

## **RESOLUTION 2005 - 037**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING GUIDELINES FOR MODIFICATION OF USE**

This resolution establishes the criteria that will be used to evaluate a modification of use pursuant to Zoning Ordinance Section 29.20.200.

#### **RESOLVED:**

A conditional use permit (CUP) is intended to allow the establishment of those uses that have unique characteristics or special form such that their effect on the surrounding environment must be evaluated for a particular location. The CUP process allows for review of the location, design, configuration of improvements and potential impact on the surrounding area. Once a CUP has been granted it runs with the land. Modifications to a property with a valid CUP may be considered when an application has been filed for Architecture & Site approval or a building permit has been requested, providing there is no material adverse impact or substantial departure from the plans that were the basis for the CUP.

1. The following are examples of changes that would be considered a material adverse impact on the surrounding area:
  - a. Requirement for environmental review under the California Environmental Quality Act (CEQA)
  - b. Conflicts with General Plan goals and/or policies
  - c. An increase in outdoor noise levels that would exceed the limits set by the Town's Noise Ordinance
  - d. Non-compliance with the Commercial Design Guidelines
  - e. Changes to the operational aspects of the business that conflict with Planning Commission or Council conditions of approval (example, increasing hours of operation)
  - f. Inconsistency with all applicable provisions of the Zoning Ordinance and the spirit and intent of the original approval
2. Examples of changes that are a substantial departure from plans that were the basis of the conditional use permit approval are those that result in any of the following:
  - a. Conflicts with operational conditions of approval
  - b. Adds land area to the property for which the use permit was granted
  - c. Results in a parking or traffic impact to other properties in the area
  - d. Conflicts with applicable provisions of the Town Code
  - e. Conflicts with General Plan Goals and/or Policies
  - f. Results in a change relative to service of alcoholic beverages

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 18<sup>th</sup> day of April, 2005, by the following vote:

**COUNCIL MEMBERS:**

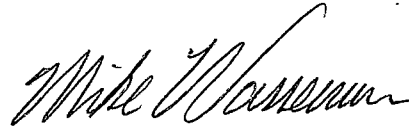
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector  
Mayor Mike Wasserman

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA