



MEETING DATE: 6/4/07

ITEM NO:

15

COUNCIL AGENDA REPORT

DATE: May 29, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to be "Debra J. Figone", written over the "FROM:" line.

SUBJECT: CONSIDER A REQUEST TO MODIFY A CONDITIONAL USE PERMIT (ANDALE) TO ALLOW THE SERVICE OF FULL LIQUOR ON PROPERTY ZONED C-2-LHP. APN 510-44-036. CONDITIONAL USE PERMIT U-07-22. PROPERTY LOCATION: PROPERTY OWNER: ANDALE PROPERTIES APPLICANT: ANDALE LOS GATOS

RECOMMENDATION:

1. Hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Approve the application with the required findings (Attachment 1) and subject to the proposed conditions (Attachment 2) (Motion Required).
4. Refer to the Town Attorney for preparation of the appropriate resolution.

BACKGROUND:

The original Conditional Use Permit (CUP) for the existing Andale restaurant at 21 North Santa Cruz was issued in 1991. The CUP allowed a total of 46 seats and included approval to serve beer and wine and non-amplified live entertainment (Exhibit C). The restaurant has approximately 1,900 square feet of indoor area with an 800 square foot outdoor area (500 square feet of which is available for tables).

The restaurant has 31 seats indoors and 15 in the outdoor patio. The floor plan (Exhibit G) shows all the seating inside. However, during the warmer months the applicant has outdoor seating. The CUP allows a total of 46 seats for both indoor and outdoor seating. The applicant only has live entertainment once a year during Cinco de Mayo that consists of a Mariachi band that plays between 7:30 pm and 9 pm. There is no separate bar.

PREPARED BY: BUD N. LORTZ, Director of Community Development

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

DISCUSSION:

1. Project Summary

The applicant is requesting approval to modify the existing Conditional Use Permit to allow full alcohol service. The applicant is also requesting an amendment to the previously approved conditions of approval that requires the restaurant to close by 9 pm. seven days a week. The applicant would like to remain open until 10 pm. The request is consistent with the Town Alcohol Policy due to the following:

- The restaurant will not have a stand alone or separate bar.
- There will be no entertainment provided at the restaurant.
- The restaurant is not open after 11 PM.
- The Conditional Use Permit conditions of approval include conditions recommended by the Police Department for the service of alcohol.
- Alcohol will only be served with meals.
- Service of alcohol in approved existing outdoor seating areas is separated from public areas with a physical area.

Attached to the staff report as Exhibit G is map of the all restaurants downtown. There are 14 restaurants downtown with full alcohol service (Exhibit F). Two of the restaurants, Double D's Sports Grill and Willow Street Pizza, are high turnover restaurants similar to Andale.

2. Planning Commission

The Planning Commission reviewed the request at their meeting of April 25, 2007, voting 5-2 (Kane and Talesfore dissenting) to recommend that the Town Council approve the request. The Commission recommendation included amending the conditions of approval to require that alcohol (except for beer and wine, which is already allowed) be delivered to customers at their table rather than picked-up at the counter. The Commission was concerned about someone older than 21 providing alcohol to underage persons. During the hearing, the applicant indicated he was considering hiring staff to serve alcohol.

The Commission also placed a limitation on live entertainment. The existing conditions of approval, which were approved in 1991 and predated the alcohol policy, allow unlimited non-amplified live entertainment. Currently, the applicant only has live entertainment on Cinco de Mayo, but would like to preserve the option to do of providing entertainment on a limited a few days during the year. The condition recommended by the Commission allows live entertainment on Cinco de Mayo, Friday's and Saturday's and five additional nights during the year.

3. Police Department Review

The Police Department has reviewed this request and does not have any concerns with this proposal. When reviewing requests, the department considers:

- The type of restaurant
- Presence of a stand alone or separate bar
- Calls for service (for existing establishments)

Andale does not have a separate bar and the Town has not received complaints concerning the operation of the restaurant. The Department has received 11 calls for service to this site during the last 18 months. The calls are primarily regarding vandalism, alarms, and lost property. The calls were not alcohol related or related to matters that would cause the police to be wary about granting the applicant's request.

4. Alcohol Policy:

The Council reviews CUP requests for new alcohol service on a case by case basis. The issue of allowing beer and wine service for a restaurant has been an issue that the Commission and Council have carefully reviewed to ensure that the proposed restaurant is appropriate for the proposed location. The Council reviews requests given the location, type of restaurant, hours of operation, and any other additional issues associated with the proposal and to ensure that the requests meet the requirements of the Alcohol Policy (Attachment 5).

CONCLUSION:

The Planning Commission and staff concur that the proposal complies with the Town's Alcohol Policy and will not result in adverse impacts to the Town. The current owners have operated the restaurant since 1991 and there have been no complaints regarding the operation. The Police Department does not have a concern with full service of alcohol at this location.

ENVIRONMENTAL ASSESSMENT:

As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.

FISCAL IMPACT: None

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MAYOR AND TOWN COUNCIL

SUBJECT: 21 North Santa Cruz Avenue/CUP U-07-22

June 4, 2007

Attachments:

1. Findings (one page)
2. Recommended Conditions of Approval (2 pages)
3. Existing Conditions of Approval (2 pages)
4. Verbatim Planning Commission minutes for the meeting January 10, 2007 (19 pages)
5. Report to the Planning Commission for the meeting of January 10, 2007 (3 pages/without attachments)
6. Letter of Justification (1 pages)
7. Alcoholic Beverage Policy (6 pages)
8. Map of Downtown Restaurants (2 pages)
9. Definition of Restaurant from Town Code (1 page)
10. Examples of High Turn-Over Restaurants (1 page)
11. Site Plan (1 page)

Distribution:

Ignacio Flores, 21 North Santa Cruz Avenue, Los Gatos, CA 95030

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REQUIRED FINDINGS AND CONSIDERATIONS FOR

21 N. Santa Cruz Avenue

Conditional Use Permit U-07-22

Requesting approval to modify a Conditional Use Permit (Andale) to allow the service of full liquor on property zoned C-2-LHP. APN. 510-44-036

PROPERTY OWNER: Andale Properties

APPLICANT: Andale Los Gatos

FINDINGS

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.

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; and
 - (2) The proposed uses will not impair the integrity and character of the zone; and
 - (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 work proposed is consistent with the Redevelopment Plan for the Central Los Gatos Redevelopment Project Area (Section IV.B).
 - As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.

CONDITIONS OF APPROVAL FOR:

21 N. Santa Cruz Avenue

Conditional Use Permit U-07-22

Requesting approval to modify a Conditional Use Permit (Andale) to allow the service of full liquor on property zoned C-2-LHP. APN. 510-44-036

PROPERTY OWNER: Andale Properties

APPLICANT: Andale Los Gatos

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

(Planning Section)

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as Exhibit F 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, the Development Review Committee or the Planning Commission, depending on the scope of the changes.
2. **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. **NUMBER OF SEATS:** There shall be no more than 46 seats for both indoor and outdoor seating.
5. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 11:00 a.m. to 10 p.m. seven days a week.
6. **OUTDOOR LITTER:** The owner or employees of the business shall pick up any trash in outdoor areas adjacent to the restaurant.
7. **ALCOHOL SERVICE:** Full alcohol service is permitted as follows:
 - a. The service of full service alcohol for on-site consumption is permitted only with meals. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals. There shall be no separate bar for the restaurant.
 - b. Alcohol may be served to customers seated inside the restaurant. If the rear patio is enclosed to the satisfaction of the Chief of Police, alcohol may be served in this area.
 - c. Alcohol, other than beer and wine, must be delivered to customers at their table by a server.
8. **PLACSESETTINGS:** No disposable dishes, utensils and cups shall be used for meals served on premises.
9. **LIVE ENTERTAINMENT:** Live entertainment, provided that the music is non-amplified, is allowed on Cinco de Mayo, Friday and Saturday's and five additional evenings during the year.

TO THE SATISFACTION OF THE CHIEF OF POLICE:

10. UNIFORMED SECURITY: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
11. CONSULTATION AND TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
12. TRAINING MANUAL: The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
13. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
14. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.



TOWN of LOS GATOS
PLANNING DEPARTMENT
(408) 354-6872

December 20, 1991

Mr. Luis Sanchez
Andale Taqueria
6 N. Santa Cruz Avenue
Los Gatos, CA 95030

Dear Mr. Sanchez:

At their meeting of December 16, 1991, the Los Gatos Town Council held the hearing to consider your request for approval to open and operate a restaurant which includes the serving of wine and beer with meals, to buy into the parking assessment district and the construction of additional square footage to an earthquake damaged historic commercial building the C-2 LHP zone, Conditional Use Permit Application EU-91-9A and Architecture and Site Application ES-91-74, on property located at 21 N. Santa Cruz Avenue. Council's action was to approve your application with the following conditions:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

1. All conditions of this application shall be included on the cover sheet of the Building Permit plans.
2. The maximum number of indoor and outdoor seats shall not exceed 46.
3. The hours of operation shall be between 11 am to 9 pm seven days a week.
4. Beer and wine may only be served with meals on the premises.
5. Beer and wine may be served only to customers seated inside the restaurant. No alcoholic beverages may be served to customers using outdoor seating. If the rear patio area is enclosed to the satisfaction of the Chief of Police, a beer and wine may be served in this area.
6. Live entertainment is allowed provided that the music is non-amplified.
7. No disposable dishes, utensils and cups shall be used for meals served on the premises.
8. The applicant shall work with the adjacent property owner to the north to improve the exposed wall at the rear of the property.
9. The applicant shall pay an in-lieu fee to the parking assessment district for four parking spaces prior to the issuance of a Certificate of Use and Occupancy. The actual fee shall be determined by the Planning Director.
10. The interior tongue and groove wall shall be preserved or replicated.
11. The tile entry and its pattern shall be preserved or replicated and extended into the new entry area.
12. Operators of the restaurant shall pick up any trash in the vicinity of the restaurant when outdoor seating is available.
13. A separate sign permit shall be obtained.

ATTACHMENT 3

14. Any structural exterior modification must comply with the Secretary of the Interior Standards and have prior approval of the State Office of Historic Preservation.

TO THE SATISFACTION OF THE TOWN ENGINEER:

15. Any sections of curb, gutter and sidewalk along the frontage of this property that are broken, or raised during construction, shall be replaced.

16. Any work in the public right-of-way will require a Construction Encroachment Permit.

17. Any existing sanitary sewer lateral proposed for reuse shall be televised and approved by West Valley Sanitation District.

18. A sanitary lateral clean-out shall be installed at the property line.

19. All requirements of the County Health Department and West Valley Sanitation District shall be met regarding the interception, separation, or pretreatment of effluent from the restaurant.

20. A traffic impact mitigation fee, as established by Council Resolution, shall be paid prior to the issuance of the Certificate of Use and Occupancy.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS, FORESTRY & MAINTENANCE SERVICES:

21. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.

TO THE SATISFACTION OF THE DIRECTOR OF BUILDING SERVICES:

22. The business must meet all current accessibility standards as defined in the Title 24 of the California Administrative Code.

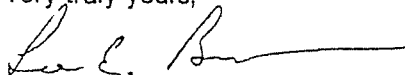
TO THE SATISFACTION OF THE CENTRAL FIRE PROTECTION DISTRICT:

23. Plans must meet all fire and life safety codes, including but not limited to exiting, occupancy load and extinguishing systems.

24. The abandoned fuel tank under the basement shall be removed and any soil which is contaminated shall be cleared.

If you have any questions, please contact Sandy Baily of this office at 354-6873.

Very truly yours,



Lee E. Bowman
Planning Director

LEB:mb

cc: Frederick C. Kritz, Public Administrator, Crall Estate
Josephine Poole, Estate Administrator, Santa Clara County Public Administrator
Tom Hisata, Architect
Randy Reedy
Dr. V. F. Van Dalsem, Jr.

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

Los Gatos Planning
Commissioners:

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

Assistant Director of
Community Development:

Randy Tsuda

Town Attorney:

Orry Korb

Transcribed by:

Vicki L. Blandin
(510) 526-6049

LOS GATOS PLANNING COMMISSION 4/25/2007
Item #2, 21 N. Santa Cruz Avenue

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

CHAIR TALESFORE: Moving on to continued public
hearings; we have 21 North Santa Cruz Avenue. Mr. Tsuda,
will you give the report on that?

RANDY TSUDA: This application is for 21 North
Santa Cruz Avenue. This is Conditional Use Permit
Application U-07-22. This is for Andale Restaurant. They
are requesting approval to modify a Conditional Use Permit
to allow the service of full liquor on property zoned C-2
LHP. This is a site that's located in the downtown
commercial district and is located in the Historic Overlay
Zone. This issue is before the Commission tonight as the
applicant is requesting a modification to their alcohol
sales and to their hours of operation.

Under the Town's requirements, changes to alcohol
sales or alcohol operations require a public hearing before
both the Planning Commission and the Town Council, and
therefore tonight the Planning Commission is making a
recommendation for final action to the Town Council.

LOS GATOS PLANNING COMMISSION 4/25/2007
Item #2, 21 N. Santa Cruz Avenue

1 By way of background, this application was
2 continued from the meeting of April 5, 2007. It was
3 continued due to the lateness of the hour and the length of
4 that agenda.

5 The Conditional Use Permit for this restaurant
6 was originally approved in 1991. The approved hours of
7 operation are 11:00am to 9:00pm. The Conditional Use Permit
8 also allows for a total of 46 seats in both indoor and
9 outdoor seating combined; that's 46 for both indoor and
10 outdoor. They are approved for beer and wine service, and
11 are approved for live entertainment as long as that
12 entertainment is unamplified. Currently they offer
13 entertainment once a year on Cinco de Mayo.

14 The applicant is requesting to modify the
15 Conditional Use Permit to allow full alcohol service in
16 addition to the existing beer and wine.

17 Requests for modifications to alcohol service are
18 guided and governed by the Town's alcohol policy. Among the
19 requirements of that policy, or stipulations to the policy,
20 is that alcohol beverages should not be allowed after
21 11:00pm Sunday through Thursday, and after 1:00am on the
22 weekends. Alcohol service in approved outdoor seating areas
23
24
25

1 may be permitted if there is separation from public areas.
2 Alcohol may only be served with meals.

3 The Police Department has reviewed this request
4 and does not have concerns with the proposal and has not
5 received complaints regarding the operation.

6 The applicant is also requesting an amendment to
7 change the closing time of the restaurant from 9:00pm to
8 10:00pm.

9 Also before you tonight is a Desk Item that
10 provides information on the definitions of restaurants and
11 examples of high-turnover sit-down restaurants and quality
12 restaurants. This was information that was requested by
13 Chairperson Talesfore. I can answer any questions.

14 CHAIR TALESFORE: Thank you very much, Mr. Tsuda.
15 By the way, who is representing the Andale properties? Do we
16 know?

17 RANDY TSUDA: I do not know.

18 CHAIR TALESFORE: All right. In that case,
19 Commissioner Bourgeois, do you have a question of Staff?

20 COMMISSIONER BOURGEOIS: Yes, please. Just to
21 clarify, Mr. Tsuda, this owner also owns the restaurant at 6
22 North Santa Cruz, Andale, but this application is just for
23 21 North Santa Cruz?

24 RANDY TSUDA: That's correct.

25 CHAIR TALESFORE: Thank you.

1 COMMISSIONER BOURGEOIS: Any other questions of
2 Staff at this time? Seeing none, then I will call Mr.
3 Ignacio Flores. Welcome, Mr. Flores, and this is the opening
4 of the public hearing on this item. You will have up to five
5 minutes to make a presentation, and after your presentation,
6 if it's five minutes, that's fine, or whenever it's
7 finished, would you please wait at the podium? And please
8 adjust your microphone.

9 IGNACIO FLORES: Okay, thank you. Good evening,
10 everyone. My name is Ignacio Flores. I am the executive chef
11 and co-owner of Andale Mexican restaurant located at 21
12 North Santa Cruz Avenue in Los Gatos.

13 I am here to request an approval to modify the
14 Conditional Use Permit to serve margaritas. At the present
15 time Andale is serving beer and wine only. The reason for
16 Andale's request is due to a 30% decrease in sales since the
17 opening of Santana Row.

18 Andale has been doing business in the Town of Los
19 Gatos since 1988. Andale has complied with the Town
20 requirements. Andale has been a big supporter of the local
21 schools as well as local events. To mention one of them,
22 Andale has been a major sponsor of Music in the Park since
23 1996. Andale supports the high school marching band as well
24 as the high school football team, the Los Gatos Cat's Hill
25 race, and many other fundraisers.

1 We will highly appreciate if the Town Council will
2 consider Andale's request. Thank you very much for your
3 time.

4 CHAIR TALESFORE: Thank you, Mr. Flores. Would you
5 please stay there? Do we have any questions for Mr. Flores?
6 Yes, Commissioner Bourgeois.

7 COMMISSIONER BOURGEOIS: Thank you for your
8 presentation and I'm very familiar with your two restaurants
9 on Santa Cruz. What's before us is asking for a
10 recommendation to Council of full alcohol service, but in
11 your statement it sounds like your intention is only to add
12 margaritas to your drink mix, is that correct? Is that your
13 intention?

14 IGNACIO FLORES: Yes. Margaritas and there are
15 other tropical drinks that we sort of specialize in. Like we
16 have other bars that we have been operating, or we do have,
17 for instance in International Airport we have a full bar in
18 there. We also have a full bar in Palo Alto and we have a
19 full bar on Chestnut Street in the Marina.

20 To answer your question, our goal is not going to
21 be like the bar, the (inaudible) drinking, going crazy, and
22 we're not going to have like a huge line of drinks. I would
23 say our focus is more on the margaritas, the mojitos, and
24 martini flavors.

25 COMMISSIONER BOURGEOIS: Thank you.

1 CHAIR TALESFORE: Commissioner Bourgeois, do you
2 have another question?

3 COMMISSIONER BOURGEOIS: Yes. It's a different
4 line, but I want to make sure I have a correct impression of
5 the two restaurants across the street from each other.

6 Now when I go to Andale and I want to sit down to
7 eat, I go to 21 North Santa Cruz Avenue. If I want to pick
8 something up and take it out, I usually go to 6 North Santa
9 Cruz Avenue. Is that typical? I mean when I'm there, that's
10 what I typically see. I see one as more of a destination
11 sit-down and one more as a quick service take-out. Is that a
12 correct impression?

13 IGNACIO FLORES: That's correct, except we will do
14 an exception, like if you prefer to order from 21 North
15 Santa Cruz Avenue to go, we can do that. No alcohol is
16 allowed to go, period.

17 CHAIR TALESFORE: Commissioner Sayoc.

18 COMMISSIONER SAYOC: Thank you for your comments.
19 I too am familiar with your restaurants and we are very
20 happy with it.

21 I do have two questions for you tonight, the first
22 with regard to process of your alcohol sales. Is there a set
23 menu of these drinks, the mojitos, the sangrias, or is it
24 something that people can request, like a typical bar,
25 depending on what they prefer?

LOS GATOS PLANNING COMMISSION 4/25/2007
Item #2, 21 N. Santa Cruz Avenue

1 IGNACIO FLORES: We will have a menu, a sign, that
2 will go well with the food and customers will be able to see
3 that.

4 COMMISSIONER SAYOC: And then my second question
5 regarding your Conditional Use Permit on live entertainment.
6 Right now as I understand it, you have one event for Cinco
7 de Mayo. Do you anticipate adding onto that?

8 IGNACIO FLORES: I was anticipating for the time
9 that we've been processing this, but if it doesn't happen,
10 then no, we're not going to.

11 COMMISSIONER SAYOC: The reason why I ask, and we
12 can discuss it further, is right now the Conditional Use
13 Permit is very open, saying that you can have live
14 entertainment as long as it's not amplified, and so if I
15 were to propose that that be limited in some fashion to
16 perhaps a number of days or weekends, that's the line of
17 thinking I'm thinking, would you have any objections to that
18 and can you help me in terms of how I can limit that?

19 IGNACIO FLORES: One thing, it would be nice if we
20 can get permission to continue a little more in this area,
21 like different styles of Latin music and stuff, small
22 groups, trios, or however. That would be great if we can get
23 permission for that to do it more occasionally. But for now,
24 we just have the Cinco de Mayo plan.

25 COMMISSIONER SAYOC: Thank you.

CHAIR TALESFORE: Commissioner Micciche.

LOS GATOS PLANNING COMMISSION 4/25/2007
Item #2, 21 N. Santa Cruz Avenue

1 COMMISSIONER MICCICHE: Hi, Mr. Flores. When
2 people order beer or wine, people come up to the counter to
3 order, if I recall, right?
4 IGNACIO FLORES: Correct.
5 COMMISSIONER MICCICHE: They order wine and beer
6 from the counter?
7 IGNACIO FLORES: Right now, yes. If you request
8 beer or wine, we serve it to you at the counter.
9 COMMISSIONER MICCICHE: Right, so someone doesn't
10 bring it to the table?
11 IGNACIO FLORES: Correct.
12 COMMISSIONER MICCICHE: How do you police the fact
13 that there may be somebody under 21? If somebody over 21
14 orders and brings it to a table outside, how do you police
15 that right now?
16 IGNACIO FLORES: We have personnel trained for all
17 those responsibilities. The way they do it is if one person
18 comes in and looks pretty young and orders two beers, they
19 have to ask for the ID for this person and also for the
20 other. In some cases, they make that person go call the
21 other and bring it over.
22 COMMISSIONER MICCICHE: So you ask them to..
23 IGNACIO FLORES: Yes. It's a requirement,
24 actually.
25

LOS GATOS PLANNING COMMISSION 4/25/2007
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1 COMMISSIONER MICCICHE: Okay. And you'll be
2 serving the margaritas and mojitos and other drinks the same
3 way? They won't be going to the table?
4 IGNACIO FLORES: My plan is to put somebody to
5 attract, a waitress for instance.
6 COMMISSIONER MICCICHE: Oh, you will have?
7 IGNACIO FLORES: Yes, that's something that will
8 be a little more service for everyone.
9 COMMISSIONER MICCICHE: Thank you.
10 CHAIR TALESFORE: Commissioner Kane.
11 COMMISSIONER KANE: First a question to Staff,
12 please?
13 CHAIR TALESFORE: Yes.
14 COMMISSIONER KANE: Mr. Tsuda, the alcohol
15 beverage policy on page 2, Item #8, says, "Alcoholic
16 beverage service in approved outdoor seating areas may be
17 permitted (inaudible) separation from public areas as
18 provided as determined by the Town Manager. The separation
19 shall clearly suggest that alcohol is not allowed outside
20 the restaurant seating area."
21 In the rear of Andale there is a really pleasant
22 patio seating area with a gateway that goes to the parking
23 lot, which is adjacent to the school. How does Item #8 apply
24 to the access and egress through that back fence?
25 RANDY TSUDA: Well the first part of the policy is
to have a clear delineation on where that outdoor dining

LOS GATOS PLANNING COMMISSION 4/25/2007
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1 area is and where the alcohol can be served, and I think a
2 wall enclosure and the gate serve that purpose.

3 Now, the approval of the existing restaurant
4 predates the current alcohol policy, so would the Police
5 Chief or the Town Manager have stipulated that a sign be
6 placed at the gate or on the wall? Had this restaurant come
7 after the alcohol policy, that's probably true. But at this
8 point, the current restaurant predates the Town's alcohol
9 policy, so that requirement was not in place when it was
10 approved originally.

11 COMMISSIONER KANE: But now the full liquor
12 service is coming before us and I would think that's
13 applicable.

14 RANDY TSUDA: It is applicable, and if you wanted
15 a sign or something to that effect stating that no alcohol
16 should be permitted beyond this point, you could add that as
17 a condition of approval.

18 COMMISSIONER KANE: Thank you. Mr. Flores, my
19 concern is at the facility, to get in and out of the back
20 gate and get into the cozy, comfortable patio area, dark at
21 night, and there's a parking lot behind the establishment
22 where young people congregate, and there's a school behind
23 the establishment. My question is do you think something
24 should be provided in the way of signs or restrictions or
25 access and egress through that gate, because the gate is not
monitored?

1 In fact, the back patio is not supervised at all.
2 I've been to your establishment many times, my children have
3 been to your establishment many times, and in particular
4 over the past week I've been there twice for prolonged
5 periods just to stand and watch and learn, and the back
6 patio to me seems to be wide open. There's no supervision.
7 Do you understand what I'm saying?

8 IGNACIO FLORES: Yes, I do. Now we have the
9 knowledge of managing these types of situations. We've been
10 in the business and give training to our personnel. The only
11 way I can see this happen is if somebody goes in and buys
12 it, I would think a beer would be the easiest thing to carry
13 out, and we've been serving beer since we opened almost at
14 that location. That's the only way I can see that happening,
15 because we have the managers, and also we going to be
16 training personnel. We are going to add this to it, because
17 things are going to change a little bit. There are more
18 things that we have to teach our personnel so we can move
19 on.

20 COMMISSIONER KANE: Thank you.

21 CHAIR TALESFORE: Commissioner O'Donnell.

22 COMMISSIONER O'DONNELL: I'm going to ask you a
23 couple of questions and I'd like to get a precise answer,
24 because once we close this the commissioners will probably
25 be making motions and they may be imposing conditions, and I

1 really want to know where you are on some of the potential
2 conditions.

3 So you were asked about music and I found your
4 answer somewhat vague. Nobody's complained about the music
5 you now have--of course you only had it once a year--and one
6 of the commissioners has suggested we might want to limit
7 the number of days. Do you have a preference? If we were to
8 say for example you could have music on weekends but not
9 during the week, how would that effect you?

10 IGNACIO FLORES: Well we probably don't even want
11 to have music every weekend. It will be probably more like
12 doing celebrations. Talking to somebody in town, we were
13 talking about the idea of bringing the people back to town,
14 so it just makes it a little more inviting.

15 COMMISSIONER O'DONNELL: Well I'm trying to help
16 you too, because it sounds like a good idea. But if we
17 impose a condition and you're sitting there and you don't
18 like the condition, you'll have missed a chance to comment
19 on it.

20 We have said in the past to some people you can
21 have entertainment ten days a year. Some people we've said
22 you can have entertainment on the weekend. I'm asking you,
23 you're telling me once or twice, but you may not really mean
24 that.

25 IGNACIO FLORES: Okay, let's say we have it twice
a week.

1 COMMISSIONER O'DONNELL: Twice a week?

2 IGNACIO FLORES: Yes, because entertainment can be
3 expensive, but the idea is to make it, once again, inviting.

4 COMMISSIONER O'DONNELL: All right, so that's one.
5 The second question I have for you, you were asked if you
6 have full alcohol will you have it served, and I understood
7 your answer to be that if you have full alcohol it will be
8 served. I don't know whether that's just hard alcohol or
9 whether now it's become the beer and wine. What is your
10 answer? If you have full alcohol, will I be able to go up to
11 the bar--not the bar, because there is no bar--go up to the
12 counter and say, "I want a martini," and then I wait till
13 somebody gives it to me and I walk back with it?

14 IGNACIO FLORES: No, there will be a cocktail
15 waitress going on the tables offering if you want another
16 drink. She will go back, place the order, and bring it back
17 to you.

18 COMMISSIONER O'DONNELL: So if we were to limit
19 you such that hard alcohol can only be served by a waiter or
20 a waitress, would that be what you want?

21 IGNACIO FLORES: The reason we want to do this,
22 this involves like glasses, the different sizes, and we want
23 to avoid our clientele carrying these.

24 COMMISSIONER O'DONNELL: But the answer is yes?

25 IGNACIO FLORES: Is yes.

1 COMMISSIONER O'DONNELL: Okay, that's all I wanted
2 to know. Thank you very much.

3 CHAIR TALESFORE: Commissioners, I see some more
4 questions. Commissioner Rice.

5 COMMISSIONER RICE: Just a very simple question.
6 Since you've had the beer and wine, have you ever been cited
7 by Alcoholic Beverage Control or the Town Police Department
8 for serving to underage?

9 IGNACIO FLORES: We haven't been, no.

10 COMMISSIONER RICE: Thank you.

11 CHAIR TALESFORE: Commissioner Sayoc.

12 COMMISSIONER SAYOC: Mr. Flores, I do want to make
13 it clear that the reason that we are asking these questions
14 on your Conditional Use Permit is to be helpful. What I
15 don't want personally is to limit it so that you don't have
16 a chance to do the things you'd like to do, but at the same
17 time make it tight enough so that everyone in town
18 understands what exactly we have approved, because I
19 personally would not want to just have an open-ended
20 approval.

21 So there are two things I still need clarification
22 on. You mentioned the cocktail waitress. This is a new
23 thing, because I've never been to your restaurant and been
24 served, so would this waiter or waitress be serving just
25 alcohol, or would it also be for food that patrons may also
want?

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1 IGNACIO FLORES: That's correct. This person will
2 be serving alcohol only.

3 COMMISSIONER SAYOC: Then my follow-up question is
4 have you reviewed the alcohol policy, because it does
5 clearly state there that alcohol must be bought when food is
6 bought. People cannot technically go in just for drinks.

7 IGNACIO FLORES: That's correct. Okay, see, that's
8 a tricky question right there, because well, the cocktail
9 waitress basically came up at the last minute. The idea is
10 to serve it as we do right now. If it's going to implicate
11 more problems somewhere in there, we just continue as we are
12 doing it right now.

13 CHAIR TALESFORE: I have some questions too, but
14 maybe you'll ask them. Okay, Commissioner Sayoc, did you
15 have a follow-up? And then Commissioner O'Donnell. Or were
16 you finished, Commissioner Sayoc?

17 COMMISSIONER SAYOC: Actually I do have one more
18 point on that, and then if you do have a question on
19 alcohol, I can defer my live entertainment question.

20 COMMISSIONER O'DONNELL: I do.

21 CHAIR TALESFORE: Okay, so we'll do a follow-up.

22 COMMISSIONER O'DONNELL: I think I'd like to
23 direct this question to Staff, but it relates to the
24 question being raised, and that's why I'd like to follow-up.

25 CHAIR TALESFORE: Commissioner Sayoc, were you
finished with your follow-up?

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1 COMMISSIONER SAYOC: (Inaudible).

2 CHAIR TALESFORE: All right.

3 COMMISSIONER O'DONNELL: As I understood the
4 question from the commissioner, as I understood it, it could
5 go either way, and I just want to make it clear, and so I
6 guess I'm asking Staff, and that might include the Town
7 Attorney, my understanding is that this license is given to
8 a restaurant with the idea being that the alcohol is being
9 served with food, but it doesn't mean literally that when
10 you order a drink you can only get a drink when you have
11 food in front of you. So I guess what I'm getting back to
12 here is it is possible that one could have a waiter or a
13 waitress serve drinks and not serve food and still be
14 consistent with the Town policy? That is my question.

15 RANDY TSUDA: And your explanation is correct. The
16 requirement of the policy is that you can't go into a
17 restaurant and just order drinks. You must be ordering
18 drinks with a meal. Now if you order the meal, can you have
19 more than one drink? Yes. But you cannot go in just to have
20 beer or margaritas or tequila, whatever.

21 COMMISSIONER O'DONNELL: But that unfortunately is
22 not quite my understanding. We have restaurants in town, and
23 I think legally operating, that have a bar, and the reason
24 they have the bar is because they have the same permission,
25 because they serve food. You cannot chain someone at the bar
to make sure they don't leave the bar until they've eaten a

1 meal. The intention is good, but I'm just saying it makes it
2 an impossible burden on a restaurant owner.

3 Clearly if you go into Andale, it's not a bar,
4 it's not going to be a bar, it will serve liquor, and one
5 would think that most people will go in and have food and
6 maybe have a drink with it.

7 All I'm saying is the way we keep saying it, it's
8 like you couldn't order a drink unless you either order
9 dinner or promise to order dinner, and neither of those is
10 correct. You walk in, you order a drink, if you change your
11 mind and you want to go home, babysitter's sick, nobody can
12 say, "You can't leave. You didn't have dinner." So the
13 restaurant is having liquor because they serve food, but we
14 cannot compel each patron to sign up for the program. Is
15 that correct?

16 ORRY KORB: Yes, I have to say based on the
17 description that you're giving, you are correct. It is
18 possible that somebody could walk in, order food, the food
19 has not been served to them yet, order a drink separately,
20 have their drink, and get up and leave. I mean that's
21 certainly possible. It would be an enforcement issue more
22 than anything else.

23 But the intent is that alcohol service is to
24 accompany food service and it is not to operate as a bar
25 type of operation. So yes, it's possible that somebody could
sneak through or a few people could sneak through, but

1 that's not the intent of the policy or the intent of an
2 approval if granted by the Commission and there is a
3 condition that does require that alcohol service be with
4 food and we would monitor that.

5 COMMISSIONER O'DONNELL: One last thing, because
6 you said they ordered food and then changed their mind. I
7 guess what I'm saying is the fact of the matter is while
8 you're waiting to be seated for your dining, as is the case
9 in some restaurants, you can order a drink when you haven't
10 ordered food, right?

11 ORRY KORB: It's possible, yes.

12 COMMISSIONER O'DONNELL: You know, it seems
13 crystal clear to me, but we keep dancing around that issue,
14 but I think that is the fact.

15 CHAIR TALESFORE: Commissioner Kane.

16 COMMISSIONER KANE: I'm uncomfortable with where I
17 think this is going. Excuse me, Mr. Flores, but to the Town
18 Attorney, it says, "Alcoholic beverages may only be served
19 with meals." Now I've been involved in a number of the
20 alcohol applications, the recommendation to Council, and in
21 every instance we talked to the restaurant owners about
22 serving food, and we even defined food that it's not chips,
23 it's not hors d'oeuvres, that a meal must be served with the
24 alcohol, and I specifically remember when we talked to Los
25 Gatos Coffee Roasting, we even wanted to know how the flow
of traffic was going to go, that they would get a glass of

1 wine and then go to the next counter and order the meal. You
2 cannot come in and sit down and have a drink and leave.

3 ORRY KORB: I understand what you're saying. The
4 factual scenario that a fellow commissioner has described is
5 one that is possible. It is possible that somebody could
6 walk in, sit down intending on ordering a meal, perhaps with
7 somebody else who has gone to look at Andale's
8 configuration, gone to the counter to order a meal, and sits
9 down and the waitress comes around and says, "Would you like
10 to order a drink?" and they order a drink, and they may
11 never ultimately end up eating. It's possible that that
12 could happen. That's not the way the restaurant is supposed
13 to operate. It is intended that it doesn't operate as a bar,
14 and if that was the regular way in which people were
15 obtaining alcohol service without food service at the
16 restaurant, then we would from a code enforcement standpoint
17 have a problem with that and we would check it. But that's
18 currently the configuration, and remember, they have a beer
19 and wine license now, so somebody could do that right now,
20 but has it occurred on a regular basis and been a problem?
Apparently not.

21 CHAIR TALESFORE: So I have a follow-up question.
22 Another scenario to this is I go in and I order food to go,
23 and while I'm waiting, because it's crowded or something, I
24 decide to have a tequila margarita. Am I allowed to do that?
25

1 ORRY KORB: I don't believe you would be allowed
2 to do that.

3 IGNACIO FLORES: That's the right answer.

4 CHAIR TALESFORE: It's the right answer, but it's
5 also going to require more monitoring, because I do come to
6 your restaurant, I think we all do, and I will order, and
7 sometimes if it's going to be a long wait, maybe I've
8 ordered a Coke and sat down at a table and waited. So it's
9 just these are a lot of scenarios that I'm wondering if
10 you've thought them all through? I'm feeling like I'm not
11 getting a positive (inaudible).

12 IGNACIO FLORES: No, this is part of the training
13 for our staff. We're going to go through the retrain with
14 videos and whatever we have to apply this. Like I said, we
15 have a full bar in Palo Alto, it's a university town, and
16 SFO. We are supervised by the airport, and also the ABC, and
17 we have done it. We (inaudible) a bar is San Jose.

18 CHAIR TALESFORE: Thank you. Do I have any other
19 questions at this time from the Commission? Commissioner
20 Micciche.

21 COMMISSIONER MICCICHE: I'm kind of sorry I
22 brought this issue up. You're not going to change the way
23 people are or not. They're going to come up to your counter,
24 they're going to order the food, and they're going to order
25 their drinks.

1 My concern was, and I thought you answered it, as
2 long as somebody is going to bring the drinks to them and
3 know whom they're giving the drinks to, that was my concern.
4 It wasn't somebody coming in to order just a drink, because
5 typically they come up there and order the drinks and food
6 at the same time. So to satisfy the situation, you're not
7 going to allow people to come up and just order a drink
8 without ordering food, is that correct?

9 IGNACIO FLORES: That's correct.

10 COMMISSIONER MICCICHE: Okay, thank you.

11 CHAIR TALESFORE: Commissioner Sayoc.

12 COMMISSIONER SAYOC: The last question that I did
13 have with regard to live entertainment, with the
14 Chairwoman's permission I would like for you to think
15 through what would be optimal for you in terms of what
16 you're anticipating for live entertainment, and perhaps you
17 can work with Staff on something. But I do want you to think
18 about it and try to be as specific as possible.

19 IGNACIO FLORES: (Inaudible). Thank you.

20 CHAIR TALESFORE: Okay, thank you. Mr. Flores, I'm
21 going to have you sit down for right now and I'm going to
22 call up the public. I do have two speaker cards on this, and
23 then we'll call you back up, so you can be ready for that.

24 IGNACIO FLORES: Thank you very much.

1 CHAIR TALESFORE: You're welcome. I have a card
2 from Mr. Dale Chambers. You will have three minutes, and
3 could you adjust the microphone?

4 DALE CHAMBERS: My name is Dale Chambers. I have
5 been a town resident for over 37 years; I live at 32
6 Mariposa Avenue in Los Gatos.

7 First of all, I've had an opportunity not only
8 tonight but the previous two weeks to sit here and listen to
9 all of you, and I want to commend each and every one of you
10 for as much thought as you put into all the issues that are
11 in front of you, and I just want to thank you for keeping
12 Los Gatos like I remember it, and I hope that it will be in
13 the future.

14 I am here tonight to speak on behalf of my friend,
15 Ignacio Flores, who I've known for 20 years and respect not
16 only for the food that he puts out, but for his integrity
17 and his other partners.

18 English is not Ignacio's first language, and so
19 expressing himself sometimes, he does a very good job, but I
20 could see where there were some issues. But I want to assure
21 you that he's had a license here in Los Gatos for as long as
22 I can remember and there have never been any issues.

23 I also want to say that both places, the ones in
24 San Francisco and in Palo Alto, there have been no problems.
25 They do train their people; they are very, very supportive.
As a matter of fact, Ignacio is one of the gentlemen that

1 makes the employees come to work, enjoy what they're doing,
2 and police the problems that could be attributed to alcohol.
3 I just want to say tonight's my birthday, and hopefully in
4 couple of weeks I can have a margarita and nice torta at
5 Andale. Thank you.

6 CHAIR TALESFORE: Just a minute. Do we have any
7 questions for Mr. Chambers? Seeing none, thank you, Mr.
8 Chambers, and Happy Birthday.

9 DALE CHAMBERS: Thank you.

10 COMMISSIONER KANE: That's not a question.

11 CHAIR TALESFORE: Thank you for correcting me, Mr.
12 Kane. Tony Jeans.

13 TONY JEANS: Tony Jeans, 170 Stacia Street, Los
14 Gatos. I didn't come here specifically for this item, but
15 I'd like to talk a little bit about it.

16 I probably use Andale more often than I should.
17 I've probably been in there two or three times in the last
18 week or so. I normally go in at lunchtime; I occasionally go
19 in in the evening. When I go in at lunchtime, it's just to
20 get in fairly quickly, not have alcohol, and get back to
21 work. When I come in the evenings, I linger a little longer.
22 It would be really nice to have a margarita rather than
23 having to go to Left at Albuquerque or somewhere like that
24 where I might choose to be able to have a margarita and
25 still enjoy good food.

1 So I think it's something that if you were to
2 approve this and the Town Council were to go along with
3 that, then I think it would be a plus for the Town. I like
4 the idea of a separate person, a waitress who is better
5 trained at alcohol serving, being the person who distributes
6 alcohol rather than just making a generally available
7 selection at the bar. I think it's a very good idea that
8 that person go out to the tables. They can also police the
9 tables, see if they're getting a little bit rowdy and see if
10 that should be cut off. I think it's a very, very good idea
11 and I think it's something that would be positive for Andale
12 and for the Town. Thank you.

13 CHAIR TALESFORE: Any questions of the speaker?
14 Seeing none, thank you. I have another speaker card. Daniel
15 Kaylor.

16 DANIEL KAYLOR: Thank you for the opportunity to
17 address the Council here. First of all, I have been Andale's
18 attorney since day one, and I am happy to say that I have
19 never had a problem from my clients with regard to alcohol
20 or anything like that. This is simply one of the finest run
21 operations that you can find. Year after year they received
22 awards as best in the community. They are a quality outfit.

23 As I was listening to Ignacio, I was thinking
24 Ignacio would love to have music every day, however that's
25 not going to happen. There is not going to be the space.
It's a restaurant, so that there are going to be occasional

1 events, nothing more than that. If it were something that
2 would on weekends bring in some business, that might be
3 something they might try in the future, but there are no
4 plans to dramatically change the facility.

5 All they want to do is provide the sort of drinks
6 that people like to drink when they are eating Mexican food.
7 I think what we have to keep in mind is that this is truly a
8 quality company. It is one that has served the community
9 well and has not been (inaudible), and so I would request
10 the Council take that into consideration and give them the
11 maximum amount of flexibility as is possible, because I
12 think they've earned it from their performance in this
13 community. Thanks.

14 CHAIR TALESFORE: Thank you. Any questions? Seeing
15 none, thank you very much. I just wanted to remark that
16 although our motion tonight will be a recommendation to the
17 Town Council, this is the Planning Commission, not the
18 Council that you are addressing, and I just wanted to clear
19 that up. Thank you very much.

20 With that, I'd like to bring up Mr. Flores again.
21 Commissioners, if you have additional questions, you'll have
22 the chance and opportunity to talk with Mr. Flores
23 afterwards, but Mr. Flores, if you have some additional
24 comments, we'd entertain them.

25 IGNACIO FLORES: Well, I just want to thank
everyone for giving me the opportunity to be here and do my

1 speech. I don't do many of these. That's it. Thank you very
2 much.

3 CHAIR TALESFORE: Thank you very much.
4 Commissioners, do you have any additional questions? Seeing
5 none, thank you. I'm going to ask you to sit down and turn
6 this over to the Commission for discussion, a motion, or
7 questions of Staff. I'm closing the public hearing on this.
8 Thank you. Commissioner Bourgeois.

9 COMMISSIONER BOURGEOIS: I have a question of
10 Staff and probably for the Town Attorney. You've heard us
11 talk about a lot of potential conditions that we may impose.
12 One in particular I'd like to see if we're able to do,
13 because the recommendation is for full liquor license, but
14 would it be possible to condition our Conditional Use Permit
15 to serve just certain drinks? Is that possible?

16 ORRY KORB: I really don't think it's possible. I
17 think it's going to be very difficult to define and then to
18 enforce.

19 CHAIR TALESFORE: And can I follow-up with a
20 question on that? Is that because the Conditional Use Permit
21 for full alcohol runs with the land, correct? Would you
22 explain that, please?

23 ORRY KORB: You are correct that the Conditional
24 Use Permit runs with the land, meaning that it applies to
25 the property, not to the individual operator, and this
operator could be replaced by another one who could operate

1 under the same Conditional Use Permit if they can meet the
2 conditions.

3 That's not the basis of my answer however, but the
4 basis of my answer was that defining particular types of
5 drinks and enforcing those particular requirements are
6 probably beyond our ability as a code enforcement operation.

7 CHAIR TALESFORE: And I really wanted you just to
8 extend that explanation so that we could make it understood.
9 Thank you. Commissioner O'Donnell.

10 COMMISSIONER O'DONNELL: I'd like to make a
11 motion.

12 CHAIR TALESFORE: All right, let's hear it.

13 COMMISSIONER O'DONNELL: I'd like to make a motion
14 that we recommend to the Town Council the granting of
15 Conditional Use Permit U-07-22, the findings as set forth in
16 Exhibit A, and that the use would be desirable to public
17 convenience and welfare and would not impair the integrity
18 or character of the zone, would not be detrimental to the
19 public health, safety, or general welfare, and the proposed
20 use would be in harmony with the General Plan and purpose of
21 the Town Code. The work proposed is consistent with the
22 redevelopment plan for the Central Los Gatos Redevelopment
23 Project area, and it is exempt under the State Environmental
24 Guidelines, Section 15301.

25 I would like to impose a couple of additional
conditions to those that are already attached, and that

1 would be that they presently serve beer and alcohol, but to
2 the extent they are going to serve what I consider to be
3 "hard alcohol," that they do it as suggested by the
4 applicant, that is by a waiter or a waitress. In other
5 words, that those kinds of drinks would not picked up at the
6 counter, so that would be a condition.

7 The second condition would be on the frequency of
8 the use of music. The applicant has said a couple of times
9 on essentially the weekend, which I take to be Friday and
10 Saturday night, which I would, again, make that as a
11 condition to the Use Permit, but so as not to be more
12 stringent than we need be, he already has the ability to
13 celebrate Cinco de Mayo, so I would certainly include that,
14 and then I would think we ought to give him some flexibility
15 for maybe three or four other evenings when there is a
16 holiday or something that people would be off and it would
17 be consistent with such a celebration. In the past we have
18 limited it to a number of days, that kind of thing. So here
19 I'm suggesting Friday and Saturday would be okay. Cinco de
20 Mayo would be okay. And then they'd have to select let's say
21 five additional nights of the year.

22 So that would be the motion.

23 CHAIR TALESFORE: Do I have a second?

24 COMMISSIONER BOURGEOIS: I'll second that.

25 CHAIR TALESFORE: Commissioner Bourgeois seconds.

1 COMMISSIONER BOURGEOIS: Thank you, and if the
2 maker of the motion will consider one additional condition,
3 and that would be to add the sign at the rear exit of no
4 alcohol beyond that point.

5 COMMISSIONER O'DONNELL: Sure, that would be fine.

6 CHAIR TALESFORE: Do I have any discussion on
7 this? Commissioner Kane.

8 COMMISSIONER KANE: To the Town Staff, the aspect
9 of live entertainment, Mr. Tsuda, isn't it the case that
10 this is being grandfathered sort of under the existing
11 permit that the establishment has? He has a blank check on
12 the entertainment right now. He chooses to do only Cinco de
13 Mayo.

14 RANDY TSUDA: And he has proposed to modify the
15 Conditional Use Permit, which opens up that Conditional Use
16 Permit, so the Commission could adopt additional
17 restrictions on the Conditional Use Permit at this time.

18 COMMISSIONER KANE: Thank you.

19 CHAIR TALESFORE: I would like to condition also
20 that before we turn this over as a recommendation that a
21 clearly thought out plan about how the service will happen
22 is somehow written down or forwarded on to Council from the
23 applicant. It sounded like for me I would need to have a
24 little more service nailed down in that area.

25 COMMISSIONER O'DONNELL: Could I ask a question of
the Chair?

1 CHAIR TALESFORE: Yes, Commissioner O'Donnell?

2 COMMISSIONER O'DONNELL: We have a diagram
3 attached to our package showing the restaurant. Nothing is
4 going to change. The only place things are served is the
5 counter.

6 CHAIR TALESFORE: Yes.

7 COMMISSIONER O'DONNELL: We're told that hard
8 alcohol will only be served by a waitress. What in addition
9 to that do you need?

10 CHAIR TALESFORE: Well I guess I'd like to
11 understand the beer and wine, is that also now going to be
12 served by the waitress, or is that something I pick up and
13 take back to my table?

14 COMMISSIONER O'DONNELL: We are not attempting to
15 effect, to my knowledge, the service of beer and wine, nor
16 did the applicant suggest that he would serve necessarily
17 beer and wine with a waiter or a waitress. I would assume
18 that if some hard alcohol is being served at a table and
19 somebody else is ordering a beer at that table, it may all
20 be together, but my motion does not include expanding the
21 restriction of beer and wine.

22 CHAIR TALESFORE: Okay, I'd like to think about
23 that. Commissioner Micciche.

24 COMMISSIONER MICCICHE: I might ask you to just
25 define something for me. When you're using the word "serve,"
I was more concerned about the delivery. They're going to

1 order at the front, and that's fine; they're going to order
2 with food. I expected the fact that he was going to have
3 someone special deliver the alcoholic beverages to the table
4 so they could see who was getting it; that was my concern.
5 So I'd be all for having all alcohol items delivered by that
6 person rather than just the hard alcohol.

7 CHAIR TALESFORE: Commissioner O'Donnell, would
8 you like to say something?

9 COMMISSIONER O'DONNELL: Two things. One, by
10 "served," I certainly did mean deliver.

11 COMMISSIONER MICCICHE: Okay.

12 COMMISSIONER O'DONNELL: However, I didn't intend
13 to change their method of serving beer and wine, so that if
14 presently if somebody comes in and doesn't want a hard
15 alcohol drink, they want to order their dinner and pick up
16 their dinner and pick up a bottle of beer, my motion does
17 not include changing that.

18 CHAIR TALESFORE: Commissioner Micciche?

19 COMMISSIONER MICCICHE: No, I realize that. I'm
20 suggesting we at least look at that, because my concern was
21 who's getting the alcoholic beverages? Whether it's beer or
22 alcohol, that's my concern.

23 CHAIR TALESFORE: Commissioner O'Donnell.

24 COMMISSIONER O'DONNELL: My response to that would
25 be that we've had a lot of testimony about the number of
restaurants with alcohol that this applicant has had. We've

1 had direct testimony that there have been no ABC violations.
2 We essentially introduced testimony from our Police
3 Department saying they've had no problem. In light of that,
4 it seems like the applicant is doing a very good job. I
5 think your request is reasonable, I just think that to go
6 back now and change a good thing and make it more difficult
7 for him is something that I would prefer not to do. So I say
8 that with respect for your request.

9 COMMISSIONER MICCICHE: May I respond?

10 CHAIR TALESFORE: Commissioner Micciche, you may
11 respond, and then let's move on.

12 COMMISSIONER MICCICHE: However, I'll agree, and
13 I'll support the motion either way, but I would ask Mr.
14 Flores to take that into consideration.

15 CHAIR TALESFORE: A large consideration. I'm sorry
16 that the maker of the motion wouldn't accept that, because I
17 think it does put things in some kind of uniform aspect and
18 makes it a little bit easier. Someone when they order
19 saying, "I'll have one margarita with tequila, and one
20 beer," and then having to juggle all of that, I don't know.
21 That's why I need to see more clearly how this is going to
22 work and I don't see that.

23 Do I have any other comments? Commissioner Kane.

24 COMMISSIONER KANE: I'm not going to support the
25 motion, and I haven't supported expansion of alcohol motions
for a number of months now, because it seems to me that each

1 time we get together, we're looking at another Conditional
2 Use Permit for alcohol. When I look at the General Plan,
3 which talks about the welfare of the Town and the
4 neighborhood and the family community, I look at the Central
5 Business District Guidelines, I look at the Alcohol Policy
6 itself for authority for my objection, and I just want to
7 make a couple of points.

8 Two weeks ago we denied a yogurt shop because of
9 heavy concentration, and the heavy concentration that the
10 Commission talked about were four other yogurt shops.

11 In the vicinity of this restaurant that wants to
12 go to full alcohol there are 12 other bars or restaurants
13 with bars or restaurants that serve alcohol, and five more
14 that don't that are probably now getting in line. I'm just
15 concerned about the trend in the direction. We talk about
16 the neighborhood concerns. There's a school right behind
17 this establishment.

18 This is not about Mr. Flores. It's not about the
19 fine history of this establishment. It's my concern as to
20 what direction we're going in with respect to alcohol
21 proliferation. Policies are pretty clear. The founding
22 fathers that wrote these talked about the sale of alcoholic
23 beverages if not regulated can jeopardize public safety and
24 yakety yak, and the Town Council wants to balance the
25 regulation, and we're concerned about residential
neighborhoods and on and on and on, and we're approving one

1 alcohol Conditional Use Permit after another, and sometimes
2 the one we don't approve, we get overturned on, and I wonder
3 what our alcohol policy says, what we're intending? I think
4 of the historical jokes we talk about Los Gatos was whiskey
5 gulch, and our fathers and mothers before us cleaned that
6 up, and now we seem to be going back in that direction.
7 There are 12 bars in the immediate vicinity of this
8 establishment, five more that can go in that direction, and
9 that's just within a one-block area one way or the other.
10 There are more on down the street.

11 It's a family restaurant and I'm concerned the
12 family restaurants are going to revert to the way of first
13 beer and wine, then the full alcohol. It's like dominoes;
14 they just go down one right after the other. There are many
15 children in this restaurant and it's a popular place for
16 teens, and there's a popular parking lot in the back, which
17 is also a popular place for teens. I think we should be
18 giving our teens a clear message, not a double message. I
19 can't support the motion.

20 CHAIR TALESFORE: I will speak now. I also will
21 not be supporting the motion. I do support the restaurant. I
22 think it's a fabulous restaurant, fabulous food, and high
23 quality. But in the letter from the applicant he asked to
24 have a full alcohol, as one of the reasons was to achieve
25 uniformity with his other restaurants in the Bay Area as

1 they attempt to have most of their restaurants full alcohol
2 licensed.

3 And yet I have to be thinking about the Town,
4 because it's not a goal of the General Plan to grant
5 something because of uniformity. Our goal is to promote and
6 protect existing small-town character. So I couldn't support
7 it for that reason, which is the one he has requested.

8 I also could not support this because Andale is
9 termed a high, fast-turnover restaurant. Yes, you can sit
10 there, or you can take your food out to go, and it's all
11 happening all at the same time. I'm just wondering if this
12 is the trend that we're setting now that we're going to now
13 grant full alcohol to high-turnover restaurants? Does that
14 mean that at some point across the street Mr. Flores might
15 come before us and ask for that restaurant also to have full
16 liquor? I don't know, but my recommendation would be to say
17 no on this one.

18 Commissioner Bourgeois.

19 COMMISSIONER BOURGEOIS: I'd just like to make a
20 quick comment. I share some of those concerns and I think we
21 should all be concerned about proliferation of alcohol
22 licenses, especially at high-turnover restaurants. But one
23 of the reasons I asked the questions in the beginning is I
24 do think there is a difference between the two Andales, and
25 I think the one at 21 North Santa Cruz is more of a sit-down
destination restaurant. Yes, you can get take-out there, but

1 I see it very different from the one at 6 North Santa Cruz,
2 and I think it's perfectly reasonable to expect to walk into
3 a Mexican restaurant and be able to order a margarita. They
4 already have beer and wine.

5 Those concerns about alcohol in the presence of
6 our youth, that does concern me, but I think that it's
7 already at the restaurant, and I think adding something that
8 is very reasonable to expect at a Mexican restaurant is not
9 going to impair the integrity of our downtown.

10 CHAIR TALESFORE: A comment back, Commissioner
11 Bourgeois, is that I have sat in both restaurants, and I've
12 also taken food out at both restaurants, and I've had
13 margaritas in both restaurants, which I thought were real
14 margaritas, so they were delicious, as was the food, but I
15 still will not support the motion.

16 Thank you for your comments, and Commissioner
17 Sayoc, before we take the vote, we need to move on.

18 COMMISSIONER SAYOC: I will be supporting the
19 motion and I would like it on record why, for two reasons. I
20 understand everyone's concern and I think that the two
21 compelling reasons for my support of this is Andale is a
22 successful business and they have a proven track record with
23 no police enforcement issues. Had this been an unknown
24 entity, I would be concerned.

25 The second reason I will be supporting it is
because all the comments we've heard to date have been

1 positive. If the school or if a neighboring business or
2 resident had filed a negative comment, then I would have
3 taken that extremely seriously, but for those two reasons, I
4 will be supporting this.

5 CHAIR TALESFORE: Thank you very much. I don't see
6 any other hands up. I'm going to call the motion. All in
7 favor, say aye. And opposed? That's five yes, and two no.

8 ORRY KORB: The Commission's decision is a
9 recommendation to the Town Council. A hearing will be
10 scheduled before the Town Council in the near future. No
11 further actions are required and notice will be published.

12 CHAIR TALESFORE: Thank you very much, and
13 congratulations, Mr. Flores.

Date: April 5, 2007
For Agenda Of: April 5, 2007
Agenda Item: 5

REPORT TO: The Planning Commission
FROM: Director of Community Development
LOCATION: 21 N. Santa Cruz Avenue
Conditional Use Permit U-07-22

Requesting approval to modify a Conditional Use Permit (Andale) to allow the service of full liquor on property zoned C-2-LHP. APN. 510-44-036

PROPERTY OWNER: Andale Properties
APPLICANT: Andale Los Gatos

DEEMED COMPLETE: February 28, 2007
FINAL DATE TO TAKE ACTION: August 28, 2007

FINDINGS:

- As required by Section 29.20.190 of the Town Code for granting 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 this project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

ACTION: Forward a recommendation to the Town Council.

EXHIBITS:

- A. Required Findings (one page)
- B. Proposed Conditions of Approval (two pages)
- C. Existing Conditions of Approval (two pages)
- D. Letter of Justification, received November 7, 2006 (two pages)
- E. Resolution 2001-106 – Alcohol Policy (six pages)
- F. Map of Restaurants Downtown
- G. Floor Plan, received September 12, 2006 (one page)

A. BACKGROUND:

The original Condition Use Permit (CUP) for the existing Andale restaurant at 21 E. Main Street was issued in 1991, The CUP allowed a total of 46 seats and included approval to

approximately 1,900 square feet of indoor area with an 800 square foot outdoor area (500 square feet of which is available for tables).

The restaurant has 31 seats indoors and 15 in the outdoor patio. The floor plan (Exhibit G) shows all the seating inside. However, during the warmer months the applicant has outdoor seating. The CUP allows a total of 46 seats for both indoor and outdoor seating. The applicant only has live entertainment once a year during Cinco de Mayo that consists of a Mariachi band that plays between 7:30 pm and 9 pm. There is no separate bar.

B. DISCUSSION:

The applicant is requesting approval to modify the existing Conditional Use Permit to permit full alcohol service. The Town has determined that the consumption or service of alcoholic beverages, if not regulated, can jeopardize public safety, result in increased calls for police service and compromise the quality of life for Town residents. To that end, the Town has established an alcohol policy (Exhibit E). The deciding body may approve a conditional use permit to serve alcoholic beverages based on the merits of applications and subject to the requirements in the Alcohol Policy. A summary of the relevant policies are as follows:

- New stand along bars and restaurants with separate bars are discouraged.
- New applications for entertainment establishments serving alcohol are discouraged.
- Entertainment associated with an eating or drinking establishment may be allowed if standards and a permit process are adopted.
- Alcoholic beverages should not be allowed after 11 PM Sunday through Thursday (except for holidays and evenings before holidays) and after 1 am, Friday, Saturday, holidays or evenings before holidays.
- Alcohol service in approved outdoor seating areas may be permitted if adequate separation from public areas is provided.
- Restaurants may only serve alcohol with meals.

Attached to the staff report as Exhibit G is map of the all restaurants downtown. There are 14 restaurants downtown with full alcohol service (Exhibit F). Two of the restaurants, Double D's Sports Grill and Willow Street Pizza, are high turnover restaurants similar to Andale.

Town staff has determined that the request to add full service alcohol to Andale complies with the Town's Alcohol Policy and that the approval of this request will not create any adverse impacts. The Police Department has reviewed this request and does not have any concerns with this proposal. The Town has not received any complaints concerning the operation of the restaurant. The request is consistent with the Town Alcohol Policy due to the following:

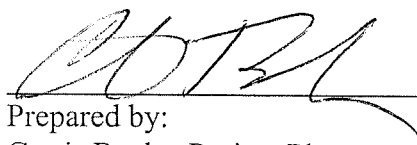
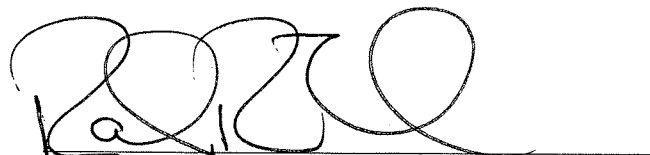
- The restaurant will not have a stand alone or separate bar.
- The restaurant is not open after 10 PM.
- The Conditional Use Permit includes conditions of approval recommended by the Police Department for the service of alcohol.
- Alcohol will only be served with meals.
- Service of alcohol in approved existing outdoor seating areas is separated from public areas with a physical area.

The applicant is requesting an amendment to the previously approved conditions of approval that requires the restaurant to close by 9 pm. seven days a week. The applicant would like to remain open until 10 pm. There have not been complaints regarding the restaurant and remaining open until 10 pm. should not result in impacts to the community.

C. RECOMMENDATION:

Pursuant to the Town's Alcohol Policy, this matter will be forwarded to the Town Council for final consideration. The Commission should forward this application to the Council with the following recommendation:

1. Approval of the request to modify Conditional Use Permit to include full service alcohol sales with the Findings included as Exhibit A; or
2. If the Commission has concerns with the application, it can:
 - a. Recommend approval of the application with modified conditions, or
 - b. Recommend denial of the application.


Prepared by:
Curtis Banks, Project Planner
Approved by:
Bud N. Lortz, Director of Community
Development

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cc: Ignacio Flores, Andale, 21 N. Santa Cruz Avenue, Los Gatos, CA 95030

February 12, 2007

Re: Andale Los Gatos
21 N. Santa Cruz Ave.
Los Gatos, CA 95030

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95032

Dear Sir/Madam:

We are attempting to up grade from an on-sale beer and wine license (41) to an on-sale general license (47).

Andale Taqueria has been at this location since 1991. Andale Taqueria is a multiple outlet retailer. We are also located at the following locations:

6 N. Santa Crus Ave., Los Gatos (41-licensed)
2150 Chestnut St., S.F. (47-licensed)
209 University Ave., Palo Alto (47-licensed)
S.F. International Airport, 3 locations (47-licensed)
Oakland International Airport (47-licensed)
865 Market St., S.F. Westfield Center (41-licensed)

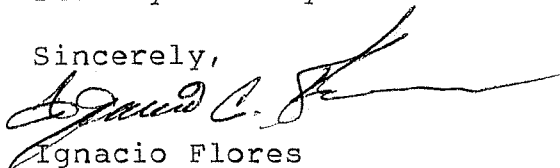
We are a community oriented retailer who participate, contribute, and sponsor local schools and community activities.

Since 1991, we have had numerous request from our customers for tequila drinks which is a perfect compliment to Mexican cuisine. In order to accomodate our clientele, we applied for a 47-license. We are not planning to install a bar at the restaurant.

In order to achieve uniformity, we are attempting to have most of our restaurants 47-licensed. Whether you dine at Andale at the airport or at Andale in Los Gatos, our clientele could enjoy a tequila drink with their meals.

Thank you for your consideration in this matter.

Sincerely,



Ignacio Flores

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

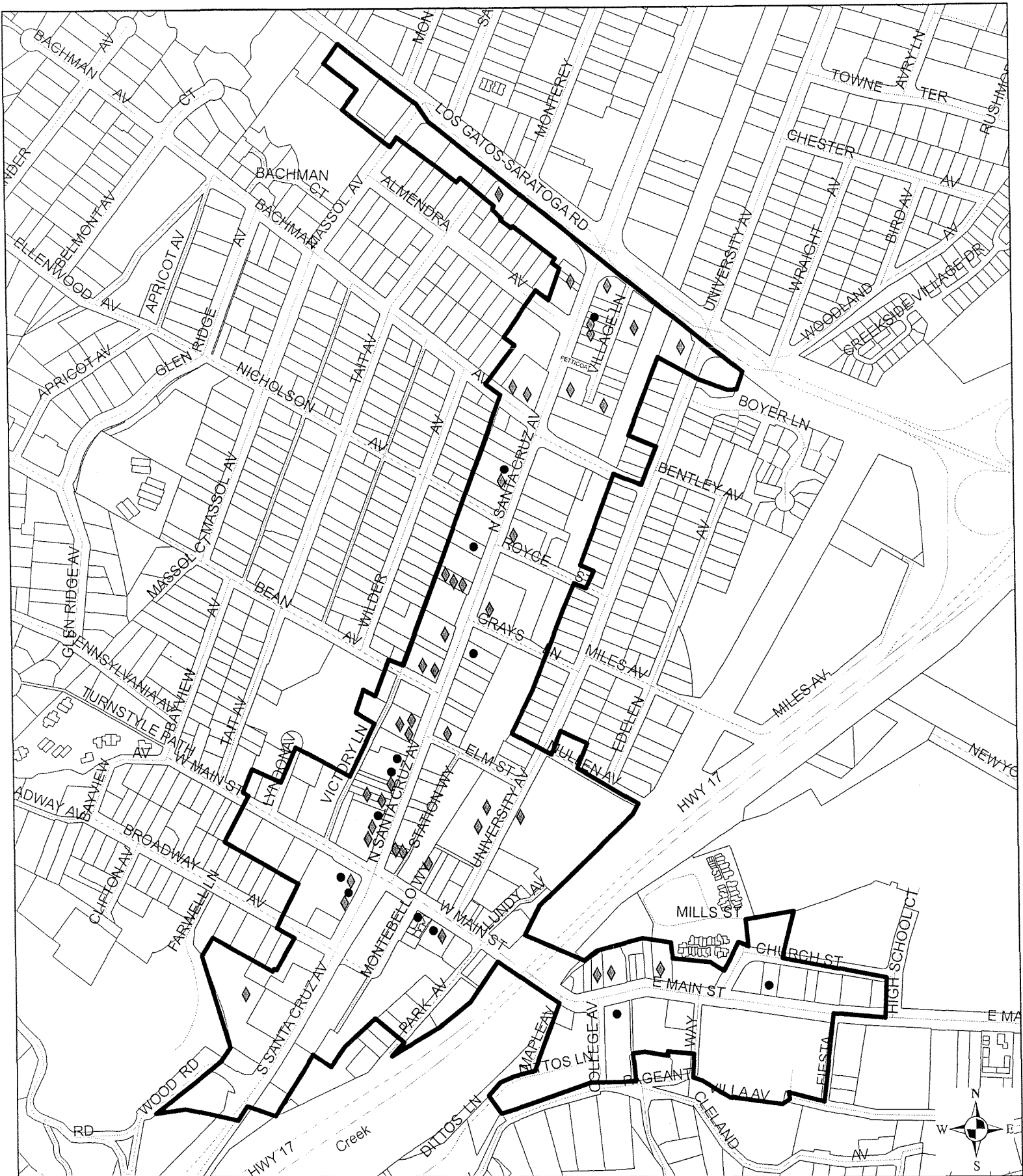
All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.30.310(b) of the Town Code authorizing the Town Manager to take enforcement action if it is determined that the sale of alcohol has become a nuisance to the Town's public health, 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.

RESTAURANTS LOCATED IN ZONE: C-2					
	No.	Dir	Street	APN	Name of Business
Restaurants with Full Alcohol					
1	208		Bachman Ave	51014050	C.B. Hannegan's
2	160	W	Main Street	52903020	Valeriano's Italian Restaurant
3	8	N	Santa Cruz Ave	52803046	Carry Nation's
4	15 1/2	N	Santa Cruz Ave	51044077	180 Restaurant & Lounge
5	206	N	Santa Cruz Ave	52904089	Forbes Mill Steakhouse
6	316	N	Santa Cruz Ave	52904090	Pedro's
7	20	S	Santa Cruz Ave	51045075	Willow Street Pizza
8	140	S	Santa Cruz Ave	51045065	Toll House
9	115	N	Santa Cruz Ave	51017065	Chart House Restaurant
10	354	N	Santa Cruz Ave	52904091	Los Gatos Double D's Sports Grille
11	31		University Ave	52902044	Steamer's Grillhouse
12	50		University Ave	52902044	California Café Bar & Grill
13	50		University Ave	52902044	Wine Cellar Restaurant
14	368		Village Lane	52904053	Café Marcella Wine Bar & Restaurant
Restaurants with Beer and Wine Only					
1	165		Los Gatos-Saratoga Ave	52904083	Baker's Square
2	235		Los Gatos-Saratoga Ave	51014074	Diner of Los Gatos
3	25	E	Main Street	52928036	I Gatti
5	29	E	Main Street	52928036	Twenty-Nine East Main Café
6	49	E	Main Street	52928032	Pastaria and Market
7	101	W	Main Street	52901025	Los Gatos Roasting Company
8	6	N	Santa Cruz Ave	52803047	Andale
9	9	N	Santa Cruz Ave	51044077	Pizza My Heart
10	19	N	Santa Cruz Ave	51044068	Great Bear Coffee
11	21	N	Santa Cruz Ave	51044036	Andale
12	27	N	Santa Cruz Ave	51044033	Vittoria Ristorante
13	47	N	Santa Cruz Ave	51044030	Gilley's Coffee Shop
14	51	N	Santa Cruz Ave	51044030	Gardino's Ristorante Italino
15	57	N	Santa Cruz Ave	51044030	Round Table Pizza
16	130	N	Santa Cruz Ave	52903044	Los Gatos Brewing Company
17	133	N	Santa Cruz Ave	51017062	Tandoori Oven
18	135	N	Santa Cruz Ave	51017062	Kamakura Restaurant
19	137	N	Santa Cruz Ave	51017061	The Green Papaya
20	217	N	Santa Cruz Ave	51017091	Shish Kebab
21	303	N	Santa Cruz Ave	51014048	James Randall Restaurant
22	330	N	Santa Cruz Ave	52904040	Transilvania European Restaurant
23	336	N	Santa Cruz Ave	52904041	Sushi Yokohama
24	337	N	Santa Cruz Ave	51014011	Thai Spice of Los Gatos
25	20	S	Santa Cruz Ave	51045075	Jasmine Restaurant
26	320		Village Lane	52904048	Manresa Restaurant
Restaurants That Do Not Serve Alcohol					
1	26	E	Main Street	52929052	Café Sienna
2	27	E	Main Street	52928036	Southern Kitchen
3	111	E	Main Street	52928006	Café de Flore
4	81	W	Main Street	52901025	Blendz
5	125	W	Main Street	52901007	Posh Bagels
6	145	W	Main Street	52901007	Le Boulanger
7	13	N	Santa Cruz Ave	51044077	TCBY/Mrs. Fields
8	35	N	Santa Cruz Ave	51044032	Powell's Sweet Shoppe
9	39	N	Santa Cruz Ave	51044032	Fleur de Cocoa
10	114	N	Santa Cruz Ave	52803063	Sushi on the Run
11	151	N	Santa Cruz Ave	51017060	Maki Yaki
12	221	N	Santa Cruz Ave	51017091	Dolce Spazio
13	340	N	Santa Cruz Ave	52904042	Los Gatos Café
14	20	S	Santa Cruz Ave	51045075	Cold Stone Cremery
15	20	S	Santa Cruz Ave	51045075	Main Street Burgers

Source: CA Department of Alcoholic Beverage Control



Town of Los Gatos

0 140 280 560 840 1,120 Feet



C-2 Zoning District



Restaurants that serve alcohol



Restaurants that do not serve alcohol

EXHIBIT F

DEFINITION OF RESTAURANTS

Restaurant means a retail food service establishment in which food or beverage is prepared, served and sold to customers for on-site or take-out consumption.

Restaurant, drive-in means a restaurant where food or beverages are sold to be eaten in vehicles whether on or off the premises or are delivered directly to the occupants of vehicles.

Restaurant, fast food means a restaurant with a large carry-out clientele, long hours of service, some open for breakfast but all open for lunch and dinner, and high turnover rates for eat-in customers.

Restaurant, high turnover (sit-down) means a restaurant with turnover rates generally of less than one (1) hour, is usually moderately priced and frequently belong to a restaurant chain, generally service breakfast, lunch and dinner, and are sometimes open twenty-four (24) hours a day.

Restaurant (minor) means any restaurant that satisfies the following criteria:

- (1) Provides less than 25 seats;
- (2) Serves no alcoholic beverages;
- (3) Proposes no significant exterior changes that would alter the architectural character of the building; and
- (4) Provides a net increase of less than five peak hour traffic trips.

Restaurant, quality means a restaurant of high quality and with turnover rates usually of at least one (1) hour or longer, generally do not serve breakfast, may not serve lunch, but always serve dinner.

**EXAMPLES OF QUALITY
AND HIGH TURNOVER RESTAURANTS**

Quality

Forbes Mill Steakhouse
Steamer's Grillhouse
Café Marcella Wine Bar and Restaurant
I Gatti

High Turnover (sit-down)

Willow Street Pizza
Los Gatos Double D's Sports Grille
Bakers Square
Andale

25'-0"

NOTE: NET INTERIOR WIDTH DIMENSION 23'-10"

FIXED WIND SCREENS

SET-BACK SIDEWALK SEATING AREA

SLIDING FRENCH TREE DOORS

PAVED PATIO

SLIDING GLASS DOOR

PAVED TERRACE

EXISTING WALKWAY WALL

EXISTING BUILDING WALL

8'-0"

9'-6"

10/10/10

ADDED BATHROOM STRUCTURE -
30.75 SQ FT - HANDICAP BATHROOM
NEW ANDAHE TAQUERIA RESTAURANT
SECOND LEVEL STORAGE AND OFFICE

4060 SQ. FT.
AREA 75' X 25' = 1875 SQ. FT.
RESTROOM AREA 84 SQ. FT.
AREA 20' X 24' = 480 SQ. FT.
EXISTING BUILD. AREA 2159 SQ. FT.

75' LEVEL) 75' X 25' = 18.75 SQ. FT.
2nd 8'-6" X 9'-6" = 80.75 SQ. FT.
AREA SUMMER OFFICE
20' X 24' = 480 SQ. FT.

WILLING AREA
AREA = 2436 SQ. FT

$$\begin{array}{r} 36 \\ 10 \\ \hline 46 \end{array}$$

ATTACHMENT 11

[illegible]

2265 LYTTON AVENUE
PALO ALTO, CALIFORNIA 94301
TEL. (415) 328-8512

ANDALE TAQUERIA LOS CARDS

21 N. SANTA CRUZ AVENUE
LOS CATOS, CA

PROPOSED FIRST AND SECOND FLOOR PLAN

DRAWN <i>L. H. A. T. T.</i>
CHECKED —
DATE <i>OCT. 20, 1991</i>
SCALE <i>AS INDICATED</i>
JOB NO. <i>36 MS</i>
SHEET
A5
OF _____ SHEETS