfare. Enforcement of Section 29.20.310(b) of the Town Code will be based on, but not limited to, the following factors:

1. The number and types of calls for service at or near the establishment which are a direct result of patrons actions;

2. The number of complaints received from residents and other citizens concerning the operation of an establishment;

3. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;

4. The number and kinds of complaints received from the state Alcoholic Beverage Control office and the County Health Department;

5. Violation of conditions of approval related to alcohol beverage service.

The Alcoholic Beverage Policy is not to be construed to be a right of developments. The Town retains the right of review and approval (or denial) of each project based on its merits.

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