



MEETING DATE: 10/16/06  
ITEM NO:

10

COUNCIL AGENDA REPORT

DATE: October 6, 2006  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER A REQUEST FOR APPROVAL TO ALLOW WINE TASTING AND RETAIL WINE SALE ON PROPERTY ZONED C-2. CONDITIONAL USE PERMIT U-07-2, APN 529-01-026. PROPERTY LOCATION: 45 W. MAIN STREET PROPERTY OWNER: JAY CONOVER AND JOELLA WANAMAKER APPLICANT: CLOS LACHANCE WINES & FLEMING JENKINS LLC.

RECOMMENDATION:

1. Hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Approve Conditional Use Permit Application U-07-2 (requires motion).
4. Refer to the Town Attorney for the preparation of the appropriate resolution.

BACKGROUND:

The subject property is currently a 1,312 sq. ft. retail antique store located in the C-2 Zoning District. The proposed use is a wine tasting room with retail sales of wine for off-site consumption and wine related retail products. Please see the Planning Commission Staff Report for a complete description of the project (Attachment 1).

PROJECT SUMMARY:

The applicant is requesting approval to operate a joint wine tasting room and retail sales of wine for Clos LaChance Winery and Fleming Jenkins LLC. The tasting room will be the second Clos LaChance tasting room and the first for Fleming Jenkins LLC. The store will consist of two tasting counters, a retail sales area, and a display for information on wineries in the Santa Cruz Mountains. The store will be operating under ABC License Type 02, which allows for a primary tasting room at the winery as well as one satellite location according to California Business and Professions Code Section 23390.5 (b). It does not allow for on-premise consumption of alcohol other than tastings.

PREPARED BY: BUD N. LORTZ   
DIRECTOR OF COMMUNITY DEVELOPMENT

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Reviewed by: PS Assistant Town Manager AK Town Attorney  
Clerk Administrator Finance  Community Development

DISCUSSION:

PARKING

The proposed use has no additional parking impacts above the currently required number of parking spaces. The following is a table detailing the number of required and available spaces associated with the subject property:

# Parking Spaces Required		# Parking Spaces Available	
Retail	Office	On-Site	Parking District
12	6	4	18

ALCOHOL SERVICE

There are currently 65 active on and off-site alcohol sale permits in the Downtown Area. The applicant is proposing to offer wine tasting with one ounce pours during normal hours of operation. The retail sale of alcohol will be for off-site consumption only. No on-site consumption of alcohol will be allowed, other than the amount allowed for wine tasting.

PRIVATE EVENTS

Private events proposed include staff meetings, special new release tastings, bottle signings, vendor presentations, and other winery related business. Wine tastings may occur, but will end prior to 10:00 PM. Events are limited to one per month.

HOURS OF OPERATION

The hours of operation will be 11:00 AM to 7:00 PM seven days a week for normal operations and 11:00 AM to 10:00 PM for private events.

TRAFFIC

There will be no additional traffic impacts since the use, specialty retail, is similar to the existing use. Deliveries will occur once a week via a small truck. All other deliveries will be lighter shipments via a car.

GENERAL PLAN CONFORMANCE

The parcel is designated as Central Business District on the General Plan which allows for community oriented goods and services while maintaining a small town character. The following sections of the General Plan are relevant to the proposed application:

- L.P.1.3 - Encourage economic and social activity consistent with a small-scale, small town atmosphere and image.
- L.P.5.1 - Maintain a variety of commercial uses (a strong downtown commercial area combined with Los Gatos Blvd and strong neighborhood commercial centers) to meet the shopping needs of residents and to preserve the small-town atmosphere.
- L.P.5.2 - Encourage a mix of retail, office and professional uses in commercial areas, except in the Central Business District where retail should be emphasized.
- L.P.5.5 - Encourage the development and retention of locally-owned stores and shops.
- L.G.6.2 - Preserve downtown Los Gatos as the historic center of the Town with goods and services for local residents while maintaining the existing Town identity, environment and commercial viability.

PLANNING COMMISSION DISCUSSION:

On September 27, 2006 the Planning Commission heard public testimony and recommended approval of the Conditional Use Permit by a 6-1 vote. The following changes were made to the Conditions of Approval:

- Condition #7: modified to allow retail sale of wine up to 10:00 PM for private events.
- Condition #9: modified to allow the hours of operation for private events to occur from 11:00 AM to 10:00 PM.

ALTERNATIVES:

The following alternative actions are available to the Town Council:

1. Concur with the Planning Commission's recommendations and approve the CUP with the conditions included as Attachment 3.
2. Modify or delete any of the proposed conditions of approval to address Council concerns.
3. Deny the Conditional Use Permit.

CONCLUSION:

The Town Council should review the Planning Commission's recommendation and determine if the proposed use is consistent with the General Plan, Zoning Code, and Town's Alcohol Policy. Pursuant to the Town's Alcohol Policy, the Town Council has the authority to take final action on this application upon consideration of a recommendation from the Planning Commission.

PAGE 4  
MAYOR AND TOWN COUNCIL  
SUBJECT: 45 W. MAIN STREET  
*October 6, 2006*

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

FISCAL IMPACT: None

ATTACHMENTS:

1. Staff report to the Planning Commission dated September 21, 2006 and Desk Item to the Planning Commission dated September 27, 2006.
2. Required Findings and Considerations (1 page).
3. Recommended Conditions of Approval (1 page).
4. Letters in Support of Project dated September 28 – October 3, 2006 (5 pages).
5. Verbatim Meeting Minutes from Planning Commission for September 27, 2006.

Distribution:

Jay Conover, 25 Reservoir Rd, Los Gatos, CA 95030  
Joella Wanamaker, 2007 University Ave, San Jose, CA 95128  
Clos LaChance Wines, Inc., Bill and Brenda Murphy, 1 Hummingbird Lane, San Martin, CA 95046  
Fleming Jenkins-LLC, Greg and Peggy Jenkins, 300-A College Avenue, Los Gatos, CA 95030

BNL:VBN

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Date: September 21, 2006  
For Agenda Of: September 27, 2006  
Agenda Item: 3

REPORT TO: The Planning Commission  
FROM: The Development Review Committee  
LOCATION: 45 W. Main Street  
Conditional Use Permit U-07-2

Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026

PROPERTY OWNER: Jay Conover and Joella Wanamaker

APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC

DEEMED COMPLETE: August 2, 2006

FINAL DATE TO TAKE ACTION BY: February 2, 2006

FINDINGS:

- As required by Section 29.20.190 of the Town Code for the granting of a Conditional Use Permit
- As required by Section IV.B of the Redevelopment Plan for the Central Los Gatos Redevelopment Project that it meets the use set forth in the Town's General Plan.
- It has been determined that the project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.
- As required by the Town's Alcohol Policy to serve alcoholic beverages past 10:00 P.M

EXHIBITS:

- A. Required Findings (1 page)
- B. Recommended Conditions of Approval (1 page)
- C. Project Description (3 pages), received July 19, 2006.
- D. Justification Letter and Photos (19 pages), received July 19, 2006.
- E. Letter with Additional Parking & Tenant Space Information (2 pages), received September 7, 2006.
- F. Building Elevation Along Main Street, received July 19, 2006.
- G. Site Plan/Parking Plan, received July 19, 2006.
- H. Floor Plan (3 pages), received September 7, 2006.
- I. Town's Alcoholic Beverage Policy, Resolution 2001-106, (4 pages).
- J. Letter from Sant Cruz Mountains Winegrowers Association (1 page), received September 15, 2006.
- K. Letter from Sallie Robbins-Druian & Jay Druian (two pages), received September 18, 2006.
- L. Letters in Support of Project (15 pages), received September 19-21, 2006.

RECOMMENDATION  
SUMMARY:

Forward a recommendation to Town Council

A. BACKGROUND:

The applicants, Clos LaChance Winery and Fleming Jenkins Vineyards & Winery are applying for a Conditional Use Permit to operate a retail wine sales business with wine tasting in an existing 1,312 sq. ft. retail store (currently Antiques & Interiors of Los Gatos). The applicant currently operates under Alcoholic Beverage Control (ABC) License Type 02, which allows for a primary tasting room at the winery as well as one satellite location according to California Business and Professions Code Section 23390.5 (b). Clos La Chance Wines currently operates a primary wine tasting room at their winery and hospitality center in San Martin, CA. Their secondary location was previously at Cannery Row in Monterey, CA, which was closed in favor of moving to Los Gatos. Fleming Jenkins Winery does not currently have a wine tasting room.

B. PROJECT SUMMARY:

Clos LaChance Winery and Fleming Jenkins Vineyard & Winery currently operate wineries in San Martin and the Santa Cruz Mountains, respectively. The applicants propose to open a joint retail store/tasting room at the subject property to sell Clos LaChance and Fleming Jenkins wines and wine related retail products (Exhibits C&D). In addition to the retail area, the store will have two wine tasting counters (Exhibit H). There will be no on-premise sale of alcohol as their ABC license only allows for wine tasting and off-premise sales.

The following is a summary of the proposed uses and the permit required:

Proposed Use	Consistency with Town Code
Hours of Operation: <ul style="list-style-type: none"> <li>• 11:00 AM to 5:00 PM, seven days a week</li> <li>• 11:00 AM to 7:00 PM, for holiday seasons</li> <li>• 11:00 AM to 11:00 PM, for special events</li> </ul>	CUP Required
Alcohol service during all hours of operation.	CUP Required (additional findings required as part of Town's Alcohol Policy)
Wine tasting bar	CUP Required
Retail wine sales	CUP Required
Special Events including staff meetings, special new release tastings, bottle signings, vendor presentations, and other winery related business. Wine tastings may occur at special events.	CUP Required

C. REMARKS

1. Hours of Operation

The applicant is proposing to operate from 11:00 AM to 5:00, seven days a week and intends to operate later during the following occasions:

- 11:00 AM to 7:00 PM for holiday seasons.
- 11:00 AM to 11:00 PM for special events.

The Town's Alcohol Policy requires the following findings for alcohol service past 10:00 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. Staff has confirmed that the current wine tasting room operated by Clos LaChance Winery in San Martin does not have a history of code violations or complaints with the Santa Clara County Office of Planning.
- C. The applicant has demonstrated a clear benefit to the community.

2. Parking

The subject building consists of retail units on the ground floor and one office unit on the second floor. The building contains 4,973 sq. ft. and requires a total of 18 parking spaces. The property is located in the Parking Assessment District and has enough District parking spaces to support the current retail and office spaces. The proposed use is changing from specialty retail to specialty retail with an ancillary wine tasting component. There will be no additional impact on parking due to the change.

3. Alcohol Service

*Wine Tasting*

The applicant proposes to offer wine tasting in conjunction with the sale of retail wines for consumption off-site. The tasting will consist of five wines with one ounce pours or four wines for older vintages or smaller production wines. The areas for wine tasting are two designated counters with no proposed seating (exhibit H). The tastings will occur during all hours of operation.

*Retail Alcohol Sales*

The Alcoholic Beverage Control's Type 02 license allows only for the sale of wines for off-site consumption. Unlike the Type 41 license that restaurants typically utilize, the applicant will not be allowed to sell alcohol for on-site consumption, except for the minimal amount associated with wine tasting. The applicant will only be selling wines from the two wineries of Clos LaChance and Fleming Jenkins Vineyards. However, the store will display information for the various other wineries associated with the Santa Cruz Mountains Winegrowers Association.

*Alcohol Service During Events*

The applicant is proposing to operate wine tastings during special events that may occur until 11:00 PM. The types of events include staff meetings, special new release tastings, bottle signings, vendor presentations, and other winery related business.

4. Traffic

There will be no additional traffic impacts. The proposed specialty retail use is replacing a previous specialty retail use.

5. General Plan Conformance

The General Plan designation for the parcel is Central Business District Zone, which allows for community oriented goods and services, while maintaining a small town character. The following sections of the General Plan are relevant to the proposed application:

- L.P.1.3 - Encourage economic and social activity consistent with a small-scale, small town atmosphere and image.
- L.P.5.1 - Maintain a variety of commercial uses (a strong downtown commercial area combined with Los Gatos Blvd and strong neighborhood commercial centers) to meet the shopping needs of residents and to preserve the small-town atmosphere.
- L.P.5.2 - Encourage a mix of retail, office and professional uses in commercial areas, except in the Central Business District where retail should be emphasized.
- L.P.5.5 - Encourage the development and retention of locally-owned stores and shops.
- L.G.6.2 - Preserve downtown Los Gatos as the historic center of the Town with goods and services for local residents while maintaining the existing Town identity, environment and commercial viability.

D. CONCLUSION:

Staff finds that the proposed CUP is consistent with the Town's Alcoholic Beverage Policy due to the following:

- The proposed alcohol service is for wine tasting and not for a full alcohol service.
- The proposed use does not include full alcohol service in the form of a stand alone bar or restaurant with a separate bar.
- The use does not include any entertainment.
- Alcohol service is not proposed after 11:00 PM.

If the Commission is inclined to recommend approval of the service of alcohol past 10:00 PM as proposed, the findings listed in Exhibit A specific to late night alcohol service must be made. If the Commission wishes to recommend approval for the wine tasting, it should make all the findings as stated in Exhibit A and make a recommendation to the Town Council.

E. RECOMMENDATION:

Pursuant to the Town's Alcohol Policy, this matter must be referred to Town Council with a recommendation from the Planning Commission.

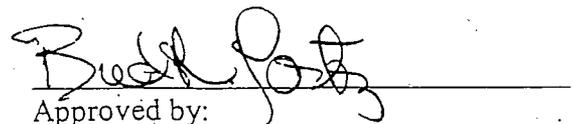
If the Planning Commission finds merit with the proposal, it should:

1. Make the required findings (Exhibit A),
2. Recommend approval of the application to Council, subject to conditions (Exhibit B).

If the Commission has concerns with the application, it can:

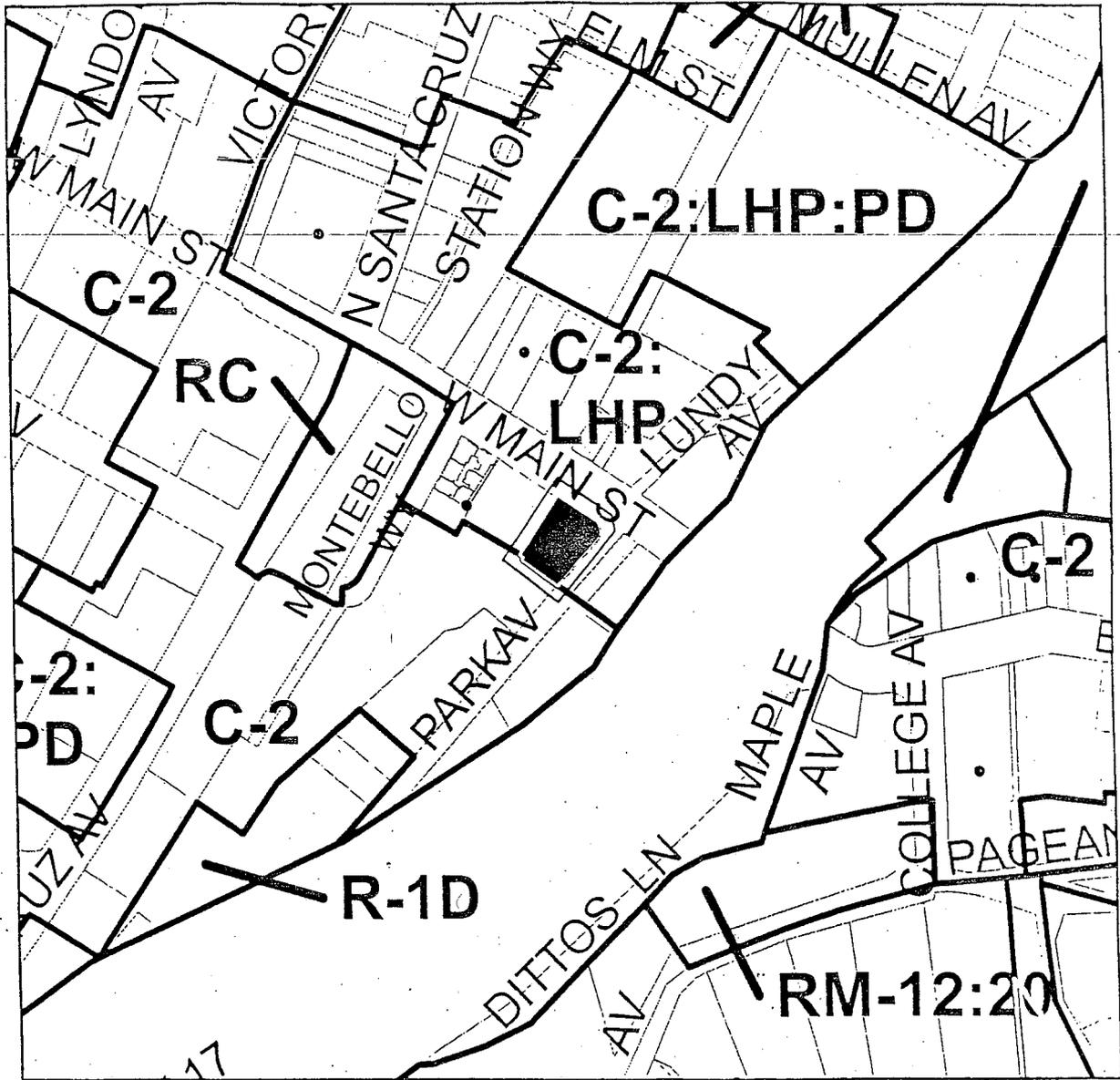
1. Recommend approval of the application to Council with additional and/or modified conditions of approval, or
2. Recommend denial of the application.

  
Prepared by:  
Vu-Bang Nguyen, Planner

  
Approved by:  
Bud N. Lortz,  
Director of Community Development

BNL:RT

# 45 W. Main St



## REQUIRED FINDINGS FOR

45 W. Main Street

Conditional Use Permit U-07-2

Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026

PROPERTY OWNER: Jay Conover and Joella Wanamaker

APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC

### FINDINGS

- As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is Categorical Exempt.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
  - (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:
    - (1) The proposed uses of the property are essential or desirable to the public convenience or welfare;
    - (2) The proposed uses will not impair the integrity and character of the zone;
    - (3) The proposed uses would not be detrimental to public health, safety or general welfare; and
    - (4) The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.
- That the proposed project is consistent with the Redevelopment Plan for the Central Los Gatos Redevelopment Project Area (Section IV.B).
- As required by the Town's Alcohol Policy for alcohol service past 10:00 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.

**CONDITIONS OF APPROVAL FOR:**

45 W. Main Street

Conditional Use Permit U-07-2

Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026

**PROPERTY OWNER:** Jay Conover and Joella Wanamaker

**APPLICANT:** Clos La Chance Wines, Inc & Fleming Jenkins LLC

**TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

(Planning Section)

1. **CONDITIONS:** These conditions of approval shall supercede all previously adopted conditions.
2. **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 Exhibit H in the report to the Planning Commission. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development or the Planning Commission, depending on the scope of the changes.
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.
4. **USE:** The approved use is a wine tasting room operated by Clos La Chance Wines, Inc and Fleming Jenkins LLC and retail store selling wines and wine-related retail products from Clos La Chance and Fleming Jenkins wineries.
5. **NUMBER OF SEATS:** The maximum number of seats shall not exceed 4 seats total.
6. **HOURS OF OPERATION:** Hours of operation for the business shall be 11:00 a.m. to 7:00 a.m. seven days a week.
7. **WINE SALES:** Retail sale of wine for off-site consumption is permitted from 11:00 AM to 7:00 PM, seven days a week.
8. **WINE TASTING:** Wine tasting is permitted. The maximum sample size for the tasting shall not exceed one ounce.
9. **SPECIAL EVENTS:** Special events such as staff meetings, special new release tastings, bottle signings, vendor presentations, and other winery related business are allowed. These events are limited to once a month with hours of operation from 11:00 AM to 11:00 PM. Entertainment is not permitted during these events.
10. **PROHIBITED USES:** Service of alcohol for consumption on-premises beyond the minimum allowed for a wine tasting is not allowed.

This letter is to outline the proposed Tasting Room to be jointly operated by the Clos LaChance Winery and the Fleming Jenkins Vineyards & Winery. The location for this facility is the Conover Building at 45 West Main Street in the Town of Los Gatos. Currently, the site is Antiques & Interiors, which intends to leave the location once the approval process for our Conditional Use Permit is completed. Other documentation submitted with our Conditional Use Permit request includes our current interim lease agreement and outlines the long term lease we will sign once the location is approved for our use.

**RECEIVED**

JUL 19 2006

## LICENSING

TOWN OF LOS GATOS  
PLANNING DIVISION

Unlike other operations that offer on-premise and off-premise sales of wine and other alcoholic beverages, we will be operating under a Type 2 license issued by the California Department of Alcohol Beverage Control (ABC). This license is different than the standard Type 41 license required by bars, restaurants or other businesses serving alcohol on-premise, or the typical retail license required by businesses selling wine for off-premise consumption. The Type 2 license is an extension of our winery production license that allows us to sell our wines direct for off-premise sales and to sample our wines on-premise. We are allowed to have one additional location outside our production facility to sample and sell our wines. Each winery will be operating on their own Type 2 license. The application for the license extension for the Los Gatos Tasting Room location will be made to coincide with the approval process of our Conditional Use Permit.

It should be made clear that under the provisions of this license, we cannot sell wine for on-premise consumption by the full glass or by the bottle. We can only offer samples of wine for tasting as a tool to promote our off-premise sales. A fee is permitted for wine sampling.

## SET-UP

The location in question will require no structural modification to turn over the operation from the current antique furniture shop, to a wine tasting room and retail location. The unit currently has a large space to set up the wine tasting area, retail and display fixtures and information station for other wine associations and wineries in the region. In addition the back office is already set up for storage and has a restroom facility and small utility room with the appropriate sink and plumbing for a professional dishwasher that will be required for our tasting glasses.

The only modifications, aside from built-in and stand-alone retail and display fixtures will be the repainting of the interior. Exterior signage for our operation would be replicated to match the dimensions of the current signage and would be submitted for approval to the appropriate department prior to installation.

## OPERATION

The Tasting Room will offer the wines of Fleming Jenkins and Clos LaChance. No other wines will be permitted for sampling or sale under our Type 2 licenses. Other non-wine merchandise such as wine accessories, glassware, books, winery logoed clothing and other "Wine Country Lifestyle" merchandise will be offered to our customers.

Wine tastings will be offered in several controlled flights. Two primary models will be utilized for our operation. The first is our general wine tasting, consisting of five wines offered in one ounce pours. These pours will be measured to assure that we are consistent with the spirit and the rules under our licensing. A five dollar charge will be required for this tasting option. If a guest purchases a bottle of wine, the five dollar tasting fee will be returned as a discount on the purchase.

The second option for tasting will be of our Limited Release (small and special production wines) and/or Library (older vintages) wines. This tasting will be a selection of four wines with one and a half ounce pours in a different shaped and sized tasting glass that will benefit these unique wines. The fee for this tasting will be ten dollars, with five dollars being given back as a discount if the customer purchases a bottle of wine.

The fees for tasting are not intended as a profit mechanism for the operation, but to help offset the cost of sampling. They also serve as an incentive to purchase bottles or cases of wine, since the customer will receive all or half of their fee as a discount on the purchase. It also serves as a way to discourage those that would try to take advantage of the wine sampling opportunity.

The general business hours of the Tasting Room will be limited to a daytime operation. It is our intention to be open by 11:00 a.m. and closed between 5:00 and 7:00 p.m. based on seasonal considerations. We do plan to periodically utilize the facility in the evenings for winery related business and events. These include staff meetings and activities like special new release tastings, bottle signing events, vendor presentations, and other winery related business. If wine sampling is offered for any of these events, our Type 2 licensing rules will still apply.

In addition to our tasting room and retail operation, we will have available information on the entire Santa Cruz Mountain wine growing region. We will allow, and encourage other wineries from the area to provide us with materials and maps on how to get to there wineries facilities and tasting rooms. Both Fleming Jenkins and Clos LaChance are part of several regional wine producer and grower associations and feel that the promotion of the entire Santa Cruz

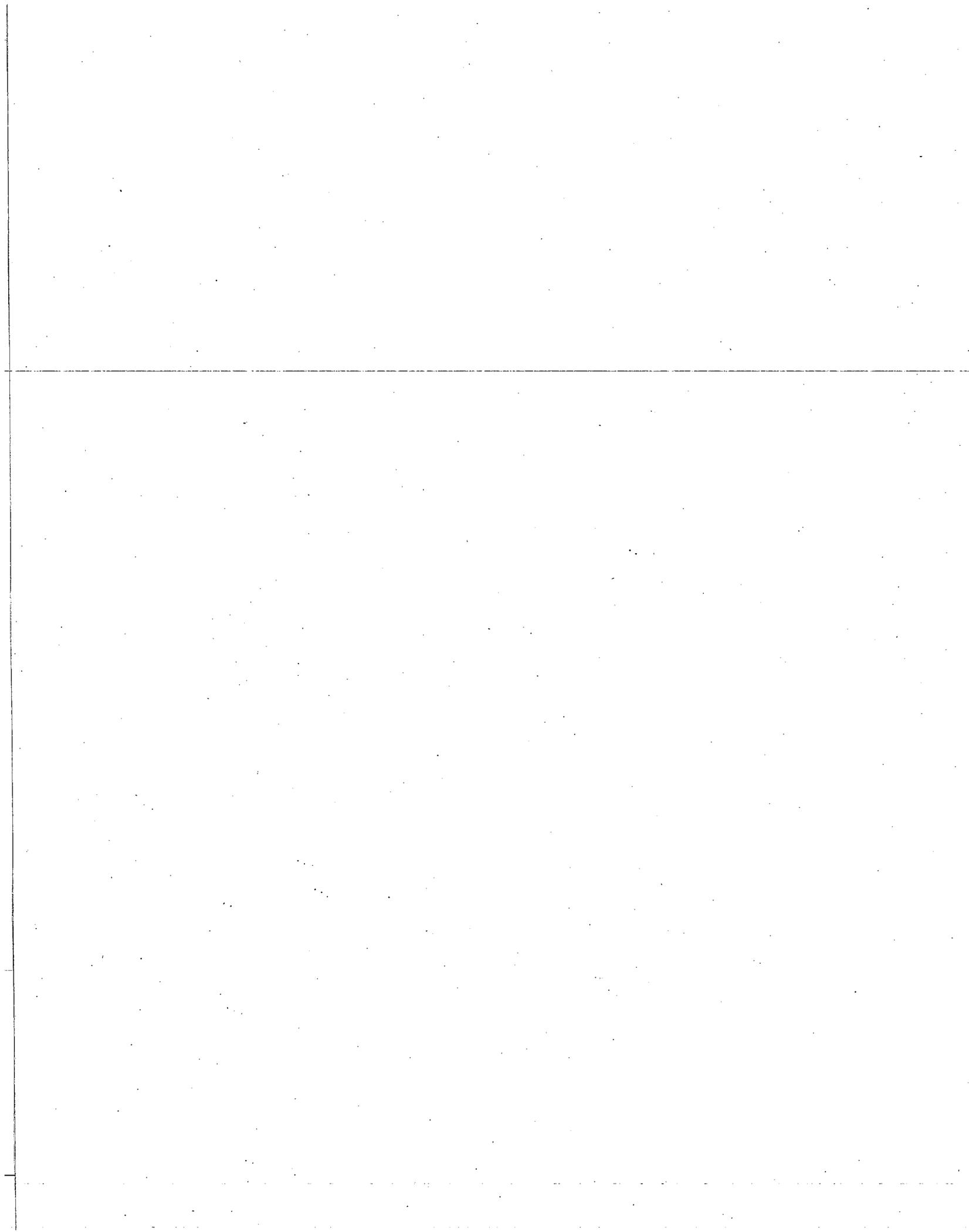
Mountain and Santa Clara Valley appellations will not only be a benefit to our two wineries, but to the wine region as a whole. These benefits should also extend beyond the local wine industry and should positively impact local retailers and restaurants as well.

Clos LaChance will be responsible for the daily management and training of staff for the joint Tasting Room. Clos LaChance has experience in operating tasting rooms, both at their Winery and Hospitality Center in San Martin, as well as a secondary tasting room in Monterey that was recently closed in favor of pursuing the Los Gatos location. In addition, those involved with the management and training of personnel for this Tasting Room location have been formally trained by the Court of Master Sommeliers and Society of Wine Educators. These two organizations help to set the professional standards for the wine service industry.

We will be working with the VTA as well as private transport and tour services to promote offering that will allow for wine tasting at not only our facility, but other tasting rooms and wineries in the area and encourage a responsible designated driver program.

In conclusion, please let me reiterate the fact that our proposed operation is uniquely different than other wine tasting or wine sales venues in the downtown area. Our ABC license is more restrictive and limited than the other ABC licenses. The wine sampling we will be offering is limited to the wines we produce under our two respective labels. Wines cannot be offered or consumed by the glass or by the bottle on premise. Controlled sampling is the only option allowed in the service of selling our wines for off-premise use.

The principles and staff of the Fleming Jenkins Vineyards & Winery and the Clos LaChance Winery thank you for your considerations.



July 12, 2006

**RECEIVED**

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TOWN OF LOS GATOS  
PLANNING DIVISION

To the Town of Los Gatos

This letter is provide the Los Gatos Planning Commission and Town Council information related to our application for a Conditional Use Permit allowing us to open a Winery Tasting Room in the downtown business district to be operated jointly by the Fleming Jenkins Vineyards & Winery and the Clos LaChance Winery. The intended location for our business is 45 West Main Street. The following information is being submitted for your considerations during the permitting process.

## **BACKGROUND**

***Fleming Jenkins LLC***  
***300-A College Avenue***  
***Los Gatos, CA 95030***

Dr. Greg Jenkins and his wife, Olympic Figure Skating Gold Medalist Peggy Fleming have lived in the hills above Los Gatos since 1978. They have raised their children in the community and have participated in a number of local community activities throughout the years. In 1999, they planted a small Chardonnay vineyard on their ridge top property and launched the production of their wines with the assistance of the Clos LaChance Winery in San Martin, California. Since that first vintage, Greg and Peggy have moved the winemaking for the Fleming Jenkins Vineyards & Winery closer to home and now share the Historic Novitiate Winery facility with another well known local wine producer, Testarossa Vineyards. Fleming Jenkins production includes Chardonnay, Rose', Syrah and Cabernet Sauvignon. Included in their portfolio is a special bottling of a Syrah based Rose' called *Victories Rose'* with net profits from the sale of this wine going to support breast cancer research. Fleming Jenkins Vineyards & Winery are members of the Santa Cruz Mountains Winegrowers Association and the Viticulture Association of the Santa Cruz Mountains. Both organizations promote the unique and historic vineyards, wineries and wines of the Santa Cruz Mountains appellation. Additional background material has been included with this letter. *(Please see attachments A and B)*

***Clos LaChance Wines, Inc.***  
***1 Hummingbird Lane***  
***San Martin, CA 95046***

In 1987, Bill and Brenda Murphy planted a small Chardonnay vineyard in their Saratoga backyard for landscaping purposes, never intending to become vintners. A few years later, the wine that they started to make for themselves and for family and friends was in such demand, that by 1992, Clos LaChance became a commercial venture. In 1996, in order to ensure a continuing supply of quality fruit for their growing winery, Bill and Brenda started CK Vines, a vineyard management company that specialized in backyard vineyards, many established in the Santa Cruz Mountains. Bill and Brenda continued to produce their wines in rented facilities at other wineries in the Santa Cruz Mountains, including the Novitiate Winery in Los Gatos where Fleming Jenkins is currently producing their wines. As production of Clos LaChance wines grew, the Murphy's moved from purchasing most of their fruit to growing their own. In 1999, the Murphys planted a large vineyard adjacent to the newly developed CordeValle Estates and Resort in San Martin, California. In 2001, they moved their winemaking operation to their new, modern winery facility on a hill above the vineyards and in the spring of 2002, opened the Clos LaChance Winery and Hospitality Center to the public. Today, Clos LaChance produces some 60,000 cases including Viognier, Sauvignon Blanc, Grenache, Merlot, Zinfandel, Cabernet Sauvignon, Syrah, and Petite Sirah from their Estate Vineyards, and Chardonnay and Pinot Noir from vineyards located in the Santa Cruz Mountains. The winery operation also includes their two daughters, Cheryl and Kristin. In fact, Cheryl currently serves on the Board of Directors for the Santa Cruz Mountains Winegrowers Association, helping to promote the regions wines. For further background information, please see the additional materials provided. *(Please see attachments C, D, and E)*

## **LOCATION**

***45 West Main Street  
Los Gatos, CA 95030***

The location we are proposing for our Tasting Room is currently the known as Antiques & Interiors operated by Ms. JoElla Wanamaker. The Conover Building, where the antique shop is located, is jointly owned by Ms. Wanamaker and her business partner Mr. Jay Conover. The antique shop is planning on moving out of the location and we currently have an interim lease to reserve the location effective July 1, 2006. The antique shop will remain in the location during the approval period for our Tasting Room and will vacate upon the positive conclusion of the approval process.

The terms of our lease are currently month to month until we obtain final approval from the Town Council. Upon approval, we will be committing to a five year lease, with a five year option and intend to open within 30 to 60 days. Attached is a copy of our Interim Lease Agreement establishing our presence at the location and outlining our intent to sign a longer term lease once our operation is approved. *(Please see attachment F)*

## LICENSING

The Tasting Room will feature the wines of Clos LaChance and Fleming Jenkins. We will be operated under an extension of our individual State of California Alcohol and Beverage Control Type 2 licenses. This extension of our winery licenses allows us to operate one additional Tasting Room outside our wine production facility.

The Type 2 license is different than the Type 41 license that bars and restaurants are required to have to offer on-premise alcohol sales. It is also different than the licensing required by general retailers to sell bottles of wine and other alcoholic beverages off-premise. The terms of the Type 2 license only allows us to sample our wines in a tasting room environment and to sell our wines for off-premise sales. Each winery will be operating under their own Type 2 license. Both wineries will have to make a public posting 30 days prior to approval of the license extension with the A.B.C.

It should be made clear that we *will not* be offering sales of wines by the glass or bottles of wine for consumption on premise. The tasting room will be staffed with knowledgeable and highly trained staff. Wine sampling will be offered in controlled flights with one ounce pours. These pours will be controlled with measured pour spouts on the bottles to assure their accuracy. These practices are common to tasting room operations and provide an effective way to monitor and control the sampling consumption of our guests. It is neither our intention, nor is it permitted under our Type 2 licenses, to create a "Wine Bar" environment. The purpose for the wine sampling is to provide our customers the ability to make an informed judgment on the wines they will be purchasing from us for their personal off-premise use.

## TASTING ROOM OPERATION

This will be the primary tasting room location for the Fleming Jenkins Vineyards & Winery and a secondary location for the Clos LaChance Winery. Clos LaChance plans to manage the daily operation of the facility for both wineries. Clos LaChance has experience in operating tasting rooms as we currently have our primary Hospitality Center at our Winery facility in San Martin, and we previously had a secondary tasting room on Cannery Row in Monterey, California. The location for this operation was in the Monterey Plaza Hotel complex at 400 Cannery Row and was operating for 2 years. The facility was recently closed in favor of moving to the Los Gatos area. Attached are photos of the Monterey facility to give the Planning Commission and Town Council a visual representation of the type of facility we intend to create for the Los Gatos Tasting Room. *(Please see attachments G and H)*

Wine tastings will be offered in several different flights. Our general wine tasting program will consist of 5 wines offered in one ounce pours. A charge of \$5.00 will be required to taste, with the fee being given back as a discount if the customer purchases a minimum of one bottle of wine. Our Limited Release

(small lot production wines) or Library (older vintages) tasting program will consist of 4 wines with an ounce and a half pour and a charge of \$10.00. \$5.00 of this fee will be given as a discount if the customer purchases a minimum of one bottle of wine. Fees for sampling wine are to discourage individuals trying to take advantage of the wine tasting opportunity and to encourage retail sales, as customers will be discounted all or a portion of their tasting fee when they purchase wines.

In addition to Clos LaChance and Fleming Jenkins wines, we will be selling a variety of wine accessories and home lifestyle merchandise. Some of the products include Riedel glassware, Lagioule corkscrews and kitchen utensils, Nachtmann crystal vases and serving pieces and Gear for Sport clothing with the logos of the two wineries. These items, along with others, are intended to offer our customers a taste of the Wine Country experience.

Hours of operation will vary seasonally and are meant to service both the local community and the tourist trade. We plan to open daily by 11:00 a.m. and close between 5:00 – 7:00 p.m. depending on seasonal traffic. We do not have any plans to remain open for regular business through the evening hours. On occasion, we may have the facility open in the evening for special winery related events, such as new release parties, bottle signings, vendor presentations and other unique and special activities. Once again, the rules of our Type 2 licenses will apply. If wine is being offered at any of these events, they will be in sampling portion only. No wines will be offered by the full glass or for open bottle consumption on premise. These events will conclude no later than 11:00 p.m.

Along with the Fleming Jenkins and Clos LaChance brochures and materials, we will have available materials from the Santa Cruz Mountains Winegrowers Association. This will include not only the Associations maps and brochures, but flyers and brochures from the membership wineries as well. By having these materials available to our customers, our tasting room will serve as a *de facto* information center for the region, helping to promote not only our two wineries, but all of the wineries of the Santa Cruz Mountains.

As part of policy and to assure that we are good neighbors in the community, we will be promoting responsible consumption and encouraging the use of designated driver when wine tasting. We are working with local tour agencies and the VTA to promote car pooling and the use of contracted or public transportation when visiting our facility and other wineries in the Santa Cruz Mountains.

## **IMPACT ON THE COMMUNITY**

The interest in wine and winemaking is on the rise. In the past year, wine has become the number one beverage choice for Americans, surpassing beer and sodas.

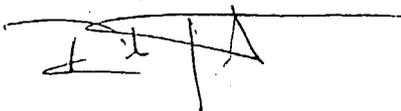
The Santa Cruz Mountains is one of the oldest and one of the most historical of all of California's great wine regions. The famed wine writer and critic Robert Parker predicted that over the next decade, the Central Coast wineries, of which the Santa Cruz Mountains is an important participant, will become as globally renowned and recognizable as the wine regions of Napa and Sonoma. The town of Los Gatos is uniquely situated to take advantage of this opportunity and become the gateway to the Santa Cruz Mountains winegrowing region.

This trend should have a positive impact on the local business community as well. Wine Tasting Rooms attract a demographic that traditionally has more disposable income that may directly benefits local retail merchants and restaurants. Wine Tasting Rooms also attract a certain amount of tourism from outside the traditional scope of the community, exposing more people to the benefits and commercial resources that the town of Los Gatos has to offer. The potential positive impact to Los Gatos with the inclusion of wine tasting rooms as part of a balanced retail and restaurant business mix in the downtown district can be seen in other towns like Napa, St. Helena and Healdsburg where the formula has created a win-win situation for both local merchants and the community as a whole.

If you require additional information, please feel free to contact me directly. As the coordinator for this project, I bring with me experience as the Assistant Operations Manager for Robert Mondavi at their Golden Vine Winery project, prior to my current position as the Director of Hospitality for the Clos LaChance Winery. During my tenure with both of these organizations, I was responsible for establishing and operating tasting room facilities and creating public programs for the wineries. As a result, I have worked with a number of vendors, municipalities and regulatory agencies to make sure we operated a fully compliant, responsible and successful tasting room operation that not only benefited our respective companies, but the surrounding communities as well. For this project, I will serve as the lead contact person to coordinate any materials that you require and make sure that the proper individuals from our respective organizations respond to your requests.

The principals and staff of the Fleming Jenkins and Clos LaChance wineries thank you for your time and considerations.

Sincerely,



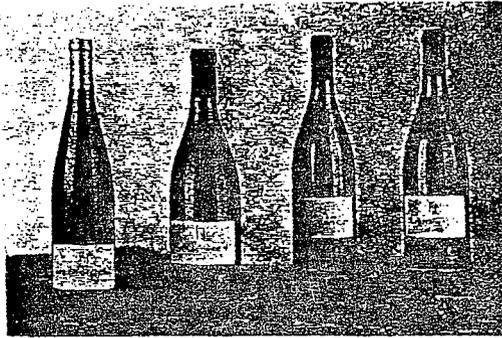
Rick Toyota  
Director of Hospitality and Wine Education  
Clos LaChance Winery  
Business Phone: (408) 686-1050 x110  
Cell Phone: (714) 329-5074  
Email: rick@clos.com

ATTACHMENT A

# FLEMING JENKINS

## VINEYARDS & WINERY

300-A COLLEGE AVE.  
LOS GATOS, CA 95030  
WWW.FLEMINGJENKINS.COM  
(408) 358 - 4949



For the two of us, each bottle of wine we produce is a quest to bring to full expression the fruit from our own small hillside Chardonnay vineyard and from the vineyards of a few of our friends.

Many years ago, enchanted by the magic of wine, we dreamed of cultivating a vineyard and making wine together. In 1999, we cleared land near our home in the hills above Los Gatos and planted 650 vines. And from that small start grew a deeper appreciation for life in the vineyard and a developing comprehension of the winemaking process. With the help and encouragement of friends and family, the dream of our own winery became a reality.

Fleming Jenkins Vineyards & Winery produced its first wines with the 2003 vintage — a Chardonnay from our hand-harvested home vineyard, a Syrah Rosé and two Syrahs. Of the latter, one was sourced from our friend John Madden's vineyard in the Livermore Valley, the other from a family owned vineyard located near the Pacific Ocean.

In the future, we plan to craft and release these wines and others, in small quantities, from very special vineyards.

*Peter Fleming Jenkins*

*Greg Jenkins*

## ATTACHMENT B



### FLEMING·JENKINS

VINEYARDS & WINERY

#### **Fleming Jenkins Vineyard & Winery**

Thank you for your interest in Fleming Jenkins Vineyard & Winery. Many years ago, enchanted by the magic of wine, we dreamed of cultivating a vineyard and making wine together. In 1999, we cleared land near our home in the hills above Los Gatos and planted 650 vines. And from that small start grew a deeper appreciation for life in the vineyard and a developing comprehension of the winemaking process. With the help and encouragement of friends and family, the dream of our own winery became a reality. For the two of us, some of our most cherished and uplifting memories are of joyous occasions made even more special with wine, warm conversation and wonderful food. We hope that our Chardonnay, Syrah Rose' and two Syrahs made from grapes grown in our own vineyard and those of some of our dearest friends, will become a part of your own treasured celebrations, whether large or small.

Fleming Jenkins Vineyards & Winery produced its first wines with the 2003 vintage — a Chardonnay from our hand-harvested home vineyard, a Syrah Rosé and two Syrahs. Of the latter, one was sourced from our friend John Madden's vineyard in the Livermore Valley, the other from a family owned vineyard located near the Pacific Ocean. Our goal is to produce vineyard focused wines that express the personality of sites and clones, while exhibiting the grace and finesse we admire in great wine.

In the future, we plan to craft and release these wines and others, in small quantities, from very special vineyards.

#### **Winemaking & Vineyards**

We are a bonded winery and enjoy the privilege and camaraderie of being located alongside Testarossa Vineyards in the historic Novitiate Winery in Los Gatos. This gives us an opportunity to frequently compare notes with Testarossa Vineyards' proprietors Rob and Diana Jensen and their winemaking team. As with most of life's endeavors, we find great value and results in the sharing of knowledge and perspective.

At Fleming Jenkins, our goal is the creation of exceptional wines that are reflective of the land and expressive of each vineyard's unique personality. And we have taken great care in locating exceptional single vineyard fruit sources. From bud break to bottling, we take a hands-on approach to every phase and detail in the art of winemaking. At the winery, whole clusters are hand sorted before pressing and the wines are fermented and barrel aged in their original small lots; then bottled and cellared under ideal conditions until release.

## **Greg Jenkins, Winemaker**

The skills that helped make Greg a successful physician serve him well as a winemaker. Both professions call for an understanding of science and its application. There are deeper aspects to both endeavors that motivate him as well. "Winemaking, like medicine, is a team effort that requires vision and dedication to the craft," he says. "You can't succeed in either undertaking without a real commitment to the people involved and to the creativity and inspiration they bring."

Over the years, while his medical career and family consumed his time, Greg's interest in wine and his desire to become a winemaker grew. When the opportunity to realize his dream came, Greg pursued it literally from the ground up, and he and Peggy planted a small vineyard next to their home. While the vines matured, Greg developed his winemaking skills, taking courses at U. C. Davis and seeking the counsel of established winemakers. "There is both an academic and a practical side to winemaking," he says. "You learn only by doing, while balancing the science and the art."

For Greg, the long journey from wine enthusiast to winemaker has been well worth it.

"There is nothing like walking through a vineyard on a warm, summer afternoon to take away your cares. You immediately appreciate nature's gifts — the earth, the sun and, of course, the vines."

*Greg Jenkins*

## **Peggy Fleming Jenkins**

Combining poise, athleticism and artistry, Peggy won the coveted gold medal in figure skating at the 1968 Olympics in Grenoble. These same attributes have guided her life beyond skating and created many challenging and rewarding opportunities. Even as her career has brought public acclaim and personal satisfaction, Peggy's true joys have been her home, her family, entertaining friends and spending time in her gardens. So when she and Greg decided to realize their dream of planting a vineyard and making their own wine, Peggy saw it as a natural extension of the things she enjoyed most, approaching the process with her signature enthusiasm and style.

Peggy grew up in Morgan Hill, very near the Santa Cruz Mountains where she and Greg now make their home. Her mother and grandfather were both avid gardeners who created and tended wonderful gardens full of native flowers, plants, and many varieties of seasonal produce. Peggy inherited their passion. And for her, grape-growing is a continuation of her family's rich heritage in outdoor cultivation that has led to her growing viticultural expertise.

"In skating, when everything is right — technique, choreography, music and costume — a performance lifts an audience's emotions," says Peggy. "A wonderful wine can do the same — combining warm conversation and wonderful food with the joy of friends, blending them into the rich, festive moments that become some of our most cherished memories."

*Peggy Fleming Jenkins*



# Clos LaChance

San Martin, California

ATTACHMENT C

## ABOUT CLOS LACHANCE WINERY

### MISSION

Clos LaChance's mission is to provide our customers with high quality, stylistically consistent wines that represent the characteristics of our Estate Vineyards and the Santa Cruz Mountains. We strive to capitalize on our current and future resources in the vineyards and facility, as well as provide superior value in the ultra premium wine segment.

### THE NAME AND THE HUMMINGBIRD

Clos LaChance takes its name from the small fenced-in area encompassing a vineyard (Clos) and from co-owner Brenda Murphy's maiden name.

The hummingbird was chosen as the winery's symbol for both its aesthetic beauty and its ability to keep other birds away from the grapes.

### HISTORY

In 1987, co-owners Bill and Brenda Murphy decided to plant some Chardonnay in their Saratoga backyard. The wine was good enough that people wanted to buy it. It was at this point that Clos LaChance formed into a company. The first commercially released wines were from the 1992 vintage.

### CK VINES

In 1996, in order to ensure a continuing supply of high-quality fruit, Bill and Brenda established CK Vines, a vineyard maintenance and installation company specializing in "back-yard" vineyard development throughout the Santa Cruz Mountains appellation. CK Vines is named after the Murphy's two daughter's, Cheryl and Kristin.

### SAN MARTIN LOCATION

Also in 1996, The Murphy's began to search for a permanent "home" for their growing wine business. They were introduced to the developers of a new resort called CordeValle, which is located in San Martin, CA (about 20 miles south of San Jose, 40 miles north of Monterey).

As part of the permitting for the CordeValle resort and golf course, a certain amount of land was required to be planted in the historical agriculture of the region-grapevines.

Clos LaChance supervised the installation of the vineyard and started building a 60,000 case per year production facility and hospitality center on the 6th hole of the golf course. The production facility was completed in August 2001 and the hospitality center (tasting room and banquet facilities) opened to the public in May 2002.

In 2000 and 2001, Clos LaChance teamed up with the O'Brien Group to plant an additional 80 acres of vineyards surrounding the homes at CordeValle Vineyard Estates, a luxury community adjacent to the CordeValle resort. Clos LaChance's expertise has been utilized to farm and maintain approximately 80 acres of Cabernet Sauvignon, Merlot and Syrah vines. Clos LaChance and the residents of CordeValle Vineyard Estates welcomed the first crop of fruit during the Harvest of 2003.

### NOTE: SANTA CRUZ MOUNTAINS

In addition to being one of the most beautiful places in California, the Santa Cruz Mountains also grows some of the state's finest grapes. The rugged topography of the region limits the size of individual vineyards. Via the CK Vines program, Clos LaChance farms approximately 25 acres of Santa Cruz Mountains fruit.

### TECHNICAL DATA

Owners: The Murphy Family  
Bill, Brenda, Cheryl and Kristin  
Director of Winemaking: Stephen Tebb  
Estate Vineyard Manager: Ben Scorsur  
CK Vines Vineyard Manager: Matt Read  
Hospitality Manager/Sommelier: Rick Toyota  
2005 Case Production: 45,000  
Major Varietals Produced: Sauvignon Blanc, Chardonnay, Pinot Noir, Merlot, Cabernet Sauvignon, Merlot, Zinfandel, Syrah

Clos LaChance

1 HUMMINGBIRD LANE

SAN MARTIN, CA 95046

TEL 408 660 1950

WWW.CLOS.LACHANCE.COM

© 2005 CLOS LACHANCE



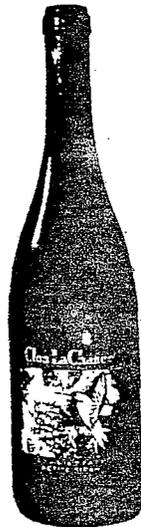
# Current Product Line

Chateau  
Lafite  
Bordeaux



## The Hummingbird Series

- Pink-Throated Brilliant Rosé
- Glittering Emerald-Throated Chardonnay
- Violet-Crowned Merlot
- Black-Chinned Syrah
- Buff-Bellied Zinfandel
- Ruby-Throated Cabernet Sauvignon



## The Estate Series

- Estate Sauvignon Blanc
- Estate Viognier
- Estate Grenache
- Estate Petite Sirah
- Santa Cruz Mountains Chardonnay
- Santa Cruz Mountains Pinor Noir



## Special Selections Series

- Biagini Vineyard Pinot Noir
- Erwin Vineyard Pinot Noir
- Biagini Vineyard Chardonnay
- Liebler Vineyard Chardonnay

## Clos LaChance Winery

1 Hummingbird Lane  
San Martin, CA 95046  
Phone: (408) 686-1050  
Fax: (408) 686-1052  
email: cheryl@clos.com  
Web site:  
www.closlachance.com  
Annual Production: 30,000 cases  
Winemaker: Stephen Tebb  
Winery Owners: Bill and Brenda  
Murphy

### Access

Open weekdays 11-4;  
weekends 11-5

### Tastings

\$3 tasting fee;  
Tour and tasting (call ahead): \$10  
per person  
Wines: Chardonnay, Cabernet  
Sauvignon, Merlot, Nebbiolo, Pinot  
noir, Syrah, Zinfandel

Sales of wine-related items? Yes

### Clos LaChance Wine Club

Two bottles eight times a year at  
about \$50 each shipment;  
20% discount on shipments and  
purchases at winery;  
Invitations to additional events

### Picnics and Programs

Picnic area;  
Wine education events;  
Event site for weddings, parties,  
corporate events, winemaker  
dinners and other events;  
Participates in Santa Cruz  
Mountains Winegrowers  
Association events

## Clos LaChance Winery

The Clos LaChance Winery began in a garage in Saratoga and has grown into an old-world style facility with well-recognized wines. "Our goal," says Cheryl Murphy Durzy, marketing director, "is to make good wine that people like to drink."

In 1987 Bill and Brenda Murphy decided to put in a vineyard on their Saratoga property because they thought it would enhance the beauty of the land. The vineyard was such a success that they decided they'd make 50 to 70 cases of wine from their grapes as gifts for their friends.

Unfortunately, Mother Nature had other plans. In 1989 the Loma Prieta earthquake hit, destroying the Murphy's first vintage. The wine was ruined by the oxidation caused when the barrels were knocked over.

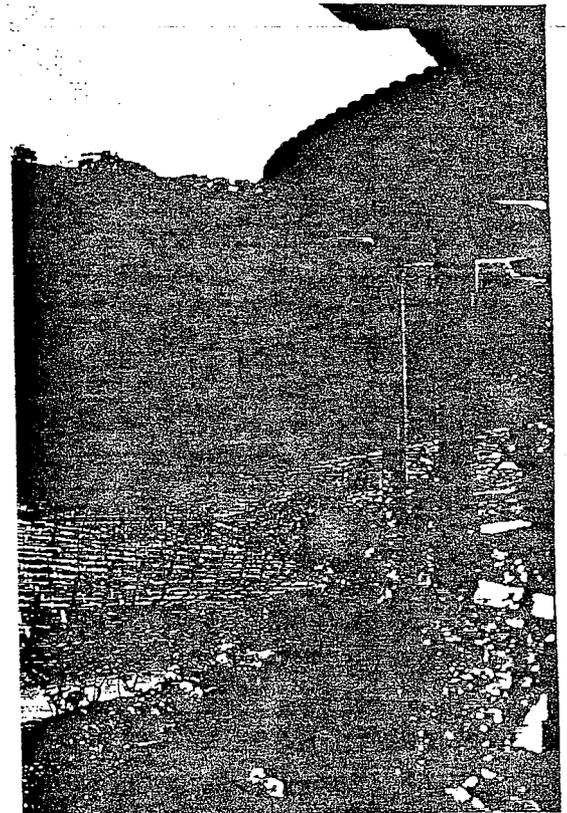
Ever resilient, they tried again and in 1992 delivered their first commercial vintage of 100 cases of Chardonnay. Clos LaChance Winery was born. The Murphys named their winery for Brenda's maiden name (LaChance) and a small fenced-in area encompassing a vineyard (Clos).

The pressure to develop more land for housing for nearby Silicon Valley employees decreased the amount of land for agriculture, including vineyards. To counteract this, the Murphys created CK Vines, a company that contracted with homeowners (like former figure skater Peggy Fleming) to put vines in their backyards in 1996. CK Vines managed the vineyard and purchased the grapes, giving Clos LaChance complete control over their fruit. This creative endeavor resulted in contracts with about 20 homeowners and vineyards ranging from 1/2 acre to five acres in size.

Like other start-ups, Clos LaChance didn't have an actual winery at first, but relied on Roudon-Smith, Savannah-Chanelle and the Novitiate to house their growing wine business.

Bill Murphy believes that it's best to "hire someone who knows how to do their job and let them do it," so they've relied on others to perform day-to-day winemaking and vineyard management. Still it is the Murphys who provide the vision for the style of Clos LaChance wines. Their aim is to have a stylistically and varietally consistent wine that goes well with food and is pleasant to drink.

In 1996 the Murphys felt that they needed to expand beyond their fabricated winery operation and move into a home of their own. Their small "estates" weren't producing enough



Sunset over the Clos LaChance vineyard

estate wine. In a serendipitous connection, they met with the owners of the planned resort and golf course of CordeValle in San Martin. As part of CordeValle's commitment to the community, a certain portion of the land needed to be developed for agriculture -- specifically the traditional agriculture of the area -- grapevines.

The Murphys supervised the vineyard plantings and influenced the design of the 60,000-case winery building, incorporating gravity-flow technology

and small-lot fermentation tanks. The result is a stunning Mediterranean style building in the center of many acres of vineyards. Driving down Hummingbird Lane, you can see the namesake birds, hawks and marsh birds, as well as the occasional fox. The Murphys chose the hummingbird as a symbol because they are the only beneficial bird in a vineyard; the rest will eat the grapes.

Like many small winemakers, the Murphys view wine as something that is integral to life, including its celebrations. Their vision for the winery included a facility that is available for corporate events and weddings. "Of course," Cheryl Murphy Durzy says, "people do have to understand that this is a working winery." She mentioned standing on the plaza watching a bridal car wend its way to the winery -- in the middle of a series of trucks bringing grapes to the crush pad for processing at harvest time!

Another important component of Clos LaChance is its education program. "Only 10% of people in the United States drink 90% of the wine," Cheryl says. Part of the reason is that wine appreciation remains a mystery to most people. Clos LaChance seeks to cultivate an understanding of wine in its consumers.

The Murphys begin in the tasting room with an essence table. The table is laid with several goblets containing elements that provide smells similar to those you might find in wine, for example, lemon, grass and toast. Since the nose is a critical factor of taste, the essence bar allows you to compare the elements you smell with what you taste in the wine. This enhances your vocabulary of wine.

The education extends to small group courses with such titles as "What a Difference a Glass Makes," "The Varietals of California," and "Winemaking 101." Clos LaChance's Director of Hospitality, Rick Toyota, is a genial and knowledgeable host at these events.

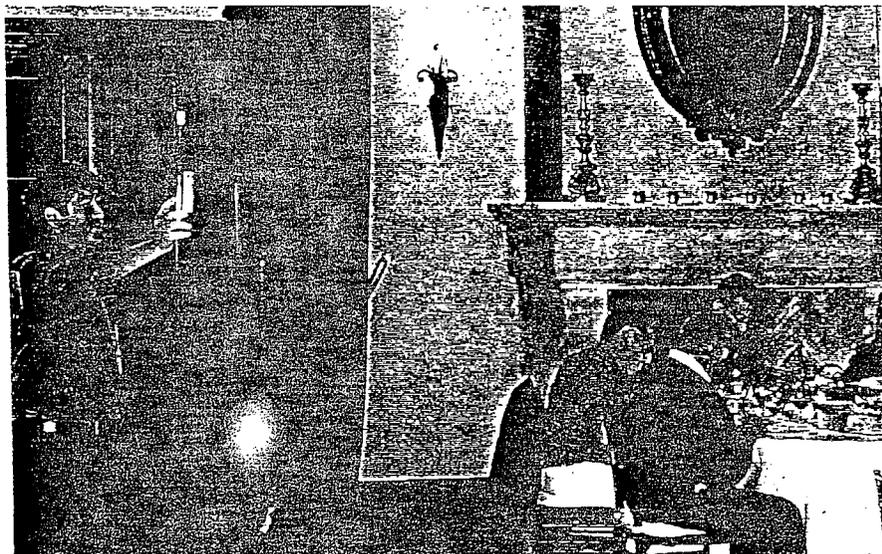
When all is said and done though, it's about the wine. Although an advocate for Santa Cruz Mountains' fruit, Clos LaChance also gets grapes from places that seem more suited to the particular varietal grape. For example, there is a Syrah from Paso Robles and a Zinfandel from El Dorado. The vineyard surrounding the winery in San Martin contains 22 different varieties -- the main Bordeaux grapes -- both red and

white -- as well as red Rhône varieties. In addition, they have five clones of Zinfandel. Although still in its infancy, the vineyard promises a significant crop for future Clos LaChance wines.

The vineyards are managed in the safest way possible, although Clos LaChance isn't striving for an organic vineyard. Perhaps one of the more unusual aspects of the vineyard, besides its origin, is the use of technology to maintain the vineyard at an optimum level. Monitors throughout the vineyard check field and soil conditions. Computerized systems also measure and monitor the flow of water and fertilizers throughout the vineyard. This information is fed to computers in the winery so that the vineyard manager, Ben Scorsur, can take the appropriate actions. Bill Murphy's experience as a top executive in the tech industry has contributed to the impressive use of technology in the vineyard.

The Murphys acknowledge, however, that for all the gadgets and wizardry, grapes grow at their own pace, rather like children, and there's only so much control one has over the vineyard.

The people of Clos LaChance Winery consider the Santa Cruz Mountains one of the most important winegrowing regions in California. They invite you to visit to taste their wine, experience their tasting room and learn more about wine and its importance in life.



Rick Toyota hosting class on California Varietals

# CONOVER BUILDING

25 Reservoir Road  
Los Gatos, California 95030  
(408) 354-2755

ATTACHMENT F

## INTERIM LEASE AGREEMENT

July 1, 2006

The following agreement serves as an Interim Lease Agreement between Bill and Brenda Murphy, dba Clos LaChance Wines, Inc. and Greg and Peggy Jenkins, dba Fleming Jenkins LLC, in order to identify and declare the premises situated in the Town of Los Gatos, County of Santa Clara, State of California described as 45 West Main Street consisting of approximately 1312 square feet of retail space as their place of business pending necessary approvals to do business by the Town of Los Gatos and the State of California.

**Lessors:**

Jay Conover  
25 Reservoir Road  
Los Gatos, CA 95030  
(408) 354-2755

JoElla Wanamaker  
2007 University Avenue  
San Jose, CA 95128  
(408) 244-2730

**Lessees:**

Bill and Brenda Murphy, dba Clos LaChance Wines, Inc.  
1 Hummingbird Lane  
San Martin, CA 95046  
(408) 686-1050

Greg and Peggy Jenkins, dba Fleming Jenkins LLC  
300-A College Avenue  
Los Gatos, CA 95030  
(408) 358-4949

**Contact Person:**

Rick Toyota, Director of Hospitality  
Clos LaChance Winery  
1 Hummingbird Lane  
San Martin, CA 95046  
(408) 686-1050 Winery Office  
(714) 329-5074 Cell Phone

**Premises:**

Conover Building  
45 West Main Street  
Los Gatos, CA 95030

# CONOVER BUILDING

25 Reservoir Road  
Los Gatos, California 95030  
(408) 354-2755

**Term:** The term will begin on July 1, 2006 and end on or before December 31, 2006, to be determined by date of approvals from the Town of Los Gatos and the State of California.

**Rent:** The rent will be \$2,259.00 per month payable on the first day of each month. In the event rent is not received by Lessor within 5 days after due date, Lessee agrees to pay a late charge of \$50.00.

The rent of \$2,259 represents 50% of the normal monthly rent of \$5,118.00 at a rate of \$3.90 per square foot, inclusive of all ordinary triple net expenses.

**Additional  
Terms and  
Conditions:**

The term may be extended upon mutual agreement.

Antiques & Interiors may continue to occupy the space during the interim period and will vacate in 14 days upon notice from Lessee.

Upon approval of the Lessee's Conditional Use Permit by the Town of Los Gatos, Lessee will agree to a Commercial Lease and Deposit Receipt with the usual provisions. The Lease will state, in part:

- a) The term will be 5 years with a 5 year option to renew.
- b) The rent will be \$5,118.00 per month, adjusted on January first of each year in accordance with the U.S. Consumer Price Index for All Urban Consumers. The rent will be inclusive of all ordinary triple net expenses.
- c) A two month security deposit will be required.

THE UNDERSIGNED LESSOR AND LESSEE AGREE TO THIS INTERIM AGREEMENT on the date set forth below:

Brenda Murphy Dated: 7/11/06  
LESSOR LESSEE

Brenda Murphy Dated: 7/11/06  
LESSOR LESSEE

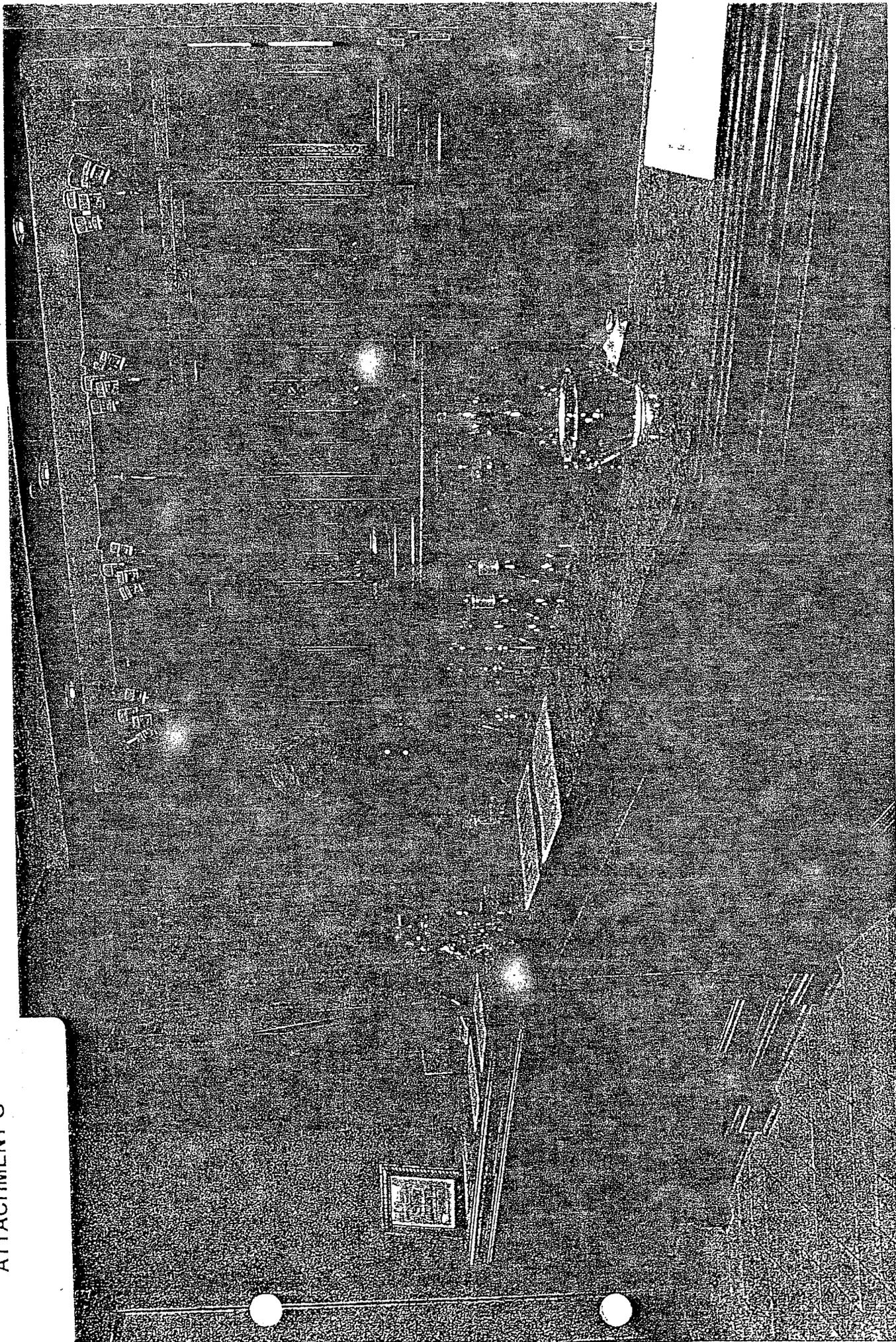
[Signature] Dated: 7/11/06  
LESSEE

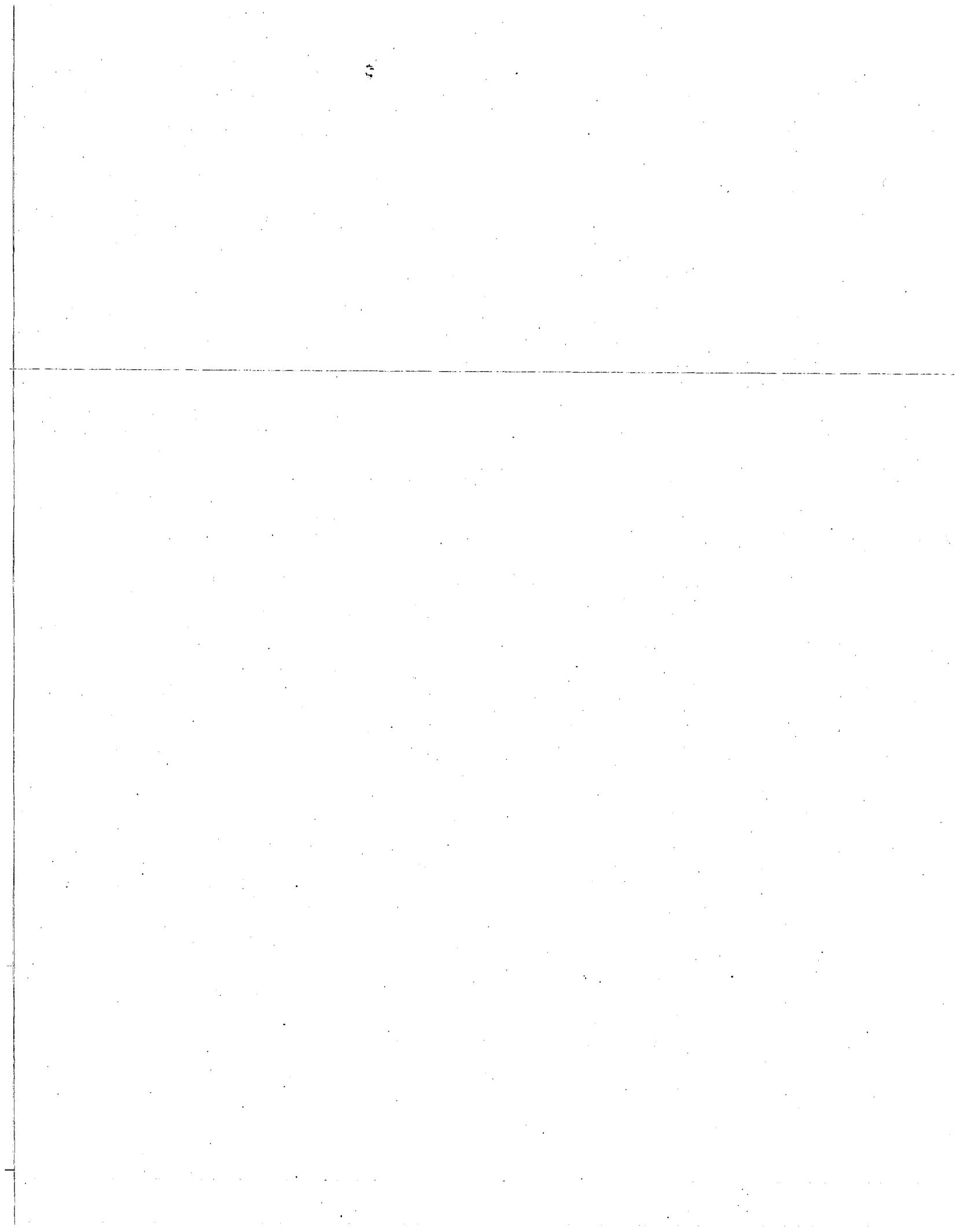
[Signature] Dated: 7-11-06  
LESSEE

[Signature] Dated: 7-12-06  
LESSEE LESSOR

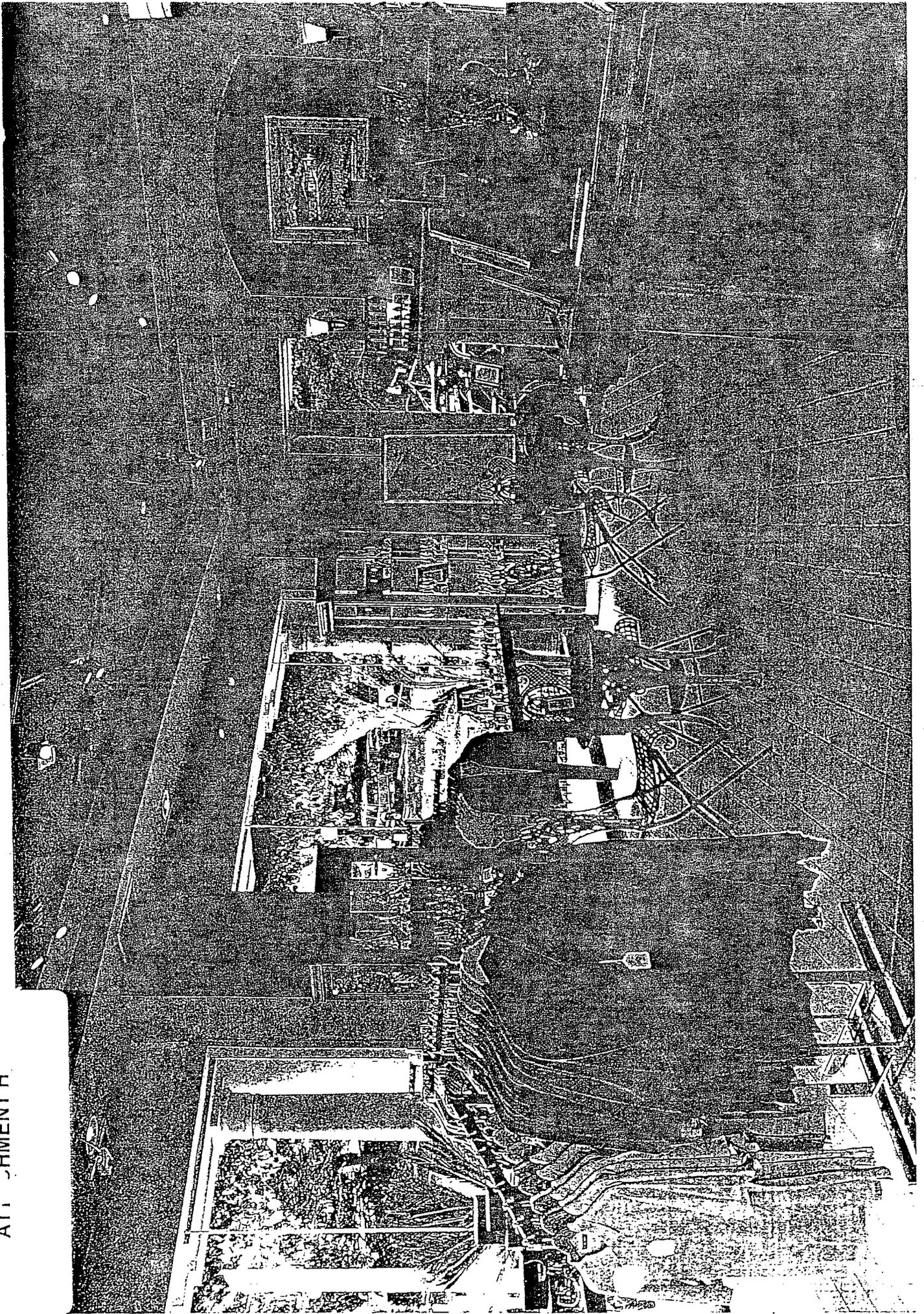
[Signature] Dated: 7-14-06  
LESSEE LESSOR

ATTACHMENT G

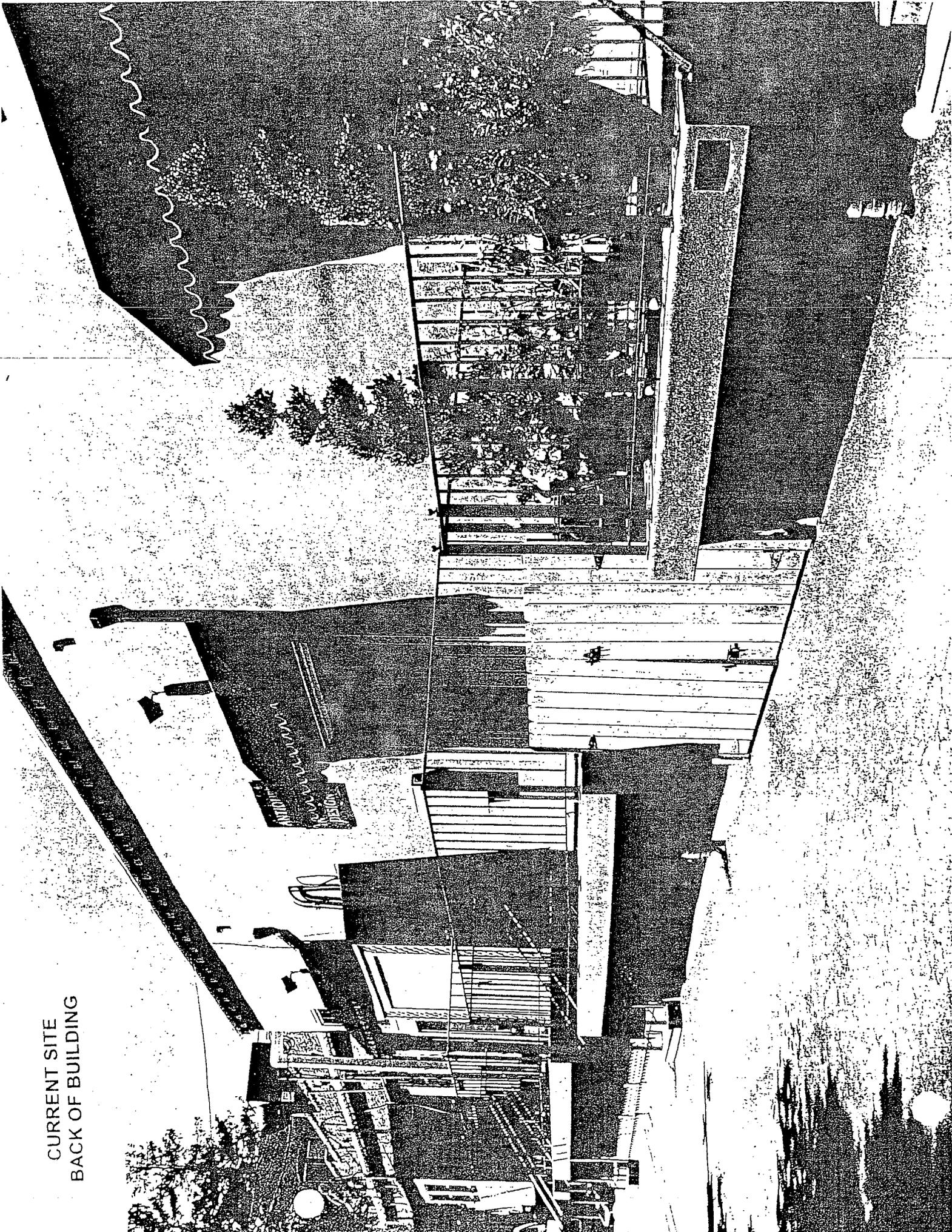




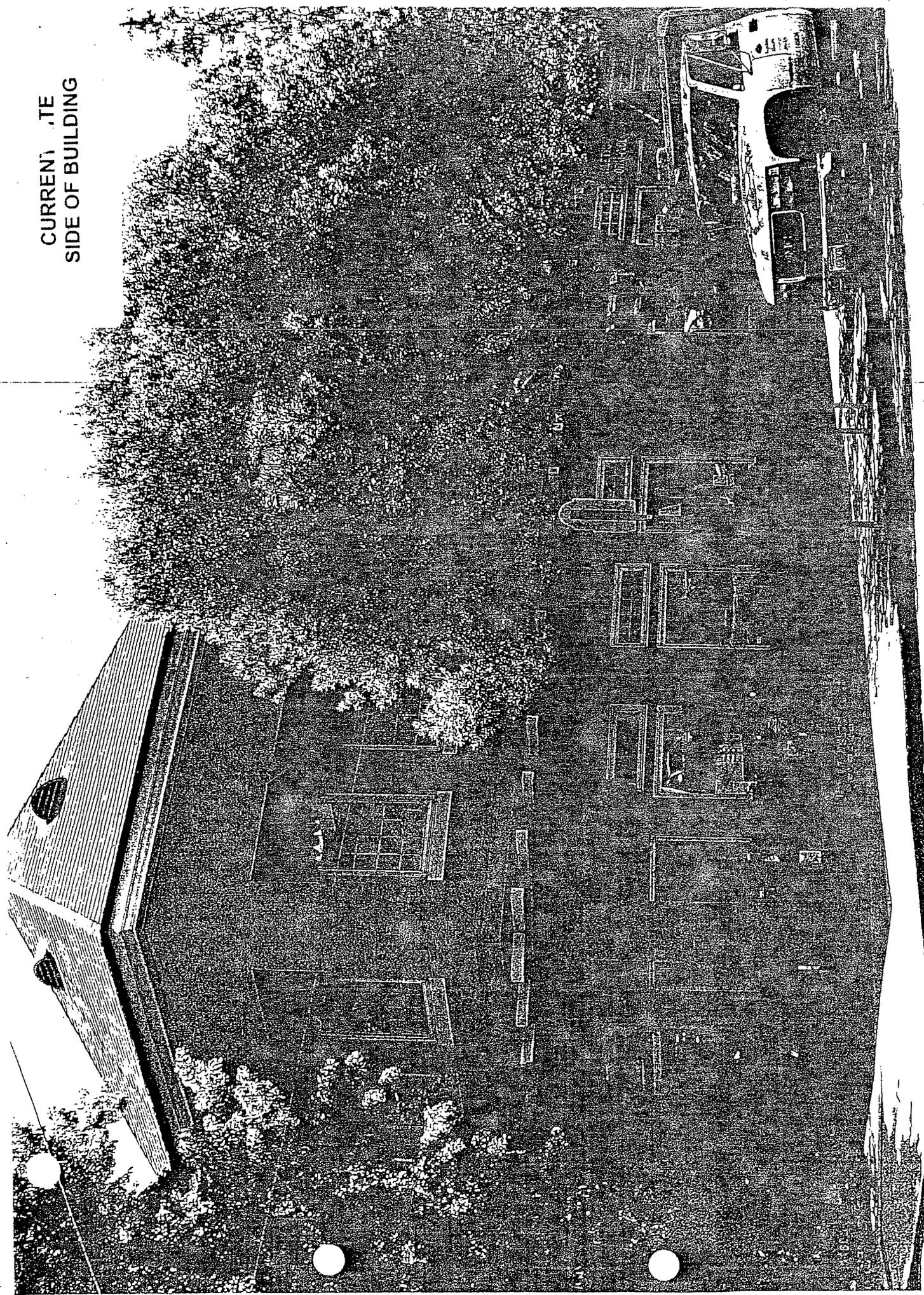
AT, JHMENT H



CURRENT SITE  
BACK OF BUILDING

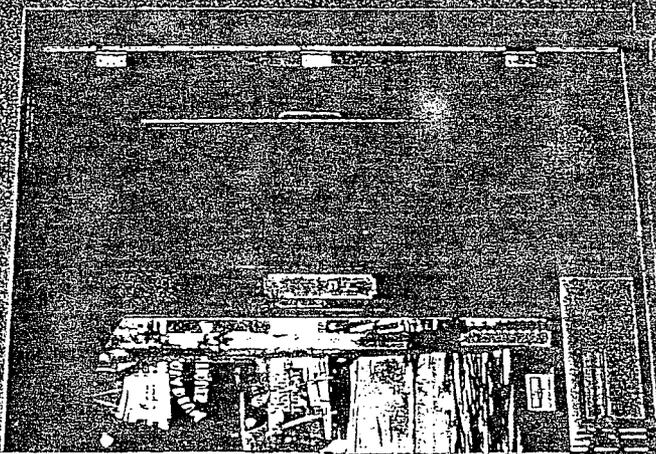
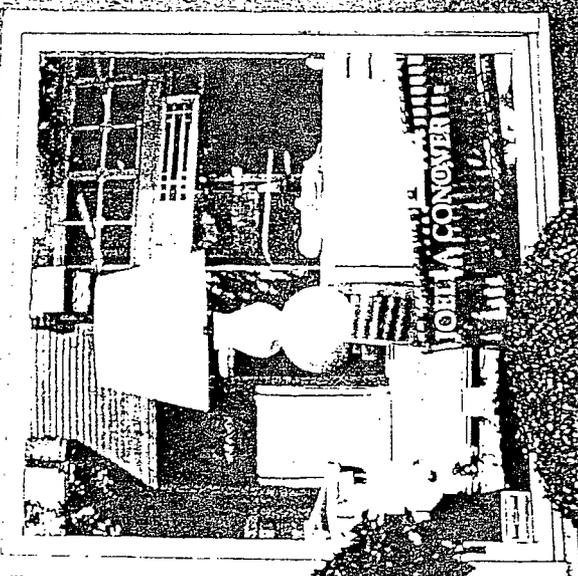
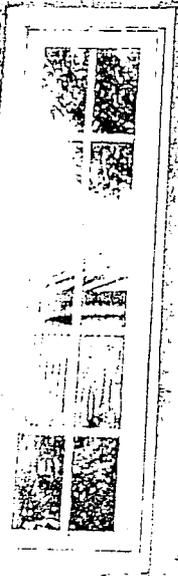


CURRENT SIDE OF BUILDING



CURRENT SITE  
FRONT VIEW

ANTIQUES  
&  
INTERIORS



August 2, 2006

**RECEIVED**  
SEP 7 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

This letter is to outline the parking situation for the proposed Tasting Room to be jointly operated by the Clos LaChance Winery and the Fleming Jenkins Vineyards & Winery. The location for this facility is the Conover Building at 45 West Main Street in the Town of Los Gatos.

### **TENANTS AND INTERIOR SIZE**

This location is currently divided into three units on the first floor. Viewed from Main Street, the first unit to the right is currently antique furniture shop measuring 1,190 square feet. The middle unit would be our proposed Tasting Room and Retail Shop measuring 1,312 square feet, and the third unit is currently a retail athletic shoe and clothing store measuring 1,209 square feet. This comes to 3,711 square feet dedicated to retail on the first floor. The second floor is single unit measuring 1,262 square feet of office space. This business is a management training and consulting firm. Total square footage for the entire building interior is 4,973.

### **PARKING SPACES**

In the back of the building, still on the Conover Building property, are 4 parking spaces identified by markings on the curb and additional signage that are for the exclusive use of the tenants of the building. One space is allocated and identified for each tenant and is reserved for one of their employees. (Please see the attached diagram for the location of these parking spaces.) Additional public parking is available in front of the building on Main Street and a public parking lot located behind the property.

### **HOURS OF OPERATION AND STAFFING**

Our proposed hours of operation will be approximately 11:00 a.m. to 6:00 p.m. daily. We plan to be open seven days a week. Times may vary an hour on each end of the day based on seasonal traffic.

Monday through Friday will consist of one manager or facility lead staffing the location. Saturday and Sunday, there will be one manager or facility lead

working all day, and one additional staff member coming in for a half day shift starting in the mid-afternoon time period.

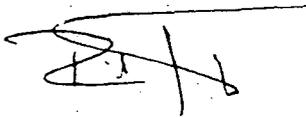
#### **ADDITIONAL PARKING RELIEF MEASURES**

As previously mentioned in our letter describing our application for our Conditional Use Permit, we are working with private tour and transport companies to encourage the use of their services for wine tasting tours, not only to our facility, but as part of a general wine tour program throughout the Santa Cruz Mountain wine region. We are also working with the Valley Transit Authority to provide information to our visitors of the transportation options related to not only the Santa Cruz Mountains wine route, but general public transportation in and around the Los Gatos area as well.

In addition to these direct measures, we are also involved with the regional Spare the Air Days program to provide carpooling and alternate transportation options for the staff at our proposed Tasting Room, as well as the winery and office staff for the Fleming Jenkins Vineyards & Winery also located in Town of Los Gatos when notified of an air quality alert. These proactive options should contribute to reducing any parking impact related to our operation.

If further information or clarification is required, please feel free to contact me directly. The principles and staff of the Clos LaChance Winery and Fleming Jenkins Vineyards & Winery thank you for your considerations.

Sincerely,

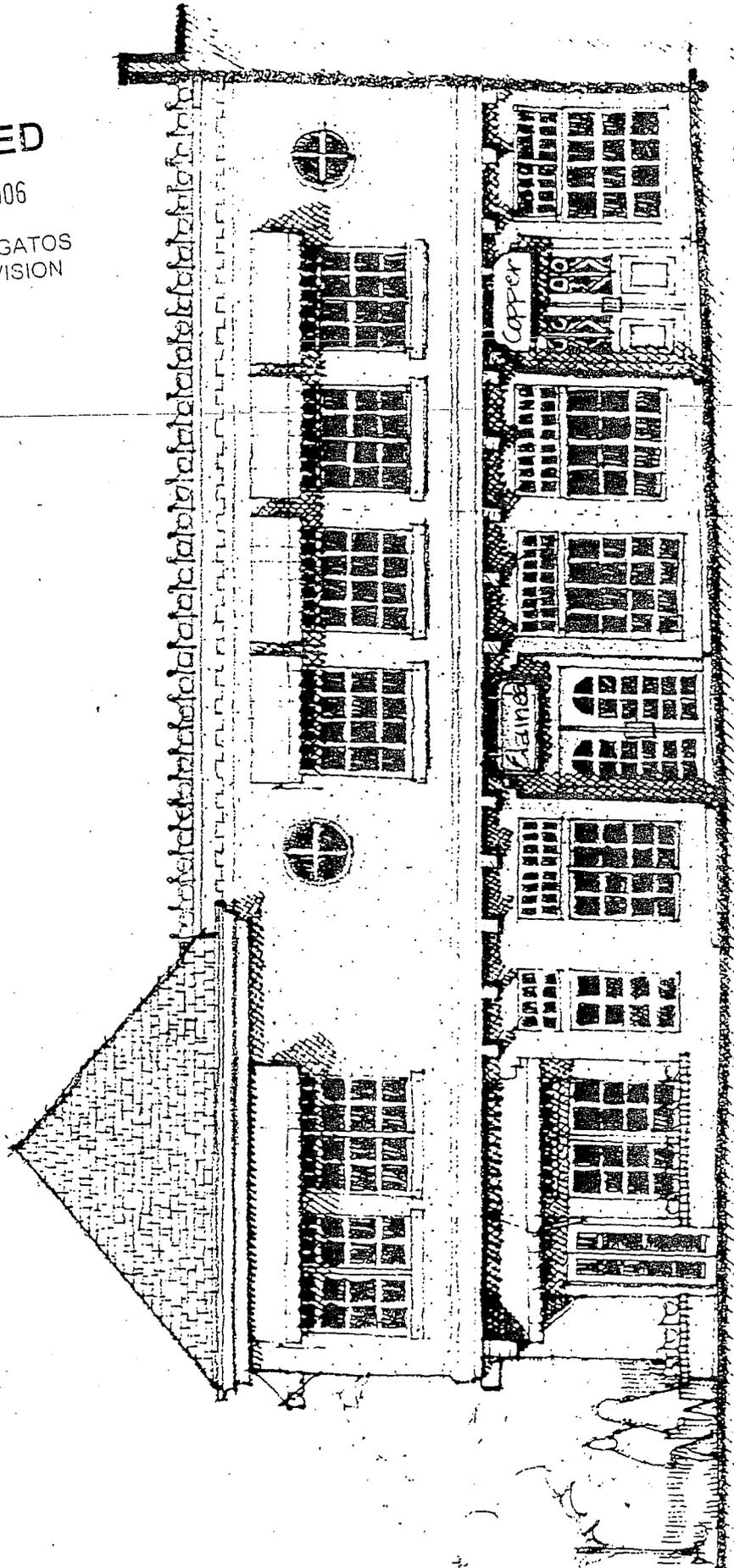


Rick Toyota  
Director of Hospitality and Wine Education  
Clos LaChance Winery  
(408) 606-1050 ext. 110  
rick@clos.com

RECEIVED

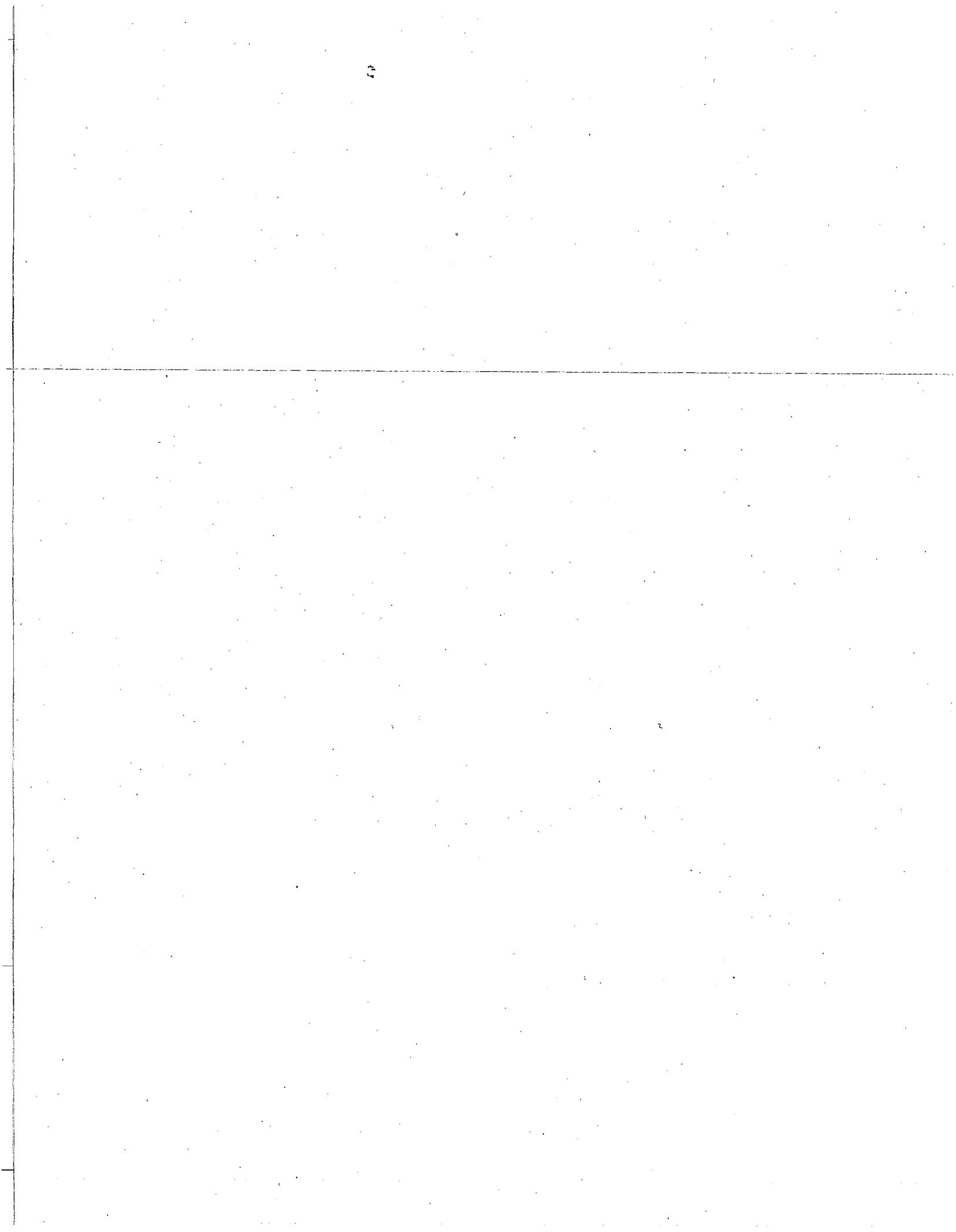
JUL 17 2006

TOWN OF LOS GATOS  
PLANNING DIVISION





**PLANS FOR THIS ITEM ARE  
AVAILABLE IN THE CLERK  
DEPARTMENT**



RESOLUTION 2001 - 106

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AMENDING THE TOWN'S ALCOHOLIC BEVERAGE POLICY

WHEREAS, the sale 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; and

WHEREAS, The Town Council wants to balance the regulation of alcoholic beverage service and protection of residential neighborhoods with the goal of maintaining a vibrant and successful Downtown and commercial areas throughout Los Gatos; and

WHEREAS, the Town Council held a study session on July 2, 2001 to discuss issues relating to service of alcoholic beverages; and

WHEREAS, the Town Council has indicated a desire to review all applications for new alcohol service or change in existing service, and a need to amend the existing Alcohol Policy,

**THEREFORE BE IT RESOLVED:** the Town Council of the TOWN OF LOS GATOS does hereby adopt the amended Alcoholic Beverage Policy attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17<sup>th</sup> day of September, 2001, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,  
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## 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 disturbances 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 arise 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 strongly 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 beverages past the hours stated above may continue to operate under their existing hours of operation.

5. 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 Californian 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.
6. The deciding body shall make the following findings prior to approving an application for conditional use permit to serve alcoholic beverages past 10PM:
  - 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.
7. A meal is defined as a combination of food items selected from a menu (breakfast, lunch or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals.
8. 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. Review Process**

1. Proposals for new bars or restaurants with bars and all requests for new alcohol service or a change to existing service shall be reviewed by the Planning Commission. The Commission will make a recommendation to the Town Council and the Council shall have final review authority.
2. Changes in ownership for businesses involving service of alcoholic beverages shall be reviewed by the Community Development Department. The following process will be followed:
  - a. The Director of Community Development shall contact the new business owner to make them aware of the conditions of approval attached to the Use Permit for the location.
  - b. One year following issuance of a business license, surrounding/impacted property owners shall be notified and any comments regarding the operation of the business shall be solicited.
  - c. If the Director of Community Development becomes aware of any alcohol related impacts on the surrounding neighborhood, the Director shall review the operation of the business to determine whether there is a violation of the use permit.

- d. If there are violations of the use permit that have not been voluntarily corrected by the business owner the matter will be forwarded to the Planning Commission for public hearing pursuant to Section 29.20.310 of the Zoning Ordinance.
- e. Pursuant to Section 29.20.315 of the Zoning Ordinance the Planning Commission may revoke or modify the conditional use permit if it finds that sufficient grounds exist.

#### **IV. Enforcement**

All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.30.310(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:

- I. The number and types of calls for service at or near the establishment which that are a direct result of patrons actions;
- II. The number of complaints received from residents ad other citizens concerning the operation of an establishment;
- III. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- IV. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department;
- V. Violation of conditions of approval related to alcoholic beverage service.

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



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SEP 15 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

September 12, 2006

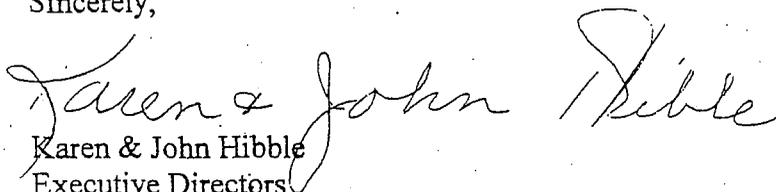
Vu-Bang Nguyen  
Town of Los Gatos – Community Development Department  
110 E. Main Street  
PO Box 949  
Los Gatos, CA 95031

Dear Vu-Bang,

The Santa Cruz Mountains Winegrowers Association is in support of the opening of a Tasting Room in the town of Los Gatos. Both Clos LaChance and Fleming-Jenkins wineries have been active members of our association and we feel that the opening of a tasting room in this area would further boost the rapport and commerce in the downtown of Los Gatos.

Thank you for taking the time to hear the interests of various supporters for the opening of this tasting room. We feel that success would be assured for the Murphy and Fleming Jenkins families and hope that a beautiful tasting room is in their near future.

Sincerely,

  
Karen & John Hibble  
Executive Directors  
Santa Cruz Mountains Winegrowers Association

Vu-Bang Nguyen - Support for Backyard Wineries

From: "Laurie Barna"  
To:  
Date: 09/20/2006 11:55 AM  
Subject: Support for Backyard Wineries  
CC:

RECEIVED  
SEP 20 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

To Vu-Bang Nguyen:

I, Laurie Barna, a 22-year resident of Los Gatos, support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the Wine Tasting Room and Retail Shop at 45 W. Main Street. I feel that this business will be a valuable asset to the Town of Los Gatos and a service to both its residents and visitors. Backyard Wineries, owned and operated by local residents will fit in well with the town's unique retail character as well as complement the hotel, restaurant and art scene. As a resident and Board member of the Los Gatos Art Association, I am very supportive of the Town of Los Gatos and hope that Backyard Wineries will receive the required approval from the Town.

Thank you,  
Laurie Barna

Vu-Bang Nguyen - tasting room

From: "Steve Mirassou"  
To:  
Date: 09/20/2006 3:43 PM  
Subject: tasting room  
CC: "tammy"

**RECEIVED**  
SEP 20 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Mr. Nguyen

I am emailing in favor of the proposed tasting room by Fleming-Jenkins on Main St. We have a long history of wine producing in this valley and all we can do to keep it visible is a good thing.

My family has been producing wine here since the 1850s and we in the industry as well as our consumers consider wine an art. As a resident of Los Gatos I feel that more art can only be a good thing. I hope you all feel the same.

Thank you

Steve Mirassou

September 13, 2006

Town of Los Gatos – Community Development Department  
C/O Vu-Bang Nguyen – Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

RECEIVED

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

SUBJECT: Conditional Use Permit for Backyard Vineyards

Dear Mr. Nguyen,

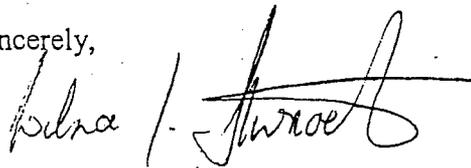
This is a letter of support for the application of the Clos La Chance Winery and the Fleming Jenkins Vineyards and Winery to open a retail shop and tasting room in down town Los Gatos.

As President of the Santa Cruz Mountains Wine Growers Association of which both applicants are members, I commend their excellent reputation and quality wines.

Los Gatos is an ideal location for this shop and tasting room. The advantage for the Los Gatos residents and visitors to Los Gatos is to have the opportunity on their doorstep to visit Backyard Vineyards, to taste and buy their wines made locally from grapes grown in the Santa Cruz mountain's region and other regions. The customers will also benefit from learning first hand the winemaking style and vineyard techniques of each winery and the related history of winegrowing in the Santa Cruz Mountains dating back to 1850. I believe Backyard Vineyard's business style relates well to the ambiance of Los Gatos.

I hope the Community Development Department will give favorable consideration to this application.

Sincerely,



Wilma J. Sturrock  
President  
Santa Cruz Mountains Winegrowers Association

Vu-Bang Nguyen - Backyard Wineries

RECEIVED

SEP 21 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

From: "Atina Bertos"  
To:  
Date: 09/20/2006 5:50 PM  
Subject: Backyard Wineries  
CC: "Rick Toyota" , "Greg Jenkins" , "Tammy Larson" , "Elaine Hutchins" , "Chris Hutchins" , "Stuart Ferguson" , "Stuart Ferguson"

Cocoa Bon Fine Chocolates in Los Gatos is proud to support the application of Backyard Wineries, the wine Tasting Room and Retail Shop.

Fleming Jenkins-Vineyards & Winery and Clos LaChance Winery have been partners of Cocoa Bon prior to our Los Gatos relocation. We feel that this business will be an appropriate addition to the Town of Los Gatos and a service to its residents, visitors and retailers. We are fortunate with the location of 45 W. Main Street which is across from our retail store.

Backyard Wineries is a great fit with the Town's environment and atmosphere. The addition of Backyard Wineries reinforces and preserves the concept of Los Gatos being a unique, local, and upscale scene.

As a retailer of Los Gatos we are very supportive of the success of Town of Los Gatos and wish to see Backyard Wineries as part of Los Gatos.

Sincerely,  
Atina Bertos  
Retail Store Manager

[www.cocoabon.com](http://www.cocoabon.com)

Vu-Bang Nguyen - tasting room

From: "Robert Leibbrand"  
To:  
Date: 09/20/2006 9:05 PM  
Subject: tasting room  
CC: "Tammy Larson"

**RECEIVED**  
SEP 21 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

We are looking forward to your opening of the tasting room.  
We have a small one in Campbell but looking forward for local wines to taste.  
Thanks,  
Bob Leibbrand

**RECEIVED**  
SEP 21 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

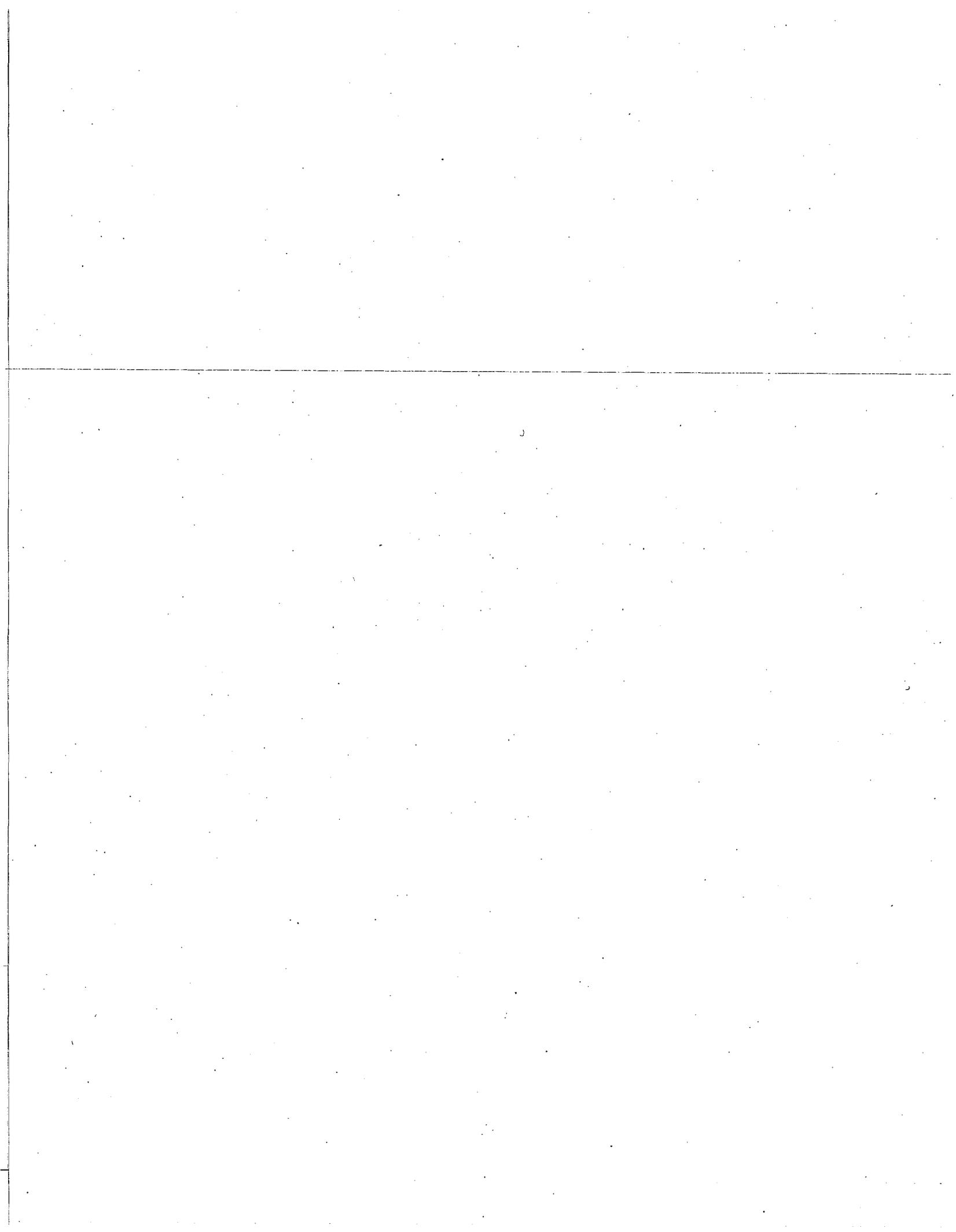
**From:** Iris Gin <irisgin@yahoo.com>  
**To:** <vnguyen@losgatosca.gov>  
**Date:** 09/21/2006 8:13 AM  
**Subject:** greg@flemingjenkins.com

As a Los Gatos resident and business owner, I am writing in support of the proposed Backyard Wineries Tasting Room to be located on Main Street.

Backyard Wineries will help reinforce Los Gatos as a destination for locals and visitors. It will fit in with the overall feel of Los Gatos - restaurants, specialty stores (high-end retail), art galleries, hotels, and the overall esthetic ambience. It is not a big chain store, but owned and operated by local residents with long history in Los Gatos and Saratoga. This is not a typical bar or restaurant serving alcohol. It is a Tasting Room offering measured sample tastes of their products only. The Tasting Room will provide information on all the other wineries in the Santa Cruz Mountains for people to visit too.

Please relay my support to the Planning Commission. Please don't hesitate to contact me with any questions or concerns.

Sincerely,  
Iris Gin, MD  
Kalia Dermatology and Laser Center  
15055 Los Gatos Blvd  
Ste. 100  
Los Gatos, CA 95032



Date: September 27, 2006  
For Agenda Of: September 27, 2006  
Agenda Item: 3  
**DESK ITEM**

REPORT TO: The Planning Commission  
FROM: The Director of Community Development  
LOCATION: 45 W. Main Street  
Conditional Use Permit U-07-2

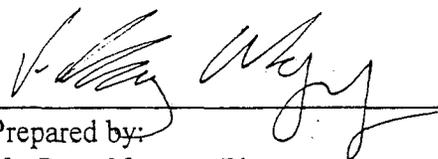
Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026  
PROPERTY OWNER: Jay Conover and Joella Wanamaker  
APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC

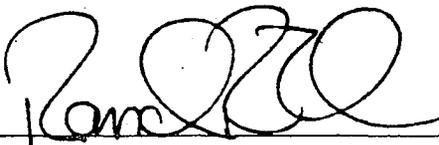
DEEMED COMPLETE: August 2, 2006  
FINAL DATE TO TAKE ACTION: February 2, 2006

EXHIBITS: A-L. Previously Submitted.  
M. Letters in Support of Project (21 pages), received September 21-27, 2006.

REMARKS:

The attached letters in support of the project were received after the Planning Commission report was finalized.

  
Prepared by:  
Vu-Bang Nguyen, Planner

  
Approved by:  
Bud N. Lortz,  
Director of Community Development

BNL:RT:VBN

N:\DEV\REPORTS\2006\45 w main st desk.wpd

Vu-Bang Nguyen - Planning Commission/ LG Tasting Room

From:  
To:  
Date: 09/21/2006 10:01 AM  
Subject: Planning Commission/ LG Tasting Room  
CC:

**RECEIVED**  
SEP 21 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

I am the owner of Willow Street and Main Street Burgers. What Clos Las Chance and Fleming Jenkins Wineries plan to open downtown is exacting the type of new concept and energy the downtown needs. Last March I was in Healsburg Ca. and ~~experience seveal similar shops in their downtown which is very similar to LG. They were a very fun addition to their downtown. Los Gatos should be known as the gateway to the Santa Cruz Mountain wine district which it is not now known~~ for. People do not want to drive the windy roads of the SC Mountains. This kind of business would bring people to the downtown and they would shop and support other businesses. This is new business should be approved.

Sincerely,

ED Rathmann

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

Edison Pharmaceuticals, Inc.  
5521 Opal Court, Suite 228  
San Jose, CA 95138

September 21, 2006

Town of Los Gatos  
Community Development Department  
C/O Vu-Bang Nguyen  
Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

RECEIVED

SEP 21 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

---

Re: Fleming Jenkins Vineyards & Winery

Dear Mr. Nguyen,

I am writing in support of the application submitted by Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the Wine Tasting Room and Retail Shop at 45 W Main Street. I believe this business will be an attractive asset to the Town of Los Gatos and a service to its residents and visitors.

Backyard Wineries, owned and operated by local residents, will fit in well with the Town's high-end retail character and complement the hotel, restaurant and art scene. As a resident of Monte Sereno, I am very supportive of the Town of Los Gatos and would like to participate in ensuring the Town's continued vitality and economic success. I would also like to be a part of Backyard Wineries' success, and wish them the best in their new endeavor.

Sincerely,



Guy Miller  
Chairman, CEO

---

15161 Bachman Court  
Monte Sereno, CA 95030

edison

Vu-Bang Nguyen - Backyard Wineries

From: "Gabrielle Medrano-Contreras"  
To:  
Date: 09/21/2006 5:26 PM  
Subject: Backyard Wineries  
CC:

RECEIVED  
SEP 22 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Hello Mr. Nguyen,

~~I wish to express my support in the application of Fleming Jenkins Vineyard & Winery and Clos LaChance Winery to open Backyard Wineries, their tasting room and retail establishment at 45 W. Main St. As a new business of high-end specialty item, I have find that the Town of Los Gatos residents and visitors enjoy and benefit from wonderful retails shop like my own and believe that Backyard Wineries to be a perfect fit. Backyard Wineries, owned and operated by local residents, will complement the hotels, restaurants and art scene of this wonderful town. As a business owner I like to take part in, support and encourage the vitality and economic success of this town. I would also like to be pat of and support the success of Backyard Wineries. I wish them all the best in this new endeavor.~~

Thank you for your time.

Regards,  
- Gabrielle

*Gabrielle's Bridal Boutique*

104 University Ave  
Los Gatos, CA 95030  
info@gabriellesbridal.com  
T. 408.399.9393  
F. 408.399.9390  
[www.gabriellesbridal.com](http://www.gabriellesbridal.com)

*exclusive gowns for the couture bride*

From: "Todd Bennett" <Bennett@ci.monterey.ca.us>  
To: "Vu-Bang Nguyen" <VNguyen@losgatosca.gov>  
Date: 09/22/2006 10:18 AM  
Subject: Re: Clos LaChance Wine Tasting

**RECEIVED**

SEP 22 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Mr. Nguyen,

I have reviewed our files for the Clos La Chance wine tasting room located at 400 Cannery Row, Suite E, and there have been no complaints or code enforcement activity associated with this use at this site. Please feel free to contact me if you have any additional questions.

---

Sincerely,

Todd Bennett  
Senior Associate Planner  
City of Monterey

>>> "Vu-Bang Nguyen" <VNguyen@losgatosca.gov> 09/22/06 10:01 AM >>>  
Todd-

The wine tasting room was located at 400 Cannery Row, Suite E. Thanks!

Vu-Bang Nguyen, AICP  
Planner

<http://www.losgatosca.gov/planning>  
Town of Los Gatos  
Community Development Department  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031  
408.354.6807  
vnguyen@losgatosca.gov

From: Jill Prestigiaco <jillprestigiaco@sbcglobal.net>  
To: <vnguyen@losgatosca.gov>  
Date: 09/22/2006 11:17 AM  
Subject: Backyard Wineries

CC: <greg@flemingjenkins.com>, <rick@clos.com>

Dear Town of Los Gatos Community Development  
Department,

I am writing to encourage you to approve the  
application for the Fleming Jenkins/Clos La Chance  
Backyard Wineries retail shop on 45 W. Main Street.

**RECEIVED**

SEP 22 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

I am a 40 year resident of Saratoga. And, as a graphic designer working out of Old Towne in Los Gatos, I have enjoyed the privilege of working closely with both Greg and Peggy Jenkins at Fleming Jenkins Vineyards & Winery, as well as the Murphy Family who own and operate the Clos La Chance Winery.

Both organizations bring their love of our area into everything they do. I am confident they have carefully considered the impact Backyard Wineries will have on this community and will make every effort to represent it with the utmost respect.

In recent years, Los Gatos has become a gateway to the Santa Cruz Mountain winegrowing region. Backyard Wineries would join classic Los Gatos hometown haunts, like Le Boulanger, Steamers, The Indian Store, and the Los Gatos Coffee Roasting Company in becoming a great representation of our character, and show off our dedication to excellence.

I think such a unique experience would be a good thing for Los Gatos and the surrounding areas. It will reinforce Los Gatos as a destination for locals as well as folks coming from far and wide.

Thanks for your time,

Jill Prestigiaco  
Saratoga, California  
408-378-5406

Vu-Bang Nguyen - Backyard Winery Application

From: "Glenn Gramling"  
To:  
Date: 09/22/2006 10:45 AM  
Subject: Backyard Winery Application  
CC:

**RECEIVED**  
SEP 22 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

September 22, 2006

Town of Los Gatos - Community Development Department  
c/o Vu-Bang Nguyen - Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

Dear Planning Commission, Diane and Members of the Town Council:

We understand Fleming Jenkins Vineyards & Winery and Clos LaChance Winery are planning to open a Tasting Room and Retail Shop in Los Gatos at 45 West Main Street and wanted to share my opinion that I feel this will be a great addition to Los Gatos.

We have been associated with both wineries for several years. The proprietors are outstanding individuals and extremely generous with their time and donations. The Backyard Winery tasting room would be an excellent addition to our town's expanding merchant base.

We hope you will support their application.

Sincerely,

*Glenn and Karyn Gramling*  
16871 Sheldon Road  
Los Gatos, CA 95030  
Home: (408) 395.8288



Vu-Bang Nguyen - Fleming Jenkins and Clos LaChance Tasting room

From: "Greg Rhine"  
To:  
Date: 09/22/2006 12:17 PM  
Subject: Fleming Jenkins and Clos LaChance Tasting room  
CC: "Greg Rhine"

**RECEIVED**  
SEP 22 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

September 21, 2006

Town of Los Gatos – Community Development Department  
c/o Vu-Bang Nguyen – Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

Dear Planning Commission, Diane and Members of the Town Council:

I understand Fleming Jenkins Vineyards & Winery and Clos LaChance Winery are planning to open a Tasting Room and Retail Shop in Los Gatos at 45 West Main Street, and I wanted to share my opinion that I believe this will be a terrific addition to Los Gatos.

I believe this will be welcome addition to all local merchants and residents alike, and the downtown community will benefit from the type of person and demographic this tasting room will attract –mature, high income customers who come to enjoy and spend in downtown. Add to this the fact that this shop is owned by local residents, one of whom is a celebrity will go a long way to ensure its appeal and success.

I trust you will support their application.

Sincerely,

Greg Rhine

140 Belcrest Drive

Los Gatos, CA 95032

Vu-Bang Nguyen - Clos LaChance and Flemming

From: "George Montanari"  
To: ,,  
Date: 09/22/2006 12:07 PM  
Subject: Clos LaChance and Flemming

**RECEIVED**  
SEP 22 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Sirs and Madam,

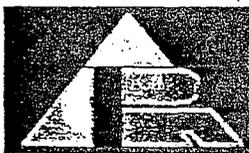
As a very active family and Realtor in Los Gatos the idea of having two small wineries share a wine tasting room is an excellent idea. We are blessed to be at the base of the Santa Cruz Mountains which has a very rich history in the cultivation of grapes and wine making. Testarossa Winery located in the Sacred Heart Novitiate wine cellars is a prime example of how the town and small wineries can work together for the benefit of all....

Thank you for considering and hopefully allowing this small local business to operate. I'm also hoping it will also bring more excitement to this part of the business district.

Again thanks and please feel free to call or email me with any questions, thoughts or concerns you may have.

George and Jill Montanari  
160 Longmeadow Drive  
Los Gatos, Ca 95032

**George Montanari**  
**Alain Pinel Realtors**  
[www.apr.com/gmontana](http://www.apr.com/gmontana)  
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408-357-8808 Direct Line  
[www.gmontanari.com](http://www.gmontanari.com)  
Click on this link for my website  
(MLS listings, school scores, mortgages etc...)



Vu-Bang Nguyen - Backyard Winery Application

From: "Hitchcock, Roger"  
To:  
Date: 09/22/2006 1:07 PM  
Subject: Backyard Winery Application

**RECEIVED**  
SEP 22 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

This is my personal endorsement of the Backyard Winery Application before you. I believe this is in keeping with the Los Gatos community & ask that you give it serious consideration.

I appreciate the need to control licenses of this type in our township, but believe the very nature of this application makes it much more in line with the value & spirit of Los Gatos than that which is normally associated with these applications. I personally own a 1/3 acre parcel which has been producing wine for local neighbors & friends for over 10 years. There are scores of private winemakers like us in the Los Gatos area who would be proud of such symbolic representation within the town.

Thank You

Roger & Penny Hitchcock  
17130 Crescent Drive  
Los Gatos, CA 95030

Vu-Bang Nguyen - Backyard Wineries

From:  
To:  
Date: 09/23/2006 7:22 PM  
Subject: Backyard Wineries

**RECEIVED**  
SEP 25 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Mr. Vu-Bang,  
My names is Leslie Robidoux. I am the store owner of Bettina's located at 320 N Santa Cruz Ave.(accross from BofA). I have recently watched storefront vacancies significantly increase resulting in substantial reductions in foot traffic. Conversely, I have visited Santana Row on multiple occasions, and noted their increasing amount of activities, stores and customers. ~~I think that Los Gatos warrants a shop such as Backyard Wineries. It would add to the diversity and~~ attractiveness of our retail selection. I would love to take my customers there, and I am sure that they and visiting tourists would enjoy visiting a local winery store.

Please feel free to contact me. 408-335-1383  
Thank you.  
Leslie Robidoux

From: Pleasant Valley Vineyards <chandley@pvinves.com>  
To: <vnnguyen@losgatosca.gov>  
Date: 09/25/2006 3:53 PM  
Subject: Backyard Vineyards-wine Tasting Room & Retail Shop  
Attachments: Letter.pdf

CC: <rick@clos.com>

Dear Mr. Vu-Bang Nguyen attached is a letter in regard to the proposed Backyard Vineyards Wine Tasting Room and Retail Shop. Please distribute this letter to the Town of Los Gatos Planning Commission Members and Town Council Members

Sincerely

Craig & Cathy Handley

**RECEIVED**  
SEP 25 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Vu-Bang Nguyen - recommendation for approval of Backyard Wineries

From: "Donna Rubin"  
To:  
Date: 09/25/2006 12:31 PM  
Subject: recommendation for approval of Backyard Wineries  
CC: , "Greg Jenkins"

**RECEIVED**  
SEP 25 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Town of Los Gatos  
Community Development Department  
c/o Vu-Bang Nguyen, Assistant Planner

To Whom It May Concern,

Donna & Steve Rubin, from the neighboring city of Campbell and strong supporters/patrons of Los Gatos, support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, as a wine Tasting Room and Retail Shop.

We feel that this business will be an attractive asset to the Town of Los Gatos and will fit in well with the Town's high-end retail character as well as enhance local businesses, and the community. Thoughts for approval of Backyard Wineries:

- Backyard Wineries will help reinforce Los Gatos as a destination for locals and visitors
- Los Gatos is a gateway to the Santa Cruz Mountains wine growing region.
- Not a big chain store, but owned and operated by local residents with long history in Los Gatos and Saratoga.
- Only public place anyone could taste Fleming Jenkins wine.
- Wineries are based here in Los Gatos — makes sense for them to have their Tasting Room here too.
- Tasting Room will provide information on all the other wineries in the Santa Cruz Mountains for people to visit as well

As a long time resident of Los Gatos, and having been living here for many years, we are very supportive of the Town of Los Gatos. We would also like to be part of Backyard Wineries' success, and wish them the best in their new endeavor.

Sincerely,  
Donna & Steve Rubin

Vu-Bang Nguyen - Backyard Wineries

From: "Patti Rice"  
To:  
Date: 09/26/2006 9:10 AM  
Subject: Backyard Wineries  
CC:

**RECEIVED**  
SEP 26 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

This is just a quick note to let you know I support the application of Flemings Jenkins Vineyards & Winery and Clos LaChance Winery to open a tasting room on Main Street. I think this type of retailer is a great addition to Los Gatos. It is unique, individual, local, and a great "stepping stone" to the other wineries in the area. I believe it will enhance Los Gatos as a destination for shoppers, diners, etc., and it is the caliber of establishment that fits well within the Los Gatos feel. I believe it offers another unique experience, and I believe it will be a successful venture being popular with locals as well as visitors.

Thank you.

Patti A. Rice  
The Spa - Los Gatos  
100 South Santa Cruz Avenue  
Los Gatos, CA 95030  
408.354.5901

Vu-Bang Nguyen - Support for Backyard Vineyards Tasting Room

From: "Rob Jensen"  
To:  
Date: 09/26/2006 12:18 PM  
Subject: Support for Backyard Vineyards Tasting Room  
CC:

Hello Vu-Bang,

We would like to offer our support for the proposed Backyard Vineyards Tasting Room for W. Main Street. As the 2005 Los Gatos Chamber of Commerce Businesspersons of the Year, we feel we have an excellent understanding of the community spirit involved with being a part of the Los Gatos business community. Through our long term relationships with Greg and Peggy Jenkins, and Bill and Brenda Murphy we know that both of these excellent companies, both with long histories of community giving, will make an excellent addition to our core downtown business.

As was presented at a Chamber of Commerce luncheon earlier this year, core downtown business districts are under assault from big new, overtly commercial facilities like Santana Row. Further expanding downtown Los Gatos' reputation as the gateway to the Santa Cruz Mountains Wine Country will be crucial for us as a business community to now only maintain, but to grow our business success with not only the Bay Area, but with out of state tourists as well.

Clos Lachance winery already has a long history and reputation of running first class Tasting Rooms, with excellent staff who are trained to make sure that wine tasters are not drinking too much, or if they arrive inebriated, they will not be served. This is our state law, and wineries are very aware of this. It is very important to note that this is not another bar, this is for wine tasting not wine drinking.

Some people may think that Testarossa Vineyards, which is only 1/2 mile off of Main Street, might be opposed to this new "competitor" in the neighborhood. Seeing Backyard Vineyards as a competitor would be extremely short sighted on our part. One only has to look at the large number of extremely successful restaurants in Los Gatos to realize that having a critical mass of restaurants in Los Gatos is WHY people come to Los Gatos to dine. Just look at a city like Los Altos which has a similar economic demographic as Los Gatos, but 1/10th as many restaurants. The restaurant scene in Los Altos can best be described as anemic. Thus, we feel the addition of the Backyard Vineyards Tasting Room, along with the new Los Gatos Gourmet (formerly part of the Los Gatos Coffee Roasting Company) will only enhance our business and other wine focused businesses like the French Cellar.

Please add our whole hearted support to approving the application for the Backyard Vineyards Tasting Room.

Rob & Diana Jensen, Proprietors and 2005 Los Gatos Chamber of Commerce Business Persons of the Year  
Testarossa Vineyards at the historic Novitiate Winery  
300-A College Avenue  
Los Gatos, California  
408-354-6150  
internet: testarossa.cc

RECEIVED

SEP 26 2006

TOWNSHIP OF LOS GATOS  
PLANNING DIVISION

Vu-Bang Nguyen - Planning Commission meeting

From:  
To:  
Date: 09/26/2006 1:18 PM  
Subject: Planning Commission meeting

Vu-Bang Nguyen  
Assistant Planner  
Town of Los Gatos,

RECEIVED  
SEP 26 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Mr. Vu-Bang,

I am writing in support of the proposed wine tasting room at 45 West Main St.

I understand that, over the decades, this town has changed its image many times. From a logging town, to a fruit growing and canning town, to a town full of bakeries, to a town overflowing with antique stores, to a town that some say now has too many hair and nail salons. We live in a town that certainly evolves with the times and one has to wonder how this town currently would like to be perceived.

Ever since the Novitiate Winery and the Los Gatos Cooperative Winery began producing wine in Los Gatos back in the 1880's, this town has produced and sold wine with unique characteristics. Wine from this area and the surrounding Santa Cruz Mountains is said to be "Burgundian" in nature. Meaning the wines are like wines from the Burgundy region of France and specifically that there are more "earth" flavors in the wine. It is the newest rage of California wine makers to try and make wines like this because they are so food friendly.

Fortunately for our town, you cannot grow wine like this just anywhere. Los Gatos, being the gateway to the Santa Cruz Mountains wineries, could capitalize on this as well as the growing trend of wine and food travel. We already have great restaurants (one of them, Manresa, was recently named one of the best in the world). What this community now needs is more opportunities to sample the locally grown wines.

I hope the town enthusiastically allows the proposed wine tasting room at 45 West Main Street and continues to support business of this nature.

Bill Updyke  
154 Kensington Way, LG.  
Graduate, Leadership Los Gatos, 2004

William Updyke, D.C.  
408-983-4192  
Clinical Professor, Quality Improvement Coordinator, Palmer College of Chiropractic West.  
President Elect, California Chiropractic Association.

**From:** "Kathy Anderson" <gerbinolaw@hotmail.com>  
**To:** <vnguyen@losgatosca.gov>  
**Date:** 09/26/2006 3:00 PM  
**Subject:** Backyard Wineries/Hearing on Conditional Use Permit 9-27-06

**CC:** <greg@flemingjenkins.com>  
Dear Mr. Nguyen:

This email is sent to show our support for approving the conditional use permit submitted by Backyard Wineries. I live on 116 Alta Heights Court in Los Gatos with my wife, Eibhlin Tierney Gerbino. We are very familiar with Fleming Jenkins Wines, the proprietors and their staff. They produce a quality wine that will confirm our local area is a premier appellation for fine wine. The proposed location at 45 Main Street is a perfect fit for our charming small town. Backyard Wineries will add a touch of class to the downtown by offering fine wine tasting in a boutique setting under a unique collaboration with Clos LaChance. Approval of the conditional use permit will be a "value added" asset to our town.

I respectfully request that you take the above input into consideration at the September 27, 2006, Planning Commission Hearing.

Very truly yours,

Fred W. Gerbino, Jr.

---

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**RECEIVED**  
SEP 26 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Vu-Bang Nguyen - FOR: Fleming Jenkins Vineyards & Clos LaChance Winery

From: "John De Witt"  
To:  
Date: 09/26/2006 4:10 PM  
Subject: FOR: Fleming Jenkins Vineyards & Clos LaChance Winery  
CC:

**RECEIVED**  
SEP 26 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Vu-Bang Nguyen,

I am writing in support of the proposed Fleming Jenkins Vineyards and Clos LaChance Winery "Tasting Room" and retail shop at 45 West Main Street.

As a Downtown merchant, Pacific Green of Northern California at 210 No. Santa Cruz Avenue, I believe that these local families will work hard to develop a new business with positive synergy complementing our historic Downtown's ambience. The proposed Tasting Room will further establish Los Gatos as a tourist destination and welcoming gateway to our local Santa Cruz Mountain wineries. Their small scale facility and local family ties will help preserve our small town atmosphere. I am grateful for the time they spent with me explaining their new venture.

I wish them much success with their venue and look forward having them be a part of our Downtown.

Best regards,

JOHN DE WITT  
Pacific Green of Northern California, Inc.  
210 North Santa Cruz Avenue  
Los Gatos, CA 95030  
399-6400 (store)  
[www.pacificgreenofncal.com](http://www.pacificgreenofncal.com)



RECEIVED

SEP 26 2006

TOWN OF LOS GATOS  
PLANNING DIVISION



Town of Los Gatos – Community Development Department  
c/o Vu-Bang Nguyen – Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

September 25, 2006

Dear Members of the Planning Commission and Town Council of the Town of Los Gatos

My wife and I recently attended an informational meeting in regard to the proposed Wine Tasting Room and Retail Shop to be known as *Backyard Vineyards*. We were extremely impressed with the careful thought and concepts presented. We have known Bill and Brenda Murphy for over a decade and have witnessed their complete dedication and professionalism in building one of the most respected winery operations on the central coast, *Clos LaChance Winery*.

The *Clos LaChance Winery* and *Fleming Jenkins Vineyards & Winery* partnership's proposal to bring their new business venture, *Backyard Vineyards*, to your business community would be a major plus to all the members of your town both residential and professional. It will allow your town to become the gateway for our esteemed Santa Cruz Mountain Wine Appellation.

The demographics of premium wine consumer's are a perfect match for your community's high-end premium shops and food establishments. These consumers tend to be highly educated, thoughtful and respectful purchasers with above average disposable incomes. The *Backyard Vineyards* Wine Tasting Room and Retail Shop would complement all the businesses in your town, provide additional income to your tax base and would also be an environmentally friendly venture.

We encourage you all to enthusiastically embrace their plans and welcome them into your business community.

Sincerely,

Craig D. Handley  
President, Sylvan Communications, Inc.

Cathy L. Handley  
President, Pleasant Valley Vineyards, Inc.

Vu-Bang Nguyen - Backyard Wineries

From: Anne Kobel  
To:  
Date: 09/27/2006 9:10 AM  
Subject: Backyard Wineries  
CC:

RECEIVED  
SEP 27 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

The Santa Cruz Mountains is rich in history of wine grape growing and wine making. It is perhaps the oldest wine growing region in California. My husband and I are residents of Los Gatos and were surprised at how many of our friends and neighbors found old wine bottles buried in the dirt around their houses when they excavated to rebuild after the Loma Prieta earthquake of 1989. Today these mountains are dotted with backyard vineyards producing award winning wines. The Santa Cruz Mountains Appellation is respected and becoming more well known outside our area. But the public needs more access to its wines.

At the same time, the Slow Food Movement is growing in global popularity. Its members are people who want to know where their food comes from. Being simply organic is not good enough. They want to know from which ranch comes their meat, which field grows their tomatoes. This also applies to wine! How reassuring to know that the wine you are drinking was grown and produced locally.

My husband and I support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the wine Tasting Room and Retail Shop at 45 W. Main Street. We believe that their wine tasting room will be an attractive asset to Los Gatos. Many tourists flock to Los Gatos for the shopping and dining possibilities. Los Gatos is the gateway to the Santa Cruz Mountains and it should serve as the introduction to its wines.

We urge you to approve their application.

Anne and Andre Kobel

TOWN OF  
*Los Gatos*  
CHAMBER OF COMMERCE

September 27, 2006

RECEIVED

SEP 27 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Town of Los Gatos  
Planning Commission

Re: **Backyard Wineries - Conditional Use Permit**

On Tuesday, September 19, an email was sent to the Downtown Committee regarding the CUP Application submitted by Backyard Wineries that is before you. Of the seven businesses who responded, the results were as follows:

Board of Directors  
  
Patti Rice-President  
The Spa-Los Gatos  
  
Brenda Hammond  
President Elect  
Restaurant James Randall  
  
Erika Brown  
Private Mortgage-Advisors

Susan Combs-Bauer  
BauerCombs Landscape  
Architects

Rich Diaz  
Entrabase

Mollie Drake  
Los Gatos Meadows

Gary Honts  
Community Hospital  
of Los Gatos

D. Michael Kane  
The Kane Group

Kevin Kelly  
Charles Schwab

Blaine Kingsbury, D.C.  
Community Chiropractic

Bill Leonard  
Ignite Marketing

Keith Plotcel  
LMGW Certified Public  
Accountants

Janice McCabe  
Janice McCabe Interiors

William Seligmann  
Law Offices of  
William R. Seligmann

Pam Snowden-Abella  
Heritage Bank of Commerce

Susan Stevens  
Hotel Los Gatos

Greg Stowers  
Stowers Associates Architects

Marie Tallman  
Opera House Banquet Facility

How do you, as a downtown business owner, feel about the proposed new tasting room?

Yes: 7                      No: 0

What impact do you think having a tasting room in the downtown will have on existing businesses?

Positive: 7                      Negative: 0

Do you believe this type of store will draw new visitors to downtown?

Yes: 7                      No: 0

Do you believe this type of store will draw local residents to downtown?

Yes: 5                      No: 1                      Maybe: 1

Will you attend the Planning Commission meeting?

Yes: 1                      No: 6                      Maybe:

**Some written comments received:**

" The Town needs to be open to new and different types of unique business opportunities. ...hate to see all the same thing in every storefront. The consumer & the economy will dictate success or failure." "I think it will be great for downtown. It will bring more people to stay at hotels and dine at restaurants...to shop, etc. It is different from a bar. The pours are small & they buy bottles to go." "...Having locally owned businesses has been one of the charms and character of the Town but the high cost of doing business in Los Gatos has discouraged the independent merchant. The partnership ....will bring renewed interest to Main Street, bring attention to the wonderful local boutique wineries....opportunity to support a local business that can help increase foot traffic to other businesses." "Good addition to town mix. Fits the Los Gatos life style." "...great idea to increase foot traffic...will attract adults & folks with spending power which will flow into other businesses." "...will promote foot traffic and more shopping."

We hope this is helpful to you in making your decision.

TOWN OF LOS GATOS CHAMBER OF COMMERCE

*President's*  
CIRCLE  
★

Platinum Sponsor  
Community Hospital  
of Los Gatos

Gold Sponsors  
The Spa-Los Gatos  
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FedEx Kinko's-Los Gatos

Greg Stowers  
VP Legislative Affairs

## REQUIRED FINDINGS FOR

45 W. Main Street

Conditional Use Permit U-07-2

Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026

PROPERTY OWNER: Jay Conover and Joella Wanamaker

APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC

### FINDINGS

- As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
  - (a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:
    - (1) The proposed uses of the property are essential or desirable to the public convenience or welfare;
    - (2) The proposed uses will not impair the integrity and character of the zone;
    - (3) The proposed uses would not be detrimental to public health, safety or general welfare; and
    - (4) The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.
- That the proposed project is consistent with the Redevelopment Plan for the Central Los Gatos Redevelopment Project Area (Section IV.B).
- As required by the Town's Alcohol Policy for alcohol service past 10:00 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.

**CONDITIONS OF APPROVAL FOR:**

**45 W. Main Street**

**Conditional Use Permit U-07-2**

**Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN. 529-01-026**

**PROPERTY OWNER: Jay Conover and Joella Wanamaker**

**APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC**

~~TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:~~

(Planning Section)

1. **CONDITIONS:** These conditions of approval shall supercede all previously adopted conditions.
2. **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 Exhibit H in the report to the Planning Commission. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development or the Planning Commission, depending on the scope of the changes.
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.
4. **USE:** The approved use is a wine tasting room operated by Clos La Chance Wines, Inc and Fleming Jenkins LLC and retail store selling wines and wine-related retail products from Clos La Chance and Fleming Jenkins wineries.
5. **NUMBER OF SEATS:** The maximum number of seats shall not exceed 4 seats total.
6. **HOURS OF OPERATION:** Hours of operation for the business shall be 11:00 a.m. to 7:00 p.m. seven days a week.
7. **WINE SALES:** Retail sale of wine for off-site consumption is permitted from 11:00 AM to 7:00 PM, seven days a week and 11:00 AM to 10:00 PM for private events.
8. **WINE TASTING:** Wine tasting is permitted. The maximum sample size for the tasting shall not exceed one ounce.
9. **PRIVATE EVENTS:** Private events such as staff meetings, special new release tastings, bottle signings, vendor presentations, and other winery related business are allowed. These events are limited to once a month with hours of operation from 11:00 AM to 10:00 PM. Entertainment is not permitted during these events.
10. **PROHIBITED USES:** Service of alcohol for consumption on-premises beyond the minimum allowed for a wine tasting is not allowed.
11. **OCCUPANCY:** The maximum occupancy shall be as required by the Fire Code.

Vu-Bang Nguyen - Fwd: Clo La Chance

From: Marilyn Cosden  
To: Vu-Bang Nguyen  
Date: 10/03/2006 12:32 PM  
Subject: Fwd: Clo La Chance

**RECEIVED**  
OCT 3 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

\*\*\*\*\*

Marilyn D. Cosden  
Administrative Secretary  
Community Development Department  
Town of Los Gatos  
408/354-6874  
Email: [mcosden@losgatosca.gov](mailto:mcosden@losgatosca.gov)  
\*\*\*\*\*

>>> Debra Figone 10/3/2006 10:57 AM >>>  
For the record

>>> LOUIS GODOY <louisgodoy@sbcglobal.net> 10/2/2006 4:08 PM >>>  
Greetings, my name is Louis Godoy, I am a Realtor with Synoptic Real Estate Group in your lovely town of Los Gatos. Collectively as an office we are very happy and feel honored to be able to do business in Los Gatos and are always looking to help people and new business move in and expand in the community.

We as an office also share love of a culture that is affectionately equated to Los Gatos, the love of wines, which brings me to the heart of this communication. We understand that a winery "Clos Le Chance" from Morgan Hill is hoping to open a tasting room in the community and being a big fan of the wines and great food (as I was chef for many years in area restaurants and hotels) thought this would be a win win opportunity for both the winery and the people of Los Gatos.

So at this point I am not sure who I would have to contact to voice my support for this idea, but I thought I would begin at the top and perhaps you would forward this to the proper person.

I hope you can join us in the support of this venture and we can all help them to succeed. ...."Here's to a long lasting and successful partnership.....Cheers"

Regards,

Louis Godoy

**Louis Godoy - Realtor**  
**Synoptic Real Estate Group**  
Cell:408.410.3629  
Office:408.358.2717  
Fax:408.358.2729  
[www.synoptic-reg.com](http://www.synoptic-reg.com)

From: "Fabi Soliemani" <fabi@soltransaction.com>  
To: <vnguyen@losgatosca.gov>  
Date: 09/29/2006 7:38 PM  
Subject: Clos La Chance Winery  
  
CC: <rick@clos.com>  
Mr. Nguyen,

**RECEIVED**  
SEP 29 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

I would like to take a moment of your time regarding Clos La Chance Winery. It was brought to my attention that Clos La Chance Winery and Fleming Jenkins Vineyard are looking to obtain a permit in the town of Los Gatos.

As a business owner in Los Gatos for over 10 years, I would like to express my support. If you allow them the opportunity to open their retail shops and tasting rooms, it will be a great benefit for the residents and business owners of our beautiful town.

Please contact me if you have any questions regarding this matter. Thank you again for your time.

Best Regards,  
Fabi Soliemani  
President & CEO  
Sol Transaction, Inc.  
Direct: 408-202.0604  
Fax: 408.358.8881  
www.soltransaction.com

Vu-Bang Nguyen - Clos La Chance Winery

From: joseph dadashadeh  
To:  
Date: 09/29/2006 10:45 AM  
Subject: Clos La Chance Winery  
CC:

RECEIVED  
SEP 29 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Mr. Nguyen,

Before any thing else let me first thank you for all the hard work that you are doing in the beautiful city of Los Gatos. The reason that I am sending you this e-mail, is in regards with the permit Clos La Chance Winery and Fleming Jenkins Vineyard are looking to obtain in city of Los Gatos. I would like to fully support as a business owner in city of Los Gatos and great state of California Clos La Chance Winery and Fleming Jenkins Vineyard in being granted the opportunity to open their retail shops and tasting rooms in Los Gatos. I feel the addition would show our clients appreciation.

Please contact me if you have any questions regarding this matter.

Joseph Adeh  
Senior Loan Officer  
Synoptic Financial Services  
[joseph@synopticfinancial.com](mailto:joseph@synopticfinancial.com)  
Phone# 408-241-5555  
Fax# 408-358-2729

All-new Yahoo! Mail - Fire up a more powerful email and get things done faster.

Vu-Bang Nguyen - Clos La Chance Winery in Los Gatos

From: "Arbel Bet-Shliemoun"  
To:  
Date: 09/28/2006 1:21 PM  
Subject: Clos La Chance Winery in Los Gatos  
CC:

**RECEIVED**  
SEP 28 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Mr. Nguyen,

I am sending this email to request a strong consideration to be given to Clos La Chance Winery to open a retail and a tasting room in the beautiful Town of Los Gatos.

I am a frequent visitor to Clos La Chance in San Martin Road and I enjoy the beautiful vineyards and the very elegant and tasteful tasting room that they have offered us for so many years.

By opening a retail shop and a tasting room close to my office I will be able to frequent the Town Center more often whether for business or for personal leisure.

Thank you for considering this.

Arbel Bet-Shliemoun

Director/Owner

Uccc.net Information Solutions

408.445.8222

**From:** <rfilek@pol.net>  
**To:** <vnnguyen@losgatosca.gov>  
**Date:** 09/27/2006 9:20 PM  
**Subject:** City Planning

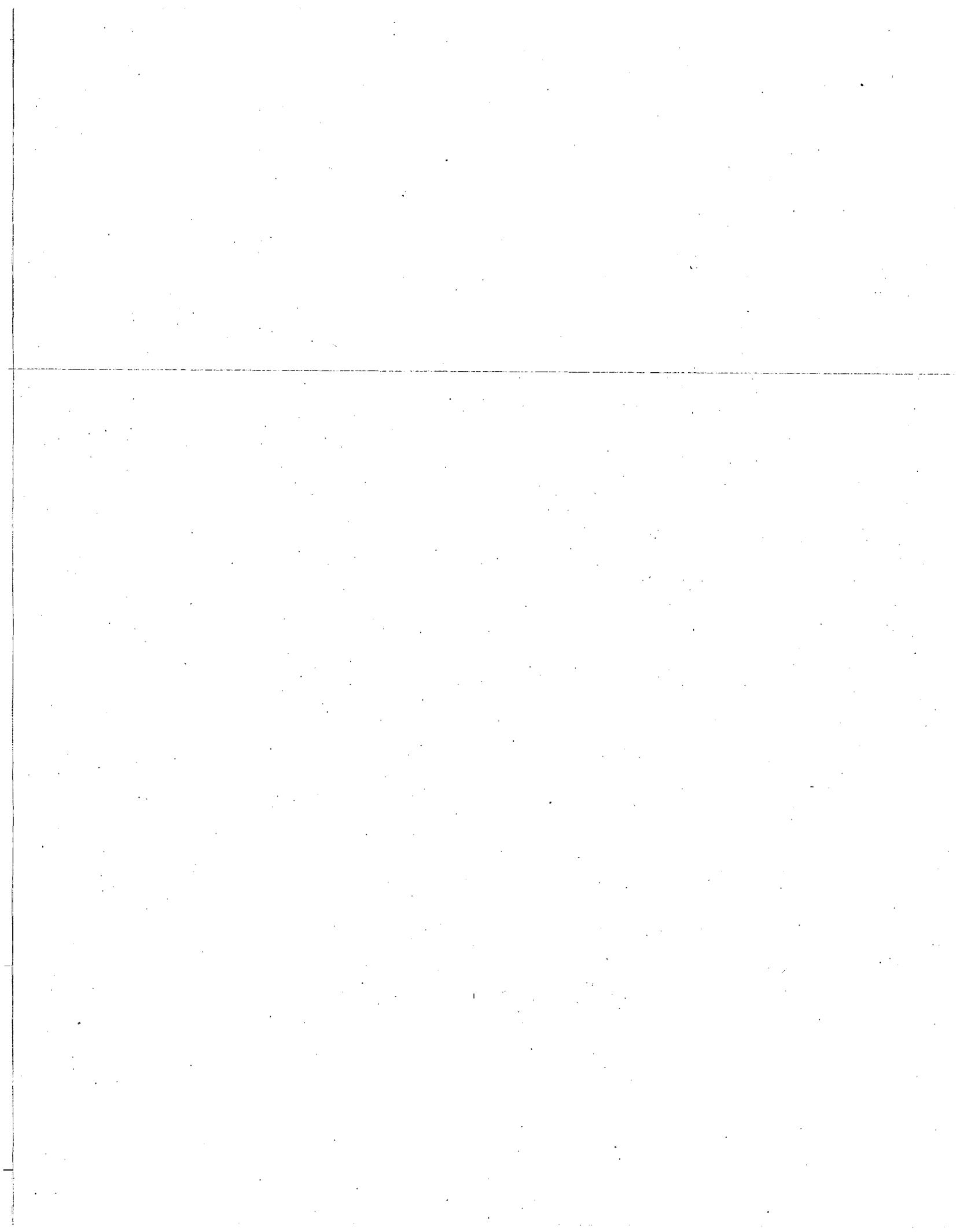
We have heard of the possibility of a wine tasting room at 45 Main St by Clos de Chance Winery. We have known this business entity for over 10 years and strongly support their application for such a business venture in Los Gatos.

Robert and Heather Filuk  
17180 Crescent Dr  
Los Gatos, Ca 95030

**RECEIVED**

SEP 28 2006

TOWN OF LOS GATOS  
PLANNING DIVISION



A P P E A R A N C E S:

Los Gatos Planning  
Commissioners:

Phil Micciche, Chair  
John Bourgeois  
Michael Kane  
Tom O'Donnell  
Lee Quintana  
Steve Rice  
Joanne Talesfore

Assistant Director of  
Community Development:

Randy Tsuda

Town Attorney:

Orry Korb

Transcribed by:

Vicki L. Blandin  
(510) 526-6049

LOS GATOS PLANNING COMMISSION 9/27/2006  
Item #3, 45 W. Main Street

1

P R O C E E D I N G S:

COMMISSIONER KANE: (Inaudible)...the issue as to why I had the concern. (Inaudible) Toyota, an employee of Clos La Chance regarding the availability of the subject location for the business; I called her when I found out that it became available, and I did this prior to the site decision itself and prior to the existence of the application.

CHAIR MICCICHE: Thank you. Any questions of the applicant? Commissioner Rice.

COMMISSIONER RICE: What's the production capacity in cases of the two wineries?

RICK TOYOTA: Well for Clos La Chance it's 60,000 cases a year, which believe it or not, makes us actually a small winery. Having worked for Robert Mondavi prior, where the winery itself produced over 300,000 cases, and then you add some of their other labels and it went well over 10 million cases; you have to put it in that perspective. I believe for Fleming Jenkins it's much less.

GREG JENKINS: We're under 1,500 cases per year. We need to grow significantly to help our economic vitality and viability, and having a tasting room is the major way

LOS GATOS PLANNING COMMISSION 9/27/2006  
Item #3, 45 W. Main Street

2

1 that many wineries are able to have their products out in  
2 front of other people. We get calls all the time, everyday  
3 practically, people asking where's our tasting room, where  
4 can they come see us, and we have no location at this point.

5 COMMISSIONER RICE: Does the ABC license that  
6 allows you to have a tasting room prohibit you from selling  
7 or displaying, allowing tasting of wines other than your  
8 own?

9 RICK TOYOTA: Absolutely. In fact that's why we  
10 have to have two, we're running off two separate licenses.  
11 We're running off an extension of each of our winery  
12 licenses, and under that extension, under the type two, it  
13 allows the wineries to have one location offsite of the  
14 facility that they produce the wines to sample and to sell  
15 off-premise their wines. We cannot offer wines from any  
16 other winery besides our own.

17 COMMISSIONER RICE: So in the conditions, the fact  
18 that it says you can only sell products from Clos La Chance  
19 and Fleming Jenkins, that's a non-issue for you because,  
20 because the ABC requires that as well?

21 RICK TOYOTA: Yes, it's a non-issue, because we're  
22 required by ABC.

23 COMMISSIONER RICE: Thank you. That's all.

24 CHAIR MICCICHE: Any other questions at this time?  
25 Okay. Thank you. I'm going to open up to the public and  
we'll call you back.

1 RICK TOYOTA: Thank you.

2 CHAIR MICCICHE: I have three cards here. Let me  
3 get a clarification on the first card. Both you and your  
4 wife are going to speak, is that why I have two cards, Mr.  
5 Farhad?

6 FARHAD: No, just one.

7 CHAIR MICCICHE: Just one of you is going to  
8 speak? Okay. Then I will just call one of the cards then.  
9 Again, if anybody would like to speak on this item, please  
10 fill out one of these cards and turn it in at one of the  
11 ends of the podium. Or you can do it like Citizen Ray does  
12 and do it at the last moment if you choose. Mr. Farhad.

13 FARHAD: Thank you, sir, for giving me another  
14 chance. Within the address that the applicant is requiring  
15 you to give him permit to put a tasting room, there are two  
16 more tasting rooms basically, two more. You can call it  
17 different names, but basically they are tasting rooms.  
18 Within walking distance there is Los Gatos Coffee Roasting  
19 Company, there is Café Rouge, and I think there is French  
20 Wine Cellar obviously; that's a different one. So within a  
21 block we are talking about three wine tastings.

22 Now to be honest with you, I think with the strict  
23 alcohol policy that the Town has, this application has no  
24 place in this place.

25 And what's going to happen if the day after  
tomorrow another winery comes down and says, "I need a

1 tasting room because I want to grow"? And there are 62 of  
2 them from Mountain View to Monterey Bay. Are you going to  
3 deny them? Are you going to accept them? It depends on your  
4 decision tonight.

5 The winery who is asking for the wine tasting can  
6 very easily release its wine to the existing tasting places,  
7 and they can grow from there. There are two places which  
8 they specialize as far as I know. One of them is Café Rouge;  
9 the other one is Los Gatos Roasting Company, who they  
10 concentrate only on Santa Cruz Mountain wines.

11 The whole question is what are you going to do  
12 tomorrow when there is another winery coming down and  
13 asking? This whole central block would be full of wine  
14 tasting places. That's the question. Thank you.

15 CHAIR MICCICHE: Any questions? Seeing none, Fawn  
16 A. Skyles.

17 FAWN SKYLES: I'm Fawn Skyles, 18065 Lavern Drive.  
18 I am working with Teri Hope with the Los Gatos Coffee  
19 Roasting Company and I brought with me a letter of support  
20 from her. Unfortunately she couldn't be here tonight, so I'd  
21 like to give this to you.

22 And then I'd also like to speak on my own behalf  
23 that I'd like to support backyard wineries, and one reason  
24 is because most other wine regions, whether it be Healdsburg  
25 or Napa, usually have quite a bit of representation as far

1 as tasting rooms in the area to support the local wineries.  
2 Los Gatos and the Santa Cruz Mountain wineries do not.

3 Los Gatos is a perfect spot to support some of  
4 these wine growers and also wine makers, because one thing  
5 about this area, and I've gone and tasted so many wines in  
6 this area now, it's really hard to get to some of these  
7 places, and having a tasting room that has two local  
8 wineries to be able to represent their wines, I think that's  
9 important.

10 I also think that it will add to the diversity of  
11 the local businesses. I feel a little bit differently from  
12 the person who was speaking before. At least on Main Street,  
13 by having another tasting room in addition to the French  
14 Wine Cellar I think will be beneficial to our business too.  
15 More people will walk down the street. The way that it's  
16 done, it's done very responsibly, very professionally. If  
17 you go to their tasting room, they have an educated staff,  
18 so I'm not really worried about it becoming a wine bar or  
19 anything like that; it's a different level.

20 I think it will draw locals to the community. I've  
21 had many people, since the approval of our application, come  
22 up to me and Teri and say, "Thank God we have something here  
23 now that can showcase our local wines." So just wanted to  
24 give my support on this.

25 CHAIR MICCICHE: Did you want to pass that letter  
you have along?

1 FAWN SKYLES: I will, please.

2 CHAIR MICCICHE: Can you bring it to this area? Do  
3 we have any questions of this speaker? Seeing none, I have  
4 no more cards. I have a last minute one. Mr. Citizen Ray.

5 RAY DAVIS: Well, shucks. I was all set to give  
6 you a reasoned argument based on zoning, land use permits,  
7 and all the other stuff that you're so very familiar with.  
8 However, I heard this gentleman from Café Rouge make the  
9 case: What do you do when you have a downtown area that's  
10 potentially dedicated to wine tasting?

11 Then on a Wednesday night you got Jazz at the  
12 Plazz with a thousand, fifteen hundred, maybe two thousand  
13 people down there, and the wine tasting district, which it  
14 would be potentially when it gets operative, this same  
15 thousand, fifteen hundred, why wouldn't they start their  
16 Jazz in the Plazz an hour early by coming to the local wine  
17 tasting shops, a little sip if you will, or two, or three,  
18 or four, or five, before the music starts? Why not? So I  
19 think you better think deeply about the Town's alcohol  
20 policy relative to this potentially precedent setting,  
21 repeat, precedent setting, land use permit.

22 I mean this thing is just getting started. You  
23 just had the Café Rouge recently approval. You just had Teri  
24 Hope's place recently approved. It's just getting started. I  
25 think this man's caveat, his cautionary comments, are  
beautifully appropriate. Thank you.

1 CHAIR MICCICHE: I do have one more card. Mr.  
2 George Montanari.

3 GEORGE MONTANARI: My name is George Montanari, I  
4 live at 160 Long Meadow Drive in Los Gatos. I've been a  
5 resident here for 20 some odd years, and I first of all I  
6 want to thank everybody for sitting here and doing your jobs  
7 late at night. I've been on both sides, and you guys do  
8 really a great job, and sometimes the people in the audience  
9 can give you guys a lot of grief, and I appreciate you guys  
10 having patience in dealing with excited audience members.

11 I'm in favor of the wine tasting room. I think the  
12 concept of a business having their products out there,  
13 having it being tasted, like being wine, cheese, or whatever  
14 the situation is, it would be great for the Town.

15 It is not a bar; it closes at 7:00 o'clock. If  
16 you've ever been up to Testarossa, usually there are just  
17 two or three people up there. Very measured drinks. If you  
18 want to buy some wine, you can. It's a very enjoyable  
19 experience; all adult age groups go. It doesn't turn into  
20 any kind of ruckus or anything else.

21 And the concerns that people have of it being a  
22 wine shop district or getting too many licenses, I'm sure  
23 the Council and the Planning Department and Staff can deal  
24 with all those issues as they come up, like they've dealt  
25 with all the other issues. Thank you.

1 CHAIR MICCICHE: Any other speakers? One more  
2 time. Seeing none then, I'll bring the applicant back up for  
3 rebuttals.

4 RICK TOYOTA: Well, let me address some of the  
5 concerns that were addressed here about the tasting rooms  
6 and the number of tasting rooms here.

7 I think one the best examples we can give you is  
8 what's worked very successfully in some other areas like  
9 Healdsburg and other towns where wine is actually part of  
10 the community. They have put limitations, and that would  
11 definitely be up to you folks who make those determinations  
12 as future applicants, if any do, come forward.

13 I think that we bring a bit of versatility,  
14 because we are different than the other businesses that are  
15 here. We are representing producers from the Santa Cruz  
16 Mountain region, and I think that's a benefit to this area  
17 as well. The Santa Cruz Mountain is one of the oldest and  
18 most historic wine growing regions in the state, and it  
19 doesn't get its due because many of our neighbors in the  
20 north do have a lot more publicity and a lot more notice on  
21 their wines. But this region really does have some wonderful  
22 wineries. I think both of our wineries are good  
23 representations of those. There are many others here as  
24 well.

25 Because of the restrictions that we have on what  
we're offering, we're not a bar; we're not offering glasses

1 of wine, we can't do that. They are simply samplings. They  
2 are controlled samples; there's a limitation to the  
3 sampling, and as a result, I think we will have minimal  
4 situations with abuse. We even have a fee attached to those  
5 to discourage people from abusing the benefits of going to a  
6 tasting room and tasting, because now we're giving them an  
7 investment to actually buy a bottle of wine or a case of  
8 wine, or hopefully six cases of wine.

9 This really is a showcase for our winery. It's a  
10 little bit different than some of the other businesses that  
11 are offering wines from a variety of different producers.  
12 There's a secondary benefit that's so important to us, which  
13 is to give us a location to showcase our products. We do  
14 sell our wines through other venues, and quite frankly we  
15 sell more of our wines through other venues, but tasting  
16 rooms really are showcases for our products, and that's as  
17 important to us as actually selling the quantity of wines.

18 Within the framework of the policy that the Town  
19 has on alcohol, I think we fall well below the requirements.  
20 Like I said, we are not offering wine for consumption for  
21 sale. The tastings are strictly limited; they go below the  
22 amounts that a regular glass of wine would be offered. They  
23 are also in one-ounce measured pours, which are stretched  
24 out over a period of time and not poured all at once.  
25 Someone can't come in and say, "Give me five pours of your  
Chardonnay." We can't do that; we won't do that. We also

1 have our ABC licenses that we're not going to risk to do  
2 something like that as well.

3 In fact, the restrictions that we've self-imposed  
4 are stricter than what the ABC has. In the rules, they don't  
5 have a measure definition; they just say "tastings and off-  
6 premise retail." We put in what we considered an industry  
7 standard that most wineries do with the one-ounce pours, and  
8 the limitation on how many pours as well. So I think some of  
9 those concerns will be well addressed.

10 One last point real quick. I notice, especially  
11 with the last presentation, there is a concern with the  
12 definition of events, and under our conditions there is less  
13 of these events and I think we fall well below that. We're  
14 not really talking about the same type of activities. We're  
15 talking about winery business that may relate after hours.

16 CHAIR MICCICHE: Thank you. I'm going to open it  
17 up to some questions here. Commissioner Quintana.

18 COMMISSIONER QUINTANA: You mentioned limitations  
19 that Healdsburg is placed on wine tasting. Could you  
20 elaborate on that?

21 RICK TOYOTA: Yes. I believe they actually have  
22 limited how many tasting rooms can actually be in the town  
23 square area of Healdsburg, and I think it's four or five.  
24 They wanted to preserve the mix of the different businesses  
25 there, and I think that's what's successful about locations  
that have done that.

1 We're not trying to be highway 29 in Napa Valley.  
2 One, we don't have enough wineries to do that, and two, I  
3 don't think anyone here wants to see that, including us.

4 What we're looking at are examples like  
5 Healdsburg, or a Saint Helena, or even the downtown Napa  
6 area where they have placed limitations on how many tasting  
7 rooms there are there, and it's within the mix of the  
8 restaurants, of the boutiques and shops, and other things,  
9 and that has made the tasting rooms a very welcome part of  
10 the business community in those areas.

11 CHAIR MICCICHE: Any other questions? Thank you.  
12 I'm going to close the public hearing and open it up to  
13 comments, questions of Staff, or a motion. Commissioner  
14 Kane.

15 COMMISSIONER KANE: We've got what, 15 or 20  
16 letters that have been provided to us tonight, and I didn't  
17 see anyone objecting. Was there one that had concerns? I  
18 just wanted to ask, because they all look favorable; that is  
19 to say again, the neighborhood seems to be in favor of this,  
20 the speakers seem to be in favor of this.

21 I do have something I want to add and I'll  
22 disclose that I've discussed it with Commissioner Talesfore  
23 insofar as a concern we have of, somebody phrased it as  
24 "Tonto put ear to ground. Many, many buffalo coming," that  
25 in fact there may be many additional applications for this  
developing business in town, and however this discussion

1 goes tonight, I'd like to, through the Chair, advise the  
2 Planning Department and the Town Council I think we do need  
3 new guidance policy regarding wine tasting. I don't think  
4 the alcohol policy was intended to address this phenomenon,  
5 this new thing that's happening, and I don't think there's  
6 an issue with selling glasses of wine or police control  
7 issues as has come before us before.

8 But I would like to know what the Town/Town  
9 Council wants and what it sees in its vision for the future,  
10 how shall we adjudicate these questions in the future  
11 consistent with what they want the Town to do? I don't think  
12 we have anything right now that addresses this new  
13 development and whatever motion is put forth. I was hoping  
14 we could strongly communicate that we need their guidance as  
15 to what the Town wants for the future regarding this  
16 potential identification. Thank you.

17 CHAIR MICCICHE: I think the minutes will probably  
18 now reflect what you want, Commissioner Kane. Commissioner  
19 O'Donnell.

20 COMMISSIONER O'DONNELL: Speaking to Commissioner  
21 Kane's point, I think in our history here when something  
22 looks like it's being overdone, the Town does look at it and  
23 does adopt, one, interim ordinances moratoria, and other  
24 things like that. I think it is premature to say the Town  
25 Council should adopt something, but I don't think it's  
premature to say the Town Council should be looking into it,

1 because the concerns that are raised are valid concerns and  
2 at some point we've got to say wait a minute, but that would  
3 be in my judgment not yet, and in a sense it's kind of a  
4 nice problem. It means the people see this as a very  
5 successful thing, that's why they're coming in. The Town can  
6 then say we want to protect our mix, and I'm a hundred  
7 percent for that. So I guess it's a good thing to say to the  
8 Council this is nice, these people are all interested in  
9 this, but keep your eye on. You can think about it, you can  
10 keep tabs on it, and then if we need something, we'll be  
11 ahead of the curve. So I think I agree with the sentiment of  
12 what Michael is saying.

13 CHAIR MICCICHE: Commissioner Quintana.

14 COMMISSIONER QUINTANA: I would agree with the  
15 basic sentiment, but I would also point out that over the  
16 last six months this is the third application for tasting.  
17 Previously there's only been one in town, that's an increase  
18 of 300%, so I think it is somewhat more immediate that we  
19 have guidance on numbers.

20 I'll also give some input of observations, having  
21 visited Healdsburg often over the last 25 years because I  
22 have some very good friends there, and I've watched the town  
23 change, and as its changed and become what it is today,  
24 increasingly the local residents are complaining about the  
25 lack of local serving businesses at the expense of  
businesses that are oriented towards tourists. So it may be

1 a welcome part of the business community, but it may or may  
2 not be as welcome a part of the community as a whole.

3 CHAIR MICCICHE: Is that it? Commissioner  
4 Talesfore.

5 COMMISSIONER TALESFORE: I do have a question, and  
6 then I may have a comment to Staff.

7 So I'm understanding that this is a new type  
8 business actually. It's not a restaurant, it's not a bar,  
9 it's not a retail. And what I'm not concerned about, but  
10 what I'd like to have clarification on, is how do we analyze  
11 the intensity that will develop from this? How do we analyze  
12 it as far as traffic impact and parking regulations? How did  
13 we do that with this, or how did you do this?

14 RANDY TSUDA: Well these types of uses are  
15 categorized as a form of specialty retail, so it applies the  
16 standard specialty retail traffic numbers and parking  
17 requirements, one space for every 235 square feet; it's the  
18 ratio that was applied to the French Cellar and to the  
19 grocery store/tasting area of the Roasting Company.

20 COMMISSIONER TALESFORE: And the 100-125 people  
21 per day, is that included in that?

22 CHAIR MICCICHE: Square footage.

23 COMMISSIONER TALESFORE: No, this is what the  
24 applicant said that he would expect, I believe. Am I right  
25 on that, Mr. Toyota? On a busy day it would be 100 to 125,  
on a weekend? Yeah. So is that right?

1 RICK TOYOTA: You're talking an average of on a  
2 busiest day of ten customers an hour. That's not unusual.

3 COMMISSIONER TALESFORE: Do you want us to comment  
4 as well, and then we can move on?

5 CHAIR MICCICHE: I'd like to have the questions  
6 out first.

7 COMMISSIONER TALESFORE: Okay.

8 COMMISSIONER BOURGEOIS: I just want to clarify  
9 with staff that what's before us here and what the  
10 application is is not significantly different from what  
11 we've granted to the Roasting Company and Café Rouge.

12 RANDY TSUDA: In the case of the Roasting Company,  
13 it was a retail establishment that had a wine tasting  
14 component, wine bar component. In this case it does not have  
15 a wine bar component, it has wine tasting and associated  
16 retail. So in the scope of it, it is actually less and that  
17 you cannot purchase a full glass of wine, you can't purchase  
18 an entire bottle of wine for consumption.

19 COMMISSIONER BOURGEOIS: Because there is no meal  
20 being served?

21 RANDY TSUDA: Right.

22 COMMISSIONER BOURGEOIS: But as far as the tasting  
23 goes, it's the same?

24 RANDY TSUDA: It's the same.

25 COMMISSIONER BOURGEOIS: That's my only question.

1 CHAIR MICCICHE: Any motions or comments?  
2 Commissioner O'Donnell, go to it.  
3 COMMISSIONER O'DONNELL: I would move that we  
4 recommend to the Town Council the approval of this  
5 application, and I would include in that that we can make  
6 the findings as set forth in Exhibit A, that is to say that  
7 the project is categorically exempt under 15301 of the state  
8 guidelines; and that the proposed use is, I would say,  
9 desirable to the public convenience or welfare; and will not  
10 at this time impair the integrity or character of the zone;  
11 would not be detrimental to the public health, safety, or  
12 general welfare; and would be in harmony with the various  
13 elements or objectives of the General Plan and the Town  
14 Code; and to continue that the proposed project is  
15 consistent with the redevelopment plan of the Central Los  
16 Gatos Redevelopment Area; and there is no service proposed  
17 after 10:00pm, so the Town's alcohol policy as to that  
18 regard is not applicable.

18 I think those are the complete findings as far as  
19 the conditions are concerned; they're set forth on Exhibit  
20 B. I will not read them; they are ten in number, but I would  
21 include those in my motion.

22 CHAIR MICCICHE: Do I have a second?

23 COMMISSIONER KANE: I'll second it.

24 COMMISSIONER TALESFORE: Right here.

25 CHAIR MICCICHE: Who seconded it?

1 COMMISSIONER TALESFORE: I'll second it...

2 COMMISSIONER KANE: I'll second it.

3 COMMISSIONER TALESFORE: ...but I also had a  
4 question, and that is that Tom change Condition #6 so it's  
5 11:00am to 7:00pm.

6 COMMISSIONER O'DONNELL: Absolutely.

7 COMMISSIONER TALESFORE: Okay.

8 COMMISSIONER O'DONNELL: I was just concerned,  
9 since Randy had his hand up, that maybe I needed to do  
10 something else?

11 RANDY TSUDA: Well, one point of clarification is  
12 that they are requesting that these winery events be allowed  
13 to go until 11:00pm, which is beyond the 10:00pm stated in  
14 the alcohol policy. You would need to make that special  
15 finding.

16 COMMISSIONER O'DONNELL: Well let me ask a  
17 question on that. I guess I get back to the question of  
18 confusion on special events. So would you explain to me your  
19 understanding of what they're asking for as a special event?

20 RANDY TSUDA: Well it's really a winery related  
21 business event. It can be a presentation from vendors; it  
22 can be a presentation of new bottlings, trainings for the  
23 staff, things like that. There will be apparently wine  
24 available at these sessions.

25 COMMISSIONER O'DONNELL: Is this to be open to the  
general public?

1 RANDY TSUDA: The way the condition is worded  
2 right now is "staff meetings, special new release tastings,  
3 bottle signings, vendor presentations, and other winery  
4 related businesses are allowed."

5 COMMISSIONER QUINTANA: Let me say something here.

6 CHAIR MICCICHE: Excuse me. Do we need an answer  
7 to that from the applicant, the question that was just  
8 asked?

9 COMMISSIONER O'DONNELL: I think yeah.

10 RANDY TSUDA: Yeah, I would open that up.

11 CHAIR MICCICHE: I'm going to open the hearing for  
12 that one question and answer, if I may. Would you restate  
13 your question, Commissioner O'Donnell?

14 COMMISSIONER O'DONNELL: Well I heard you say  
15 something briefly about that, and I guess I didn't pay  
16 enough attention to it. Would you explain to us? We've been  
17 using the word "special events" tonight, and that's a  
18 confusing word. Let's not use special events.

19 RICK TOYOTA: Absolutely.

20 COMMISSIONER O'DONNELL: Let's use uncustomary  
21 events that do not involve the general public walking in?

22 RICK TOYOTA: Correct. What we were looking at,  
23 really there are two separate categories. We do have some  
24 activities that we are would want to do by invitation, and  
25 these are activities like new release events or signing  
books or bottle signings and things of this nature.

1 Obviously there would be limitations to how many people  
2 could attend based upon the size of our location. To be  
3 honest with you, I do not think we will ever need to be  
4 going to 11:00 o'clock. The whole idea of these are after  
5 our normal operating hours and may be for an hour or two,  
6 and so I could see those things wrapping up easily by 9:00  
7 or 10:00 o'clock.

8 And the other part of that is we're looking at  
9 some smaller activities, business related, which I wouldn't  
10 want to even come close to categorizing as an event, and  
11 these are things that are vendor seminars and training,  
12 staff meetings. We also want to have an opportunity, which  
13 has been successful for us at several locations, to work  
14 with some of the hotels where they have small groups that  
15 want to do private tastings after hours, and usually those  
16 take place early in the evening prior to then going to the  
17 dinners that were set up for them and things like that, and  
18 those are the things we're talking about.

19 CHAIR MICCICHE: So you wouldn't have any problem  
20 saying that they would have to end by 9:55?

21 RICK TOYOTA: No problem at all.

22 COMMISSIONER TALESFORE: Fine.

23 CHAIR MICCICHE: Thank you.

24 COMMISSIONER O'DONNELL: What about the number?  
25 I'm concerned about how many people there might be. You said  
up to 1,000 invitations (inaudible).

1 RICK TOYOTA: Actually, we would not be sending  
2 out 1,000 invitations. We'd know we have restrictions on the  
3 size of the location; so we would never exceed that, because  
4 we would be in violation of the fire code in doing so. And  
5 really, once again, as far as numbers, it would be flexible  
6 based upon what's actually going on that time of the year.

7 COMMISSIONER O'DONNELL: (Inaudible).

8 CHAIR MICCICHE: Excuse me, Tom. I think the fire  
9 code is 53 max, by the way.

10 COMMISSIONER O'DONNELL: Okay, well, I just want  
11 to know if you can take a limit, I'd like to put a limit in  
12 there.

13 RICK TOYOTA: I would easily put the fire code in  
14 there with no problem.

15 CHAIR MICCICHE: With the fire code max, 53.

16 COMMISSIONER O'DONNELL: Okay.

17 RICK TOYOTA: Okay.

18 COMMISSIONER TALESFORE: Yeah, put the fire code.

19 COMMISSIONER O'DONNELL: All right. Do we have  
20 other questions?

21 CHAIR MICCICHE: Well you know, I opened this up  
22 for one question. I'm not sure where we're going with this  
23 right now.

24 COMMISSIONER O'DONNELL: Well at least now I  
25 understand.

CHAIR MICCICHE: Yeah.

1 COMMISSIONER QUINTANA: May I?

2 CHAIR MICCICHE: Is it relevant to the question  
3 that we opened for, or is this a brand new one?

4 COMMISSIONER QUINTANA: No, I think it's relevant.  
5 You may not. I do.

6 CHAIR MICCICHE: Oh, well you usually do. Go  
7 ahead, we'll give you one.

8 COMMISSIONER QUINTANA: Number one, just to  
9 clarify; all of these events that you were talking about  
10 would take place after 7:00pm?

11 RICK TOYOTA: Yes. We're talking about, like I  
12 said, outside our normal business operations we would like  
13 to do some of these private activities. Small groups from  
14 some of the hotels that we arrange with, or if we have some  
15 of these staff trainings and things like that that we need  
16 to do after hours.

17 The larger activities, which would be by  
18 invitation, would be things that we would follow whatever  
19 guidelines are set this evening.

20 COMMISSIONER QUINTANA: And does your ABC license  
21 require that you charge for these wine tastings during these  
22 special events?

23 RICK TOYOTA: That is usually discretionary to us,  
24 and the way we usually do it is there are certain seminars  
25 that require us to put an investment in, then yes, we do  
have a charge for them. If there are certain things like new

1 release tastings and things, we probably are not doing it  
2 with the intent to sell wine.

3 And if I may really quickly, one other condition  
4 on here that I think needs to be...because it's in  
5 contradiction to that, is that we would like to see the  
6 exception of being able to sell wine at those after hour  
7 events outside that timeframe of 7:00 o'clock, and only  
8 because if we're doing like a new release event, we want to  
9 be able to sell that wine.

10 CHAIR MICCICHE: We'll take that under advisement.  
11 Thank you. I'm closing the public hearing right now.

12 COMMISSIONER O'DONNELL: Can I go back to my  
13 motion and then (inaudible)?

14 CHAIR MICCICHE: You may, and it's been seconded.

15 COMMISSIONER O'DONNELL: The motion, I just want  
16 to amend it, and amend it in a couple of places. One, as  
17 suggested on paragraph seven of the conditions, the 11:00am  
18 to 7:00pm, seven days a week, would be the general rule. On  
19 special events—I'm going to have to use that word, I guess—  
20 where there would never be more than the fire code allows as  
21 far as people within, and indeed they would have to be  
22 determined to be special events such as we've just  
23 discussed. In other words, not simply inviting people in to  
24 taste wine, but new releases, teaching about wine, that kind  
25 of thing, truly special events, not merely a continuation of  
the day's business.

1 RICK TOYOTA: It's only once a month anyway.

2 COMMISSIONER O'DONNELL: Right. Then those events  
3 could be a retail sale of wine up to 10:00pm, not past  
4 10:pm. And on number nine...

5 RICK TOYOTA: That was ten?

6 COMMISSIONER O'DONNELL: Yeah. Instead of 11:00pm,  
7 it would become 10:00pm. I think that covers the two points.

8 CHAIR MICCICHE: Does the seconder agree with  
9 those amendments?

10 COMMISSIONER TALESFORE: I would agree to that,  
11 yes.

12 CHAIR MICCICHE: Okay. Questions?

13 COMMISSIONER QUINTANA: Yes. Given that the  
14 applicant has stated that there events that are outlined in  
15 condition #9 will occur outside the regular business hours,  
16 I would ask that the maker of the motion change that to read  
17 from 7:00pm to 10:00pm.

18 COMMISSIONER O'DONNELL: I'm sorry, I'm just  
19 missing the point.

20 COMMISSIONER QUINTANA: The point is that the  
21 applicant has stated that all of these "special events,"  
22 staff meetings, new beverage release tastings, et cetera,  
23 would occur outside the normal business hours. The normal  
24 business hours are 11:00 to 7:00pm, so that implies that  
25 these events would occur from 7:00pm to later.

CHAIR MICCICHE: Why would we restrict?

1 COMMISSIONER O'DONNELL: Let me just ask this  
2 question: My understanding is if they wanted to have people  
3 come in and talk about wine during the day, there is no  
4 prohibition. So I don't exactly know why putting something  
5 special in nine solves any problem.

6 COMMISSIONER QUINTANA: There's no prohibition,  
7 but the applicant has stated that that's not their intent,  
8 and the General Plan says that if the applicant has stated  
9 something as a description of their proposal, that it should  
10 be included in the conditions of approval. That's my point.

11 COMMISSIONER O'DONNELL: Well, I would decline to  
12 accept that, and I'll explain why.

13 COMMISSIONER QUINTANA: That's okay.

14 COMMISSIONER O'DONNELL: Simply because I don't  
15 think it hurts anything to have those kinds of things going  
16 on in the day. In fact, we'd all prefer to have them before  
17 7:00 rather than after 7:00, so to in essence discourage  
18 that I think would be counterproductive, so I would decline  
19 to accept that request.

20 CHAIR MICCICHE: Okay, it's been declined. You  
21 don't have to do anything. Anything else. Commissioner Kane.

22 COMMISSIONER KANE: Well the applicant's asked for  
23 11:00 o'clock and I think we're moving it toward 10:00  
24 o'clock, and if that's an arbitrary discussion, I wanted to  
25 know if we've done any... Pardon me?

1 CHAIR MICCICHE: I don't think it's arbitrary. He  
2 agreed to it.

3 COMMISSIONER KANE: Well arbitrary as it's here  
4 and now, but I'm just wondering did we do anything different  
5 for Café Rouge or Los Gatos Coffee Roasting?

6 CHAIR MICCICHE: What's the difference?

7 COMMISSIONER TALESFORE: No.

8 COMMISSIONER KANE: Oh, my concern is consistency.

9 COMMISSIONER TALESFORE: I think it is consistent.

10 CHAIR MICCICHE: Yeah, I think it is too.

11 COMMISSIONER TALESFORE: That's why I allowed it.

12 CHAIR MICCICHE: Yeah.

13 COMMISSIONER KANE: Okay.

14 COMMISSIONER O'DONNELL: And I'm trying to stay  
15 away from the Town's alcohol policy after 10:00pm. I think  
16 it's to their advantage and they've agreed to it.

17 CHAIR MICCICHE: Let's take it, right.

18 COMMISSIONER KANE: Good, let's do it.

19 CHAIR MICCICHE: Anything else? Commissioner  
20 Bourgeois.

21 COMMISSIONER BOURGEOIS: I was wondering if it  
22 might also be prudent, since the motion is just a  
23 recommendation to Council, also to tack onto that that  
24 Council gives some... I'm also very concerned about where  
25 this tipping point is in the number of facilities.

COMMISSIONER TALESFORE: Absolutely.

1 CHAIR MICCICHE: Yeah, I think we do that in our  
2 comments that we would look for that from the Town Council.

3 COMMISSIONER BOURGEOIS: Okay.

4 CHAIR MICCICHE: I don't think that should be part  
5 of the motion. Anything else?

6 COMMISSIONER QUINTANA: So do the comments  
7 (inaudible)?

8 CHAIR MICCICHE: The comments have been made for  
9 them to look at. It's already been stated in the minutes,  
10 unless we want to restate them a different way.

11 COMMISSIONER KANE: Restating might not hurt.

12 CHAIR MICCICHE: Or we like to hear ourselves talk  
13 again or something, I'm not sure.

14 COMMISSIONER QUINTANA: Okay. All right.

15 CHAIR MICCICHE: Do you have another comment,  
16 Commissioner Quintana?

17 COMMISSIONER QUINTANA: You know, this is a very  
18 difficult one for me, because basically I think the idea is  
19 good, but what is the tipping point? And by voting for  
20 recommendation, we're sort of saying yes, it's okay.

21 So basically I am in favor of it, but because I  
22 have to cast my vote one way or the other, I'm going to vote  
23 to not recommend, so that I can emphasize the point to  
24 Council that we need direction on where they're going with  
25 this in terms of the acceptable number, because each  
application that comes before us on a case-by-case basis is

1 reasonable, so where do we stop? And again, emphasizing that  
2 in the last six months this particular (inaudible), okay?

3 CHAIR MICCICHE: And I think we all agree that the  
4 Council should look at that. If there's nothing else, I'd  
5 like to call the motion. All in favor? Against? Vote is six  
6 to one, with Commissioner Quintana dissenting. Appeal  
7 rights?

8 ORRY KORB: This action is appealable. Actually,  
9 let me take that back. This is automatically forwarded to  
10 the Town Council.

11 CHAIR MICCICHE: That's the end of it. Thank you.

12 (END)

TO: Los Gatos Town Council: Mayor Diane McNutt, Vice-Mayor Joe Pirzynski,  
Council Members Mike Wasserman,  
Steve Glickman and Barbara Spector  
Los Gatos Planning Commission Members  
Los Gatos Town Manager Debra Figone

FROM: Sallie Robbins-Druian & Jay Druian  
The French Cellar  
32 East Main Street

RE: Wine Tasting Bars/Retail Wine & Wine Service Venues in Los Gatos

RECEIVED  
SEP 18 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

It has been brought to our attention by Teri Hope, that a few members of the Los Gatos Town Council have asked her opinion regarding the proposed tasting room/retail wine/high-end wine accessories shop "Backyard Wineries". Considering that Los Gatos Roasting & Deli (the deli portion now "Los Gatos Gourmet") will only be allowed by the ABC to serve wine with food as a restaurant/eating-place type licensee, we wondered why the inquiry was to a dissimilar business, considering the close proximity and like-licensing of our wine shop and tasting bar, "The French Cellar". We recall that Los Gatos Roasting Company was given a green light by the Town Council to proceed on all major aspects of the application, with some adjustments. A Pandora's Box was opened, and some people observed that if these licenses/permits were given approval to proceed to one party, in all fairness, they likely could be given to all who apply.

We now hear on the street, that other vineyards are following very closely the Clos La Chance and Flemings-Jenkins application - and if "Backyard Wineries" is successful, they will be making the same application when their leases are tentatively secured in town. The "buzz" and "rush" to open primary/secondary vineyard tasting rooms, more retail wine shops (including the franchise "WineStyles" and the former partners of "Uncorked!" in Saratoga) and CUP applications/changes for sandwich shops/burger shops to serve wine in the core retail downtown area is building. We forecasted this movement in our letter to the Town Council and Planning Commission April 14th, with regard to Teri Hope's multi-venue CUP application, and the run to similar applications by other local vineyards, shops and restaurants.

Please understand that while "The French Cellar" is a business exclusively dedicated to the wines of France, it does not mean that we stand alone in growing our customer base, unaffected by other wine competition and venues. Wine is wine, and a hand-sell to taste or varietal. We continue to have wine merchants and vineyard owners inform us that they are looking to open in downtown Los Gatos - and near us. The common denominator among them all, is "tasting room/wine sales" - including the possible lease of available rental space across our street and across the bridge on Main Street. No one seems to be interested in developing a tasting room or appellation co-operative in another part of Los Gatos, where there may be better freeway/road accessibility and parking. These potential new wine venues admit that their location preferences are intended to feed off existing, popular businesses and hotels, in the immediate walk-

about areas of the core business districts on North Santa Cruz and University avenues, as well as West Main and East Main streets. For such businesses to operate successfully downtown, they need adequate street or lot parking, unless the emphasis is only on casual walk-in tasting, or the sales of one bottle at a time. However, all of this may be a mute point, if the ABC 2005 New Moratorium for Type 20 permits in Los Gatos is true for the next four-plus years. Please refer to this link [www.abc.ca.gov/permits/permits.html](http://www.abc.ca.gov/permits/permits.html) for the listing.

Nonetheless, we are approaching our tenth year in business in Los Gatos and must plan for the future. We will be up for renewal for the next five year lease. We will be thinking very carefully about the value of our location, especially if we find ourselves surrounded by wine shops or tasting rooms selling retail wine. We have helped to anchor East Main Street with our lease commitment and personal dedication, added to the ambience and balance to our slow but persistent developing street, and supported the community. We patiently waited six years for the opportunity to apply for a tasting permit. We have watched the interest in wine businesses in Los Gatos explode since March, and we would say that the time is now for the Town Council to take control and consider a limit or town moratorium on tasting room/wine retail shops, as well as those permits to serve wine with food in the immediate downtown, including East Main Street. At the very least, for the record, please consider limitations of wine venues on a per street basis if a moratorium is not an agreeable option.

And if the Town is interested in her historic ties to the many excellent and high-profile vineyards in the Los Gatos Hills and Santa Cruz Mountains, then create incentive programs for those ABC permitted vineyards to open tasting rooms/wine sales in other attractive parts of town. We are bursting at the seams with too many like-business categories in our downtown area. And apart from the changing landscape of retail in Los Gatos, we are facing a potential crisis regarding the approval to issue alcohol permits, particularly with the serving of wine. We ask that you create a plan for balance now, for the future of downtown and the community of Los Gatos in general.

Sincerely Yours,

Sallie Robbins-Druian & Jay Druian

**Vu-Bang Nguyen - Conditional Use Permit for Backyard Vineyards**

---

From:  
To:  
Date: 09/19/2006 2:01 PM  
Subject: Conditional Use Permit for Backyard Vineyards  
CC:

**RECEIVED**  
SEP 19 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

---

Date: 09/19/06  
To: Vu-Bang Nguyen, Assistant Planner  
Town of Los Gatos - Community Development Department

On behalf of the Opera House Event Site, please accept this in support of the Clos LaChance/Fleming\*Jenkins conditional use permit for their Backyard Vineyards retail shop and tasting room to be located on Main Street. Sadly, there has been a negative change in economic health of downtown Los Gatos visible by the number of vacancies. Having locally owned businesses has been one of the charms and character of the Town, but the high cost of doing business in Los Gatos has discouraged the independent merchant. The partnership of Clos LaChance and Fleming\*Jenkins wineries to open a shop in downtown will bring renewed interest to Main Street, bring attention to the wonderful local boutique wineries, and also enhance the quaint and charming characteristics that is associated with Los Gatos. Downtown Los Gatos needs to be revitalized and this is an opportunity to support a local business that can help in increasing foot traffic to other businesses, as well.

Thank you for your consideration in approving the Conditional Use Permit for Backyard Vineyards.

Cordially,

Marie Tallman  
V.P. Marketing  
Opera House  
140 West Main Street  
Los Gatos, CA 95030  
408.354.6080 PH  
408.399.0608 Fax  
[www.OperaHouseEventSite.com](http://www.OperaHouseEventSite.com)  
[marketing@OperaHouseEventSite.com](mailto:marketing@OperaHouseEventSite.com)

Exhibit L

Vu-Bang Nguyen - Backyard Winery Application

From:  
To:  
Date: 09/20/2006 8:31 AM  
Subject: Backyard Winery Application

RECEIVED  
SEP 20 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

September 21, 2006

Town of Los Gatos - Community Development Department  
c/o Vu-Bang Nguyen - Assistant Planner  
110 E. Main Street  
P.O. Box 949  
Los Gatos, CA 95031

Dear Planning Commission, Diane and Members of the Town Council:

I understand Fleming Jenkins Vineyards & Winery and Clos LaChance Winery are planning to open a Tasting Room and Retail Shop in Los Gatos at 45 West Main Street and wanted to share my opinion that I feel this will be a nice addition to Los Gatos.

Saratoga has had a very good experience with "Uncorked," which has become one of the more successful businesses in Saratoga. It is supported not only by locals but also people from out of town, who like the local flavor of the small tasting room.

We hope you will support their application.

Sincerely,

*Gay and Roy Crawford*  
14711 Aloha Ave.  
Saratoga, CA 95070  
Home Business: (408) 867-2606  
Fax: (408) 741-5766  
gayc@aol.com

Vu-Bang Nguyen - Tasting Room and wine shop

RECEIVED

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

From: Barbara Mager  
To:  
Date: 09/20/2006 8:28 AM  
Subject: Tasting Room and wine shop

Barbara Mager in Saratoga supports the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the wine Tasting Room and Retail Shop at 45 W. Main Street. I feel that this business will be an attractive asset to the Town of Los Gatos and a service to both its residents and visitors. Backyard Wineries, owned and operated by local residents, will fit in well with the Town's high-end retail character as well as complement the hotel, restaurant and art scene. As a resident of Saratoga I am very supportive of the Town of Los Gatos and would like to be part of the Town's vitality and economic success. I would also like to be part of Backyard Wineries' success, and wish them the best in their new endeavor.

Barbara Mager  
Mager Consulting  
19324 Athos Pl  
Saratoga, CA 95070  
408/741-0236  
barbaramager@comcast.net

Vu-Bang Nguyen - message to deliver to the Planning Commission

From: Shawn Rao  
To:  
Date: 09/20/2006 8:10 AM  
Subject: message to deliver to the Planning Commission  
CC:

RECEIVED

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Shawn and Mandy Rao in Los Gatos support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the wine Tasting Room and Retail Shop at 45 W. Main Street. I/we feel that this business will be an attractive asset to the Town of Los Gatos and a service to both its residents and visitors. Backyard Wineries, owned and operated by local residents, will fit in well with the Town's high-end retail character as well as complement the hotel, restaurant and art scene. As a residents and business owners of Los Gatos we are very supportive of the Town of Los Gatos and would like to be part of the Town's vitality and economic success. We would also like to be part of Backyard Wineries' success, and wish them the best in their new endeavor.

Regards,

**Shawn Rao**

CEO

Versa Shore Inc.

[shawnrao@versashore.com](mailto:shawnrao@versashore.com)

<http://www.versashore.com>

Alternate: [shawnrao@yahoo.com](mailto:shawnrao@yahoo.com)

Cell: 408-355-5363

Fax: 650-745-2465

**From:** David Kay <david@dbkay.com>  
**To:** <vnguyen@losgatosca.gov>  
**Date:** 09/19/2006 11:37 PM  
**Subject:** Tasting room in Los Gatos

**CC:** Barbara Kay <barbara@dbkay.com>  
Dear Los Gatos Community Development Department:

I'm writing to support the establishment of a tasting room for Los Gatos area wineries such as Clos LaChance and Fleming-Jacobs in the town of Los Gatos itself.

Viticulture has been woven into the spirit of the area long before Fairchild brought silicon chips into our valley. Local wineries like Ridge and David Bruce continue to set world standards. Clos LaChance and Fleming-Jacobs are working their own paths to greatness, and deserve our support as a local community.

Please let me know the most effective way for me to show my support for a local winery tasting room – other than by visiting it once established.

Best,  
David

David Kay  
DB Kay & Associates  
david@dbkay.com  
www.dbkay.com  
408.568.3551

**RECEIVED**

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Vu-Bang Nguyen - Wine Tasting Room Proposal/Backyard Wineries

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From: The Abene Family  
To:  
Date: 09/20/2006 9:35 AM  
Subject: Wine Tasting Room Proposal/Backyard Wineries  
CC:

**RECEIVED**

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Vu-Bang Nguyen,

We are very excited by a new business proposal put forward by Fleming-Jenkins Vineyards and Clos La Chance Wineries. We believe that this tasting room will help Los Gatos become known as a "wine destination". Although we do not know Mrs. Fleming-Jenkins personally, we are familiar with her stellar career as well as her participation in charity events and worthy causes. We believe she (and her husband!) are valuable members of our community.

My wife and I fully support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the wine Tasting Room and Retail Shop at 45 W. Main Street. We feel that this business will be an attractive asset to the Town of Los Gatos and a service to both its residents and visitors. Backyard Wineries, owned and operated by local residents, will fit in well with the Town's high-end retail character as well as complement the hotel, restaurant and art scene. As a resident of Los Gatos we are very supportive of the Town of Los Gatos and would like to be part of the Town's vitality and economic success. We would also like to be part of Backyard Wineries' success, and wish them the best in their new endeavor.

Anthony Abene, MD, MBA  
Michelle Schwartz

Los Gatos Residents and Wine Lovers

---

Want to be your own boss? Learn how on [Yahoo! Small Business](#).

Vu-Bang Nguyen - Fleming Jenkins & Clos La Chance Vineyards & Winery

---

From: Gina Krieg  
To:  
Date: 09/20/2006 9:37 AM  
Subject: Fleming Jenkins & Clos La Chance Vineyards & Winery  
CC:  
Attachments:

**RECEIVED**

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

---

Dear Town of Los Gatos,

My name is Gina Krieg and I have been a resident of Los Gatos for ten years. I support the application of Fleming Jenkins Vineyards & Winery and Clos LaChance Winery to open Backyard Wineries, the wine Tasting Room and Retail Shop at 45 W. Main Street.

I feel that this business will be an attractive asset to the Town of Los Gatos and a service to both its residents and visitors. Backyard Wineries, owned and operated by local residents, will fit in well with the Town's high-end retail character as well as complement the hotel, restaurant and art scene. As a resident owner of Los Gatos I am extremely supportive of the Town of Los Gatos and would like to be part of the Town's vitality and economic success. I would also like to be part of Backyard Wineries' success, and wish them the best in their new endeavor.

Thank you for your support on this request.

Regards,

Gina Krieg

109 Palmer Drive

Los Gatos, CA 95032

408-391-0871

---

Get your email and more, right on the [new Yahoo.com](http://new.yahoo.com)

Vu-Bang Nguyen

From: "Chisholm, Jo"  
To:  
Date: 09/20/2006 10:54 AM  
CC:

RECEIVED

SEP 20 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

To the Los Gatos Town Council,

As a property owner and mountain resident of Unincorporated Los Gatos, I support the retail application of Fleming Jenkins and Clos LaChance Vineyards for a tasting room, Backyard Wineries, at 45 W. Main Street. I think it highly important that we support our local residents towards success in their business endeavors. It is also an opportunity for this community to give back to its residents who have great family character, and a solid work ethic.

It should also be acknowledged that these businesses actively and whole-heartedly support local charities, and are truly assets that this community should continue to encourage. They set a standard of care that all businesses in Los Gatos should aspire to achieve.

Jo Piazza Chisholm

Vu-Bang Nguyen - In Favor of Fleming Jenkins Winery Retail Shoppe

---

From:  
To:  
Date: 09/20/2006 11:41 AM  
Subject: In Favor of Fleming Jenkins Winery Retail Shoppe  
CC:

RECEIVED  
SEP 20 2006  
TOWN OF LOS GATOS  
PLANNING DIVISION

Dear Council or whom it may concern,

We at the Los Gatos Lodge are in favor of the proposed retail opportunity being requested by the Fleming Jenkins Winery. As a hotel and conference center and an original hotel for Los Gatos, I feel that this business will serve not only our locals but also assist in tourism. The local Santa Cruz Mountain wineries are gaining wide attention from all over the United States. I see this as an asset to our town's tourism market. Our guests are always inquiring about the local wineries. To be able to send them to a shoppe in town will just increase their interest.

Thank you in advance for considering this venture to be a positive addition to Los Gatos!

Kind Regards,

Donna Wynne  
Director of Sales & Marketing  
Los Gatos Lodge  
50 Los Gatos - Saratoga Road  
Los Gatos, California 95032  
tel: 408.354.3300 X 100  
toll free: 800.231.8676  
fax: 408.354.9978  
[www.losgatoslodge.com](http://www.losgatoslodge.com)  
[dwynne@losgatoslodge.com](mailto:dwynne@losgatoslodge.com)