



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: March 12, 2008**

**ITEM NO.: 3**

PREPARED BY: Marni F. Moseley, Assistant Planner

APPLICATION NO: U-08-003

LOCATION: 364-368 Village Lane

APPLICANT: Global Grape L. P.

PROPERTY OWNER: Joan Franck, Franck Family Trust

CONTACT PERSON: Don Durante

**APPLICATION SUMMARY:**

Requesting approval to modify an existing Conditional Use Permit to expand an existing quality restaurant (Café Marcella) with full liquor service into the adjoining space currently occupied by a retail wine shop on property zoned C-2. APN: 529-04-053

DEEMED COMPLETE: February 19, 2008

FINAL DATE TO TAKE ACTION: August 19, 2008

RECOMMENDATION: Forward recommendation for approval to Town Council, subject to conditions.

PROJECT DATA: General Plan Designation: Central Business District  
 Zoning Designation: C-2, Central Business District  
 Applicable Plans & Standards: Town Alcohol Policy  
 Restaurant Policy

Parcel Size: 12,938

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial	Central Business District	C-2
East	Commercial	Central Business District	C-2
South	Commercial	Central Business District	C-2
West	Commercial	Central Business District	C-2

CEQA: Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

- 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.
  - As required by the Town Alcohol Policy.

ACTION: Recommendation to the Town Council

- EXHIBITS:
1. Location Map
  2. Required Findings (one page).
  3. Proposed Conditions of Approval (three pages)
  4. Resolution No. 2005-134
  5. Planning Commission Approval Letter dated August 12, 1995
  6. Letter of Justification (two pages), received on February 19, 2008.
  7. Sample menu (four pages), received on February 19, 2008.
  8. Town Alcohol Policy
  9. Ordinance No. 2021
  10. Floor plan (one page) received on February 19, 2008.

BACKGROUND:

The Conditional Use Permit application involves 364 and 368 Village Lane, previously Café Marcella and Marcella's Market. On July 5, 1977, Town Council approved Conditional Use Permit Application U-77-12 for a restaurant at 368 Village Lane. On May 27, 1981, Planning Commission approved Conditional Use Permit Application U-81-9 to expand the floor area of the existing restaurant. The approval also allowed the restaurant to serve beer and wine with meals. Town Council approved full liquor service on December 19, 2005 (Exhibit 4).

On August 10, 1995, Conditional Use Permit Application U-95-21 (Exhibit 5) was approved by Planning Commission for a retail beer and wine shop at 364 Village Lane.

PROJECT DESCRIPTION:

The applicant is requesting approval to modify an existing Conditional Use Permit to allow an existing quality restaurant to expand into an adjoining retail space. The applicant is requesting to:

- Expand restaurant to include a 571 sq ft space currently known as Marcella Market at 364 Village Lane.
- Increase maximum number of seats from 96 to 105.
- Extend the operating hours to include all hours from 11:30 am to 11 pm Sunday thru Thursday and 11:30 am to 12 midnight Friday and Saturday.

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The Police Department has reviewed this proposal and does not have any comments or issues with the application.

ANALYSIS:

A. Site Location

The subject site is in the Central Business District (C-2) which encourages pedestrian oriented uses such as retail, service, and entertainment. Due to a concern about an over-concentration of restaurants in the Downtown, the Town Council adopted Ordinance No. 2021 (Exhibit 9) in 1996. The intent of the Ordinance is to discourage the displacement of retail uses by restaurant uses and requires the Planning Commission to conduct a careful review of all applications for new restaurant uses in the C-2 zone. Cin Cin is replacing Café Marcella and is not considered a new restaurant; however their request does involve expansion into an adjacent tenant space that was previously occupied by a retail use.

B. Use Change

While the wine shop is a separate space and has its own CUP, the business is owned and operated by Café Marcella. Access to the shop is granted by request only, during the hours in which the restaurant is open. The subject site is located on Village Lane and is predominantly surrounded by personal service and office uses, which do not actively draw pedestrians from N. Santa Cruz Avenue. Staff does not believe the expansion of the restaurant into the retail wine space will adversely effect the pedestrian orientation of this particular location in the C-2 zone.

C. Alcohol Policy

The Town's Alcohol Policy requires any change in the service of alcoholic beverages to be approved by the Town Council. The request is consistent with the general policies in Section II and the specific policy in Section IV (see Exhibit 8). The restaurant is currently open until 10:00 PM daily; the applicant is requesting to extend the approved hours of operation to 11:00 PM Sunday thru Thursday, and 12 PM Friday and Saturday. The Alcohol Policy requires an additional finding that the applicant has demonstrated a clear benefit to the community to approve alcohol service beyond 10 pm (Exhibit 8). The Planning Commission's recommendation will be forwarded to the Town Council for final action.

D. Traffic

The existing 571 sq ft wine shop generates 25 daily trips according to the Institute for Traffic Engineers (ITE). By adding the additional 9 seats the average daily trips will continue to be 25 as such there will be no additional traffic impact.

E. Parking

The subject site is located in the downtown parking assessment district and has 31 parking credits. There are also 14 parking spaces onsite. The existing uses require 37 spaces, leaving a surplus of 8 spaces. The proposed modifications would not increase the required parking. The following table illustrates compliance with the Town Code requirements for parking:

BUSINESS	SQUARE FEET/SEATS/ STUDENTS/	PARKING STANDARD	PARKING SPACES
Café Marcella/Cin Cin Existing	96 Seats	1/4 seats	24
<b>Proposed</b>	<b>105 Seats</b>	<b>1/4 seats</b>	<b>26</b>
Dog grooming	494 sq ft		
tailoring	357 sq ft		
Salon	912 sq ft		
Framing	609 sq ft		
(personal service/retail)	Total: 2372 sq ft	1/300 sq ft	8.0
Design services	445 sq ft		
Architecture	200 sq ft		
(Office)	Total: 645 sq ft	1/250 sq ft	3.0
Total Parking Required			37.0
Total Parking Provided			45 14 on site 31 in district

F. CEQA Determination

It has been determined that this project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

The proposed modifications of the existing CUP comply with the regulations set forth for the C-2 zone as follows:

March 12, 2008

1. The modifications will not significantly affect parking or traffic,
2. The change in use will not have a negative effect on the Downtown,
3. The proposed hours of operation should be reduced to 10 pm in order to comply with the Town's Alcohol Policy.

B. Recommendation

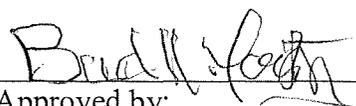
Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit to the Town Council with the reduction in the operating hours to 10 pm:

1. Find that the project is categorically exempt pursuant to Section 15301 of the State Environmental Guidelines;
2. Make the findings as required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit, subject to conditions (Exhibit 2); and
3. Determine that the proposed modifications are in compliance with the Town's Alcohol Policy (Exhibit 8).

C. Alternatives

1. Recommend denial of the Conditional Use Permit.
2. Recommend approval of the CUP with modification to any of the following areas:
  - A. Expansion into the adjacent space;
  - B. Expansion of the number of seats;
  - C. If the Commission makes the finding that the applicant is demonstrating a clear benefit to the community, expansion of the operating hours may be granted as proposed or modified as the Commission deems necessary.

  
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Prepared by:  
Marni F. Moseley CFM  
Assistant Planner

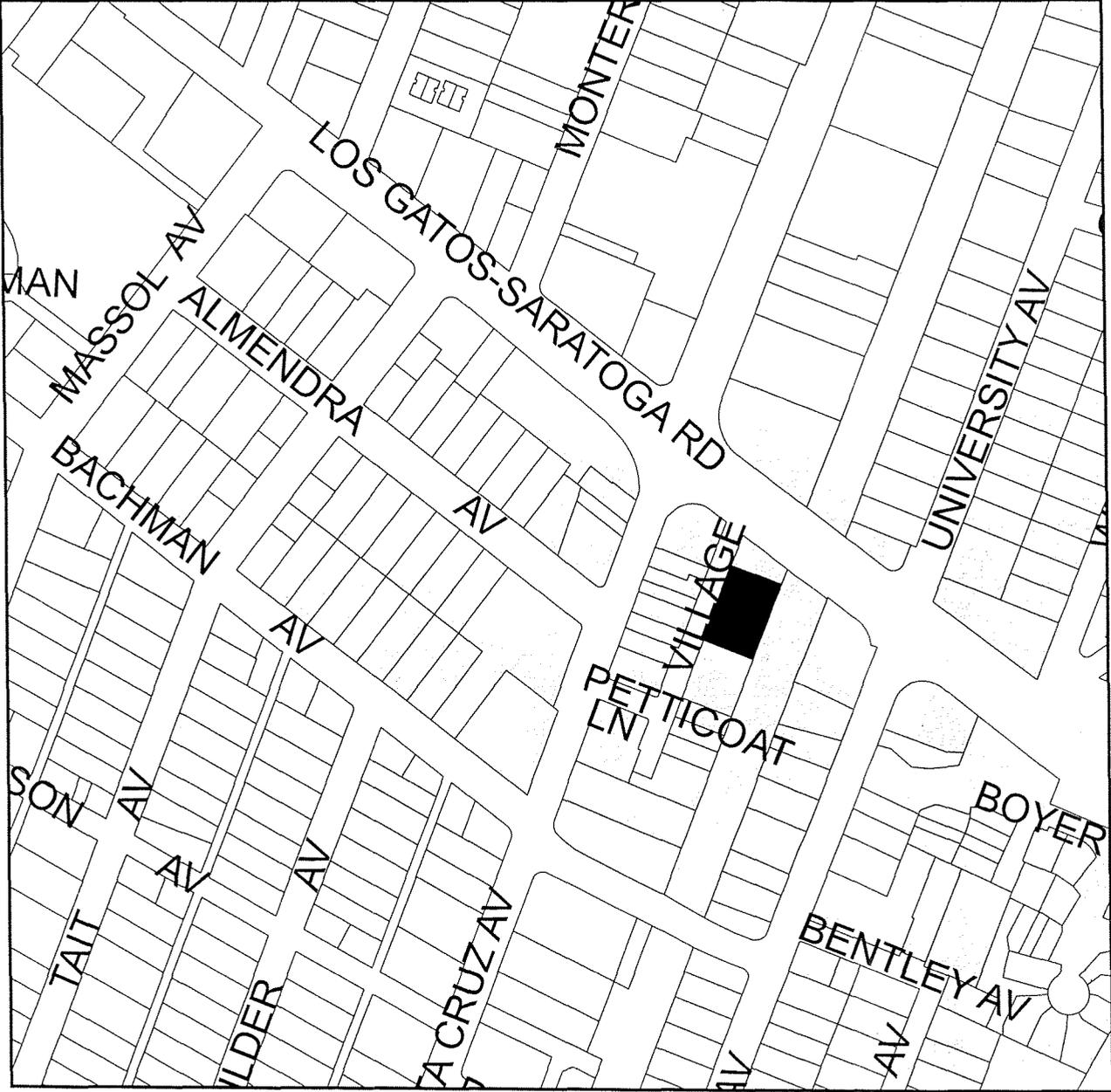
  
\_\_\_\_\_  
Approved by:  
Bud N. Lortz, AICP  
Director of Community Development

BNL:MM

cc: Global Grape L.P. 364 Village Lane, Los Gatos CA 95032  
Joan Franck (Franck Family Trust) 9 Glenridge Avenue, Los Gatos CA 95030



# 364-368 Village Lane





## **REQUIRED FINDINGS FOR**

**364-368 Village Lane**

**Conditional Use Permit U-08-003**

**Requesting approval to modify an existing Conditional Use Permit to expand an existing quality restaurant (Café Marcella) with full liquor into the adjoining space currently occupied by a retail wine shop on property zoned C-2. APN: 529-04-053**

**PROPERTY OWNER: The Franck Family Trust**

**APPLICANT: Global Grape L. P.**

- 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 Categorical Exempt.

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March 12, 2008

**RECOMMENDED CONDITIONS OF APPROVAL FOR:**

**364-368 Village Lane**

**Conditional Use Permit U-08-003**

**Requesting approval to modify an existing Conditional Use Permit to expand an existing quality restaurant (Café Marcella) with full liquor into the adjoining space currently occupied by a retail wine shop on property zoned C-2. APN: 529-04-053**

**PROPERTY OWNER: The Franck Family Trust**

**APPLICANT: Global Grape L. P.**

**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 11 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.
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.
3. **NUMBER OF SEATS:** The maximum number of seats for the restaurant shall not exceed 105.
4. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 11:30 a.m. to 10:00 p.m. daily.
5. **ALCOHOL SERVICE:** The service of beer, wine, and liquor for the restaurant 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.
6. **EXISTING BAR:** The service of beer, wine, and liquor at the existing bar 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.
7. **LIVE ENTERTAINMENT:** No live entertainment shall be provided unless the applicant receives future approval of live entertainment.
8. **TAKE OUT SERVICE:** There shall be no dedicated walk up counter.

**TO THE SATISFACTION OF THE CHIEF OF POLICE:**

9. **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.
10. **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.

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10. 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.
11. 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.
12. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
13. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:  
(Engineering Division)

14. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
15. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
16. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
17. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
18. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as

364-368 Village Lane / U-08-003

March 12, 2008

close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

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**RESOLUTION 2005 - 134**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
APPROVING A MODIFICATION TO A CONDITIONAL USE PERMIT APPLICATION TO  
EXPAND FROM BEER AND WINE TO A FULL LIQUOR SERVICE (CAFÉ MARCELLA)  
ON PROPERTY ZONED C-2.

CONDITIONAL USE PERMIT U-06-003.

APN 529-04-053.

PROPERTY LOCATION: 368 VILLAGE LANE.

PROPERTY OWNER: THE WALTER B. FRANCK SUPPORT TRUST.

APPLICANT; CAFÉ MARCELLA, INCORPORATED

**WHEREAS:**

A. This matter came before Council for public hearing on December 5, 2005, and was regularly noticed in accordance with state law.

B. Council received testimony and documentary evidence from the applicant and all interested persons who wished to testify or submit documents. Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and packet of material contained in the Council Agenda Report dated November 22, 2005, along with subsequent reports and materials prepared concerning this application.

C. Applicant is requesting approval to modify a conditional use permit to expand from beer and wine to full liquor service.

D. The Planning Commission considered this matter on October 26, 2005 and recommended that the application be approved by Council.

E. The Planning Commission decision was correct and Council hereby incorporates herein the recommended findings of the Commission and makes the additional finding that the request for full liquor service complies with the Town's Alcohol Policy and that the approval of this request will not create any additional impacts because the existing restaurant will continue to operate

in the same manner it has for the last fourteen years

**RESOLVED:**

1. The request to modify Conditional Use Permit U-06-3 is approved with the conditions attached hereto as Exhibit 1 and incorporated herein.

2. The decisions constitutes a final administrative decision pursuant to Code of Civil Procedure Section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by State and Federal Law.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 19th day of December , 2005, by the following vote:

**COUNCIL MEMBERS:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**SIGNED:** /s/ Diane McNutt  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**ATTEST:**

/s/ MarLyn J. Rasmussen  
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**CONDITIONS OF APPROVAL FOR:**

**368 Village Lane**

**Conditional Use Permit U-06-003**

**Requesting approval to modify an existing Conditional Use Permit Application to expand from beer and wine to full liquor service (Café Marcella) on property zoned C-2. APN 529-04-053.  
PROPERTY OWNER: The Walter B. Franck Support Trust  
APPLICANT: Café Marcella, Inc**

**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 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.
3. **NUMBER OF SEATS:** The maximum number of seats for the restaurant shall not exceed 96.
4. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to 10:00 p.m. seven days a week.
5. **ALCOHOL SERVICE:** The service of beer, wine, and liquor for the restaurant 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.
6. **EXISTING BAR:** The service of beer, wine, and liquor at the existing bar 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.
7. **LIVE ENTERTAINMENT:** No live entertainment shall be provided unless the applicant receives future approval of live entertainment.
8. **TAKE OUT SERVICE:** There shall be no dedicated walk up counter.

**TO THE SATISFACTION OF THE CHIEF OF POLICE:**

9. **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.
10. **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.
11. **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.
12. **DESIGNATED DRIVER PROGRAM:** The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.

13. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:  
(Engineering Division)

14. INDEMNITY AGREEMENT. An indemnity agreement releasing the Town from any liability associated with the trash enclosure, and stating that the right to maintain a trash enclosure on Town property may be revoked at any time shall be signed prior to construction.
15. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
16. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
17. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
18. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
19. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.



# TOWN OF LOS GATOS

PLANNING DEPARTMENT  
(408) 354-6872

CIVIC CENTER  
110 E. MAIN STREET  
P.O. Box 949  
LOS GATOS, CA 95031

October 12, 1995

Cafe Marcella, Inc.  
368 Village Lane  
Los Gatos, CA 95030

RE: 364 Village Lane  
a. Conditional Use Permit Application U-95-21  
b. Architecture and Site Application S-95-61

Requesting permission to operate a wine and condiment shop and to make minor exterior modifications to a commercial building in the C-2 zone.  
APPLICANT: Cafe Marcella, Inc.

The Town of Los Gatos Planning Commission, at its meeting of September 27, 1995, approved the above application, subject to the following conditions:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:  
(Planning Section)

1. All new mechanical equipment shall be screened.
2. Sales shall be limited to off site beer and wine only. No other liquor sales shall be permitted.
3. No wine bar or on-site service shall be provided.
4. There shall be no direct access between the adjacent restaurant and the retail use.

Pursuant to Section 29.20.320 of the Town Code, this approval will expire two years from the date of this approval (September 27, 1997) unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for approval should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

Reasonable extensions of the time not exceeding one year may be granted upon application to and approval by the Planning Commission. Extensions can be granted only if approved by the Commission prior to the expiration of the approval. Therefore, it is recommended that applications for time extension be filed with the Planning Department at least sixty days prior to the expiration of the approval.

Enclosed you will find important information to assist you in completing your project. If you have any questions, please contact Sandy Baily of this department at (408) 354-6873.

**EXHIBIT 5**

Cafe Marcella, Inc. - Page 2  
364 Village Lane/ U-95-21 & S-95-61  
October 12, 1995

Very truly yours,

Lee E. Bowman  
Planning Director



Donald R. Ross  
Senior Planner

LEB:DRR:sm

Enclosure

cc: Walter and Joan Franck, Trust  
California Alcoholic Beverage Control Board  
Santa Clara County Assessor, County Government Center, 70 West Hedding Street, San Jose  
95110

SM11\LETTERS\9-27-95.#7

## Justification letter for change in CUP for Cin-Cin restaurant and winebar 368 Village Lane, Los Gatos, Calif. 95030

**Intent:** To expand additional restaurant seating into retail space known as Marcella's Market adjacent to Café Marcella and to extend full liquor license type #47 into the same retail space.

**History of operator:** Don Durante has been in the restaurant business in the South Bay since 1977 with his first operation at Le Mouton Noir in downtown Saratoga, and then became a partner with Birk McCandless with the opening of Birk's in Santa Clara which has become a south bay icon for dining since its inception in 1989. No longer involved with Birk's, I have been the owner and operator of my downtown Mt. View restaurant known as CASCAL, a Spanish themed tapa bar. I have just purchased Café Marcella in Los Gatos along with my partner Lisa Rhorer to open a new concept called Cin-Cin, restaurant and winebar at the former Marcella site.

**Concept** for the new operation will be to introduce our clientele to the wonderful experience of showcasing wines from around the world that are grown and produced using organic, biodynamic, and sustainable farming practices to produce world class wines and to accompany them with those same philosophies in our menu. Our food will also be driven by using local suppliers for produce, seafood, and meats produced in the same organic, sustainable, and biodynamic practices from as many sources as possibly can be purchased. We will also be a "green environment" setting with our remodeling focusing on natural products such as new bamboo flooring, bamboo wallpaper, cork, and recycled glass, and reclaimed woods in the interior space of both the café and existing retail store. My partner and I both feel that those trends in the hospitality business are at the forefront of today's modern lifestyle and justifiable in tune with a great majority of Los Gatos residents.

**CUP Change:** We are asking for additional seating to expand our operation into the Marcella Market space and to add the existing full liquor license into the same space to create a larger seating area for the restaurant. My partner and I do not want to be in the retail off premise sale of wine, but further expand the space for additional restaurant revenue. At present the Marcella Market does about \$12,000.00 annual volume in sales and we honestly believe that same space 571 sq ft can produce at least \$250,000.00 in food and beverage revenue for our new concept. We are looking to place 28 seats in the market space, and increase the total number of restaurant seats to 105. Part of the operation for the additional space will be to expand seating and part will be the use of the space to showcase winemaker dinners and wine classes by being able to close off the space for private parties and wine classes.

**Parking:** It is my understanding that at present, there are an additional 8 spaces for justifying the expansion of the restaurant into the retail space for municipal parking. The city formula for 1 parking space for each additional 4 people brings us in under the requirement for this expansion.

**Hours of operation:** We are asking for the hours of operation to be expanded to be able to serve our guests with an “all day menu” that will allow us to serve throughout the day with no shut down between the hours of 2:30 and 5:00 that now exist. We also want to expand the closing hours from 10:00 to 11:00 Sunday thru Thursday, and until 12:00 midnight Friday and Saturday to provide our clientele with the opportunity to be able to get a late night snack and a glass of wine after most or all of the remaining restaurants in town have closed. We look at this as additional revenue and increasing the sales tax revenue for the Town of Los Gatos.

**Town geography:** Village Lane as it now exists is almost all service oriented, with very little retail at all. Most of the establishments within the parcel of property that encompass the restaurant are service oriented with beauty salons, tailoring, dog grooming, and architect office. The remaining shops and stores, with the exception of Manresa restaurant, do not draw a walking crowd for “window shopping” as does Santa Cruz Avenue or University Avenue.

**In summary:** we are asking for the planning commission and the town council to accept our proposal for the CUP and look ahead for what will be a great addition to the local dining scene in downtown Los Gatos. The state board of Alcoholic Beverage Control has told us that they will grant the extension of the type 47 license into the retail space on acceptance of the city to grant our wish to modify the CUP. We are asking you to realize our vision and dream to make this happen.

Respectfully,  
Don Durante and Lisa Rhorer

**From:** Lisa Rhorer <lrhorer@gmail.com>  
**To:** Roxanne Staebler <roxannestaebler@msn.com>  
**Cc:** Don Durante <don@cascalrestaurant.com>  
**Subject:** talking points on Cin-Cin Winebar  
**Date:** Mon, 18 Feb 2008 15:30:24 -0800

**RECEIVED**

FEB 19 2008

TOWN OF LOS GATOS  
PLANNING DIVISION

4-08-003

Hi Roxanne,

Thanks for the feedback on our concept needing clarification to the wait staff. Please feel free to forward the below on to them. We want to ensure they are communicating accurately about Cin-Cin.

Thanks.

**About Cin-Cin Concept and Design:**

An eco-friendly winebar and lounge with small plate dining and a premier wines by the glass program including 40+ wines by the glass and 10 wine flights as well as a reserve wine list. Wines will feature "best of the best" in organic, sustainable and biodynamic wines from around the globe. Cin-Cin will also serve a sophisticated beer list including Belgium-style beers and organic beers. Food will be focused on sustainable products as best can be achieved with attention to source, harvesting, and biodynamic growing practices. A large and varied selection of Artisan cheese, salumi, and cold antipasto items will also be available.

**Interior Design:**

Interior will focus on a "green" concept where many of the materials will be sourced from either reclaimed wood, glass, and re-forested woods such as new bamboo flooring and wallpaper. Cin-Cin is about bringing family and friends together to savor wine and food that is delicious and good for the environment.

**About the owners:**

Don Durante, Co-proprietor, Business and Food management of Cin-Cin Winebar is no stranger to the South Bay restaurant scene. Don's 20+ years in the restaurant industry has taught him a thing or two about what makes a restaurant a customer success. Don was owner and executive chef at the award-winning Le Mouton Noir in Saratoga, CA and executive chef at the Silicon Valley icon Birk's Grill in Santa Clara. His most recent success is Cascal Restaurant in Mountain View, CA where the Tapa-style menu offers bold flavors and exotic cocktails. Don is attentive to the needs of a well-oiled restaurant. His previous successes at Birk's, Le Mouton Noir and Cascal taught him the importance of impeccable service. Don looks forward to another great success with Cin-Cin Winebar.

Lisa Rhorer, Co-proprietor, General Manager and Wine Director of Cin-Cin Winebar is a former high tech marketing and public relations senior manager for such silicon valley giants as Google, Oracle and Creative Labs. She left Google to pursue her passion for wine. Lisa graduated from the prestigious Wine Studies Program at the Culinary Institute of America in St. Helena, CA studying under such wine industry luminaries as Karen McNeil (author of the Wine Bible), Christine DuFault (former Sommelier at Gary Danko) and Robert Bath (Master Sommelier). She is currently a member of the Court of Master Sommeliers Program. Lisa received special recognition for her wine selection, customer service and wine education classes as Wine Buyer for Whole Foods, Los Altos. Previously, Lisa was the Bay Area sales manager for Spanish wine distributor, Vinos and Gourmet. She worked at two popular Bay Area wine bars: Vintage Wine Merchants in San Jose and Vin, Vino, Wine in Palo Alto. Lisa has traveled to Austria, Italy, France and Spain continuing her wine studies with top wine producers. She also attended the Toscana Saporita Cooking School in Italy. She is the current visiting General Manager at Cascal Restaurant in Mountain View.

**About Our Chef:**

Chris Schloss, Executive Chef is a Los Gatos, CA native. He has cooked in restaurants around the world and is coming back home to Los Gatos to share his delicious global-inspired food. His cooking philosophy is simple 1) use purveyors who love their product 2) cook honestly and passionately 3) let the ingredients shine. That philosophy has brought him success at the Mandarine Oriental Hotel in Geneva, Switzerland; at Michelle Bernstein's critically-acclaimed restaurant Azul in Miami; Asiate and Telepan in Manhattan and Stone Park Cafe in Brooklyn. Trained at Johnson and Wales University, Chris is a distinguished visiting chef and member of the James Beard Foundation.

**Sample Menu Items**

Spring Menu  
Plate of Artisan Cheeses #or artisan cheese board, apples, candied pecans, dried fruit, quince jam and daily bread  
Cheeses

Fiscalini Farms 30 month Bandaged Cheddar (California) A world-class raw-milk cheddar - rich, buttery and sharp,

Antigo Stravecchio (Wisconsin) Parmesan-style cheese with sweet and savory flavors.  
Rouge Et Noir Schlosskranz (California) A rich Jersey Cow's milk with a hint of caramel and toasted almonds .  
Uplands Pleasant Ridge Reserve 'Beaufort Style' (Wisconsin) A variety reminiscent of Gruyère, this raw-milk cheese is a much-awarded, one-of-a-kind cheese with flavors that hint of grasses and herbs.  
Nancy's Camembert Old Chatham Shepherding Company (New York) Award-winning sheep's milk cheese with nutty and earthy flavors  
Queso de Valdeon 'King of Blues' (Spain) A Spanish blue cheese with a sharp, strong, salty flavor. Made from cow's milk,  
Fromage d'Affinois (France) Brie-like cow's milk cheese with a sweet, mild flavor oozing with creaminess.  
Robiola di Roccaverano (Italy) A soft cheese made from a combination of cow, goat and sheep's milk –the aroma and taste are delicate, savory with a slight sour cream finish.  
Polder Schapenkaas Gouda (Holland) A sheep's milk Gouda with roasted nut and caramel aromas with tastes of, salted almonds and salted caramels.

Charcuterie of La Quercia prosciutto, mortadella, Coppa Salami, House-made duck pate and served with House-made Chow-Chow, roasted garlic and baby fennel confit

#### Starters:

'Spring' Flatbread aged cheddar fondue, grilled onions, dried apricots, candied hazelnuts, and arugula  
'Spring' Bruchette minted fava bean puree, bacon lardons, shaved antigo stravecchio and extra virgin olive oil  
Fried Green Almonds smoked sea salt and togarashi pepper

#### Salads:

Market Field Greens dried cherry tomatoes, shaved watermelon radish, rustic croutons and white balsamic- maple vinaigrette  
'Bacon and eggs' Frisee Bacon lardons, hen of the woods mushrooms, fried Yukon Gold potatoes, and a crispy Poached Egg  
Roasted Beet Stack artisanal cheese terrine, frisee and pomegranate vinaigrette / or the "canned tuna" nicoise  
Shaved Apple and Baby Fennel Wraps cilantro soba noodles, chipotle aioli, fried shitake mushrooms and bibb lettuce

#### Small Plates

Spring Onion Bisque Yukon Gold potato beignets, arugula pesto, shaved antigo Stravecchio and extra virgin Olive oil  
Wild Mushroom Empanadas queso de valdeon and truffle oil  
Mango Tuna Crudo mango nuac mom sauce, sesame roasted nori, tempura crisps and fried baby bok choy  
Mashed Potato and Chevre Casuelo drawn butter, crispy rock shrimp and chives  
Smoked Alaskan Black Cod roasted fingerling potatoes, Baby fennel confit and fennel frond 'sauce vierge'  
Cin Cin Deluxe Diner Sliders premium organic house ground beef, parker house rolls, grilled sweet onions, House-made chowchow, ballpark sauces, choice of cheeses and Fries  
Albondigas Black Cumin spiced lamb meatballs, harissa and cucumber yogurt  
'Shrimp and Grits' Mayan prawns, Anson Mills Organic grits, Tasso ham, rainbow Swiss chard and Vella Dry Jack  
Braised Short Ribs warm OJ marinated beets, grilled cabbage, horseradish whipped cream and dill vinaigrette  
Korean Heritage Pork Bo Kum stir fried pork belly, Kimchi vegetables, San Jose Co. Tofu with glass noodles

#### Large Plates

Pan seared Wild Coho Salmon fava bean and corn succotash, wild ramps, crispy shallots and Ice wine butter  
Grilled Flat Iron Steak braised short rib Grit cake, black radish crème fraiche and cabernet Jus  
Griddled Diver Sea Scallops 'sausage and rabe', manila clams, bucatini and saffron butter  
Crispy Stuffed Baby Organic Half Chicken with preserved lemon and arugula, wild mushroom sauce and Herb yogurt scented Israeli cous cous  
Sumac Braised Lamb shoulder minted Fava bean puree, roasted fingerling Potatoes, harissa and fried baby bok choy

Dessert list is under development.

Thanks,  
Lisa

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Lisa Rhorer  
Proprietor/Wine Director, Cin-Cin Winebar  
[www.cincinwinebar.com](http://www.cincinwinebar.com)

## Cin-Cin Wines By The Glass

"x" - indicates wines already being sold successfully at Café Marcella.

### Joy in a Bubble

Billicart Salmon Brut

xDomaine Allimant-Laugner Cremant d' Alsace, Brut Rose NV (sustainable)

Berlene Blanquette de Limoux 2004 (organic)

### Pretty in Pink

Rose, Chateau de la Canorgue, Cotes du Luberon, 2006 (biodynamic)

Rose, Fleming Jenkins, Victories Rose, 2005 (profits donated to breast cancer research)

## White on White

### Light-bodied, Soft Fruit

Pinot Gris, O'Reilly's 2006

Pinot Blanc, Girsole (Organic)

Gruner Veltliner, Hofer, Kirchlissen, (biodynamic)

### Light-medium-bodied, Aromatic and Complex

xSauvignon Blanc, Quivera (biodynamic)

xSauvignon Goisot, Saint Bris, 2006 (organic)

Riesling, Hirsch, Heiligenstein (biodynamic)

### Medium-bodied, Aromatic and Flirty

Viognier, Nord Sud, France

xChardonnay/Macabeo blend, Floresta, D.O. Emorda, 2006 (sustainable)

Riesling "Quarzit", Hexamer Meddersheimer Rheingrafenberg

Gisselbrecht, Gewurztraminer, 2004

### Medium-bodied, Subtle Fruit, Crisp

Verdejo, Montebaco 2006 (biodynamic)

Soave Classico, Gini, 2006

xChardonnay, Domaine du Château de Puligny-Montrachet, Bourgogne Blanc, Clos du Château (organic, biodynamic)

### Full-bodied, Moderately Rich

xRousanne/Marsanne, Chateau La Canorgue, Rhone, France, 2006 (Biodynamic)

xChardonnay, Bonterra (organic)

xArgiolas, Vermentino

## Red is Passion

### Light-medium bodied, with full character

Beaujolais Nouveau Domaine Dupeuble

Grenache/Syrah/Mouvedre/Counoise blend, Le Bec Rouge , Beckmen Vineyards 2005  
(biodynamic)  
Corte Gardoni, Bardolino

**Medium-full bodied with balanced fruit**

x Pinot Noir, Jezebel, Willamette Valley  
x Ramsay Pinot Noir, North Coast, 2006  
x Amity, Pinot Noir, Willamette Valley, ECO•WINE® Oregon, 2006 (organic)  
Garnacha/Tempranillo blend, Siete7, 2005, Navarra, Spain (organic)  
Valpolicella Classico, Monte dall' Ora (organic)  
x Merlot, Hall, Napa Valley, 2003  
Bordeaux Superieur , Palisance Rouge, 2005  
x Cabernet/Carmenere Blend, Nuevomundo (organic)  
Cabernet Sauvignon, Castillo de Monesma, Spain  
x Cabernet Sauvignon, "1975 Beckstoffer Vineyards Amber Knolls 2004  
Syrah, Beckmen Vineyards 2005 (biodynamic)

**Full-bodied moderately rich fruit**

x Merlot, Badger Mountain (organic)  
Shiraz, Battle of Bosworth, McLaren Vale 2005 (Organic)  
x Cabernet Sauvignon, Frey 2005 (organic)  
x Cabernet Sauvignon, Owen Roe Sharecropper's 2006  
Negroamaro, La Corte, IGT Puglia, 2005  
Syrah, Stroth-Hall, Sapphire Hill, Gilroy  
x Zinfandel, Sobon Estates (organic)  
x Joel Gott Zinfandel (organic)

**Stickies**

Moscato d' Asti, Tintero  
Noble Blend (Semillon, Riesling, Sauvignon Blanc and Chardonnay), Lillypilly Estate, 2006  
Tokjai Aszu, Royal Tokjai Company, 5 Puttonyos,  
Banyuls (Kermit Lynch or Charles Neal)  
Sherry, Oloroso  
Port, Grahm's Six Grapes  
Tawny Port, 20 yr

## 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 29.20.318(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 29.20.318(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 that are a direct result of patrons actions;
- II. The number of complaints received from residents and 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.

ORDINANCE 2021

ORDINANCE OF THE TOWN OF LOS GATOS  
AMENDING CHAPTER 29 TO PROVIDE A MORE COMPREHENSIVE REVIEW OF  
ADDITIONAL RESTAURANT USE IN THE DOWNTOWN AREA

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS  
FOLLOWS:

SECTION I

The C-2 (Central Business District Commercial) zone of the Town of Los Gatos contains a mix of retail, restaurant, and associated uses that sustains the economic vitality and historic atmosphere of the area, and is an essential part of the community. However, too many restaurants concentrated in this one area would displace retail uses that are vital to continued success and to having businesses that attract Town residents throughout the day. This ordinance is intended to discourage the displacement of retail uses by restaurant uses by requiring the Planning Commission to conduct a careful review of all applications for new restaurant uses in the C-2 zone through the public hearing process.

SECTION II

Section 29.10.020 is amended to read as follows:

\*\*\*\*\*

*Bar* means a drinking place where alcoholic beverages and snacks are served; possibly with entertainment such as music, television screens, video games or pool tables.

\*\*\*\*\*

*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 hour, is usually moderately priced and frequently belong to a restaurant chain, generally serve breakfast, lunch and dinner, and are sometimes open 24 hours a day.

\*\*\*\*\*

*Restaurant, quality* means a restaurant of high quality and with turnover rates usually of at

least one hour or longer, generally do not serve breakfast, may not serve lunch, but always serve dinner.

\*\*\*\*\*

### SECTION III

Subsection (16) of Section 29.20.745 is amended to read as follows:

- (16) Determine and issue zoning approval for minor restaurants that are located outside Downtown [the C-2 zone].

### SECTION IV

Subsection (8) of Section 29.20.750 is amended to read as follows:

- (8) Determines conditional use permit applications that are not assigned to the Development Review Committee.

### SECTION V

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on August 5, 1996 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on September 16, 1996. This ordinance takes effect 30 days after it is adopted.

#### COUNCIL MEMBERS:

AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin,  
Mayor Randy Attaway.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



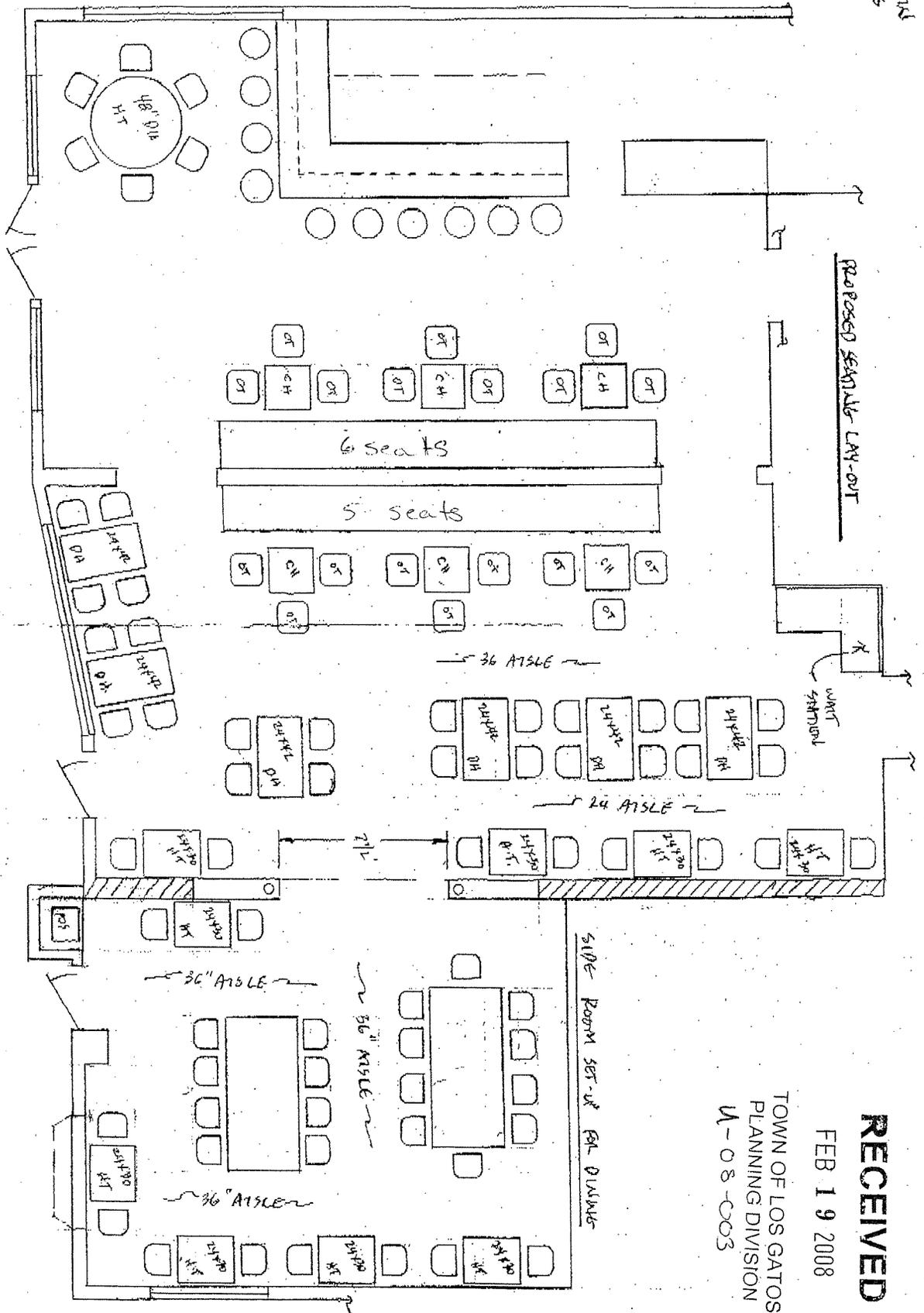
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

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