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Planning Division

September 11, 2006

Supervising License Investigator
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
100 Paseo de San Antonio, Room 119
San Jose, CA 95113

Re: 400 Saratoga Avenue, Pruneridge Golf Club

Greetings,

The office of Planning in the City of Santa Clara is currently working with the operator of the Golf Course located at 400 Saratoga Avenue in the City of Santa Clara to determine the status of prior entitlements for an alcoholic beverage license at that location. We believe that the property has land use authority from the City that supports the issuance and maintenance of an on-sale beer and wine license (Type 41), but have found no record of City approvals for the land use.

Our records indicate that the City's granting of approval as a basis for a license may have occurred before a City use permit requirement was established. I understand your office may have a copy of a letter circa 1978 that recognizes the City's granting of that allowance. As we can find no copy of that letter and your staff indicates you may have such a letter in your files, I am requesting a copy of that, or any other evidence of City authority for our files and that would allow us to make a determination of the property's current rights.

If such a record is available, please send a copy of it to the attention of Mr. Douglas Handerson, Associate Planner, 1500 Warburton Avenue, Santa Clara, 95050, at your earliest convenience. If that is not possible, or there is a cost involved, please contact Mr. Handerson, at 408 615-2450, as soon as possible so we can explore our options.

Thank you for your consideration.

A handwritten signature in black ink that reads "Kevin L. Riley".

Kevin L. Riley, AICP
Director of Planning and Inspection

✓ cc: D. Handerson

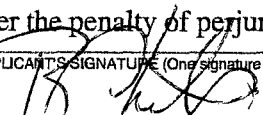
I:\PLANNING\2006\Project Files Active\PLN2006-05764 400 N. Saratoga\ABC req for apprvl letter.doc

1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2450
FAX (408) 247-9857
www.ci.santa-clara.ca.us

Department of Alcoholic Beverage Control
ZONING AFFIDAVIT

State of California
ARNOLD SCHWARZENEGGER, Governor

Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.

1. APPLICANT(S) NAME (Last, first, middle) PHILIP-VAN BAKKERHOF GOLF COMPANY DBA PRINCEWILLIE GOLF CLUB - BLAIR PHILIP		
2. PREMISES ADDRESS (Street number and name, city, zip code) 400 NORTH SARATOGA AVE SANTA CLARA CA 95050		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) 294-45-055-00
4. TYPE OF LICENSE APPLIED FOR #41 - ON-SALE BEER & WINE RETAIL	5. UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY none
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) GOLF COURSE - GRILL / DELI		8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
For answers to Questions 9 - 14, contact your local city OR county planning department (if inside the city limits, contact city planning; if outside, contact county planning).		
9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.) COMMERCIAL		
10. DOES ZONING PERMIT INTENDED USE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No PD ZONING APPROVED	11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt or C.U.P.) <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No No	12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P.
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT DOUGLAS V. HANDERSON, AICP		14. PLANNER'S PHONE NUMBER (408) 615-2450
Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.		
15. APPLICANT'S SIGNATURE (One signature will suffice) 		16. DATE SIGNED 8-10-06

FOR DEPARTMENT USE ONLY

<input type="checkbox"/> C.U.P. Approved <input type="checkbox"/> C.U.P. Denied	IF APPROVED, EFFECTIVE DATE	FILE NUMBER
	DATE DENIED	

GENERAL INFORMATION

•Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

•A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

23790. Zoning ordinances. No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

- (a) The premises retain the same type of retail liquor license within a license classification.
- (b) The licensed premises are operated continuously without substantial change in mode or character of operation.

For purposes of this subdivision, a break in continuous operation does not include:

- (1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.
- (2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.

Department of Alcoholic Beverage Control
San Jose District Office
100 Paseo de San Antonio, Room 119
San Jose, CA 95113
Phone: 408-277-1200
Fax: 408-971-9421

State of California



FAX TRANSMISSION

Total Number of Pages 1 (Including this cover sheet)Original: ☐ To follow by regular mail ☒ Will not followTo: Douglas Handerson, Associate PlannerFirm/Office: Santa Clara County Planning DepartmentFax: (408) 247-9857 Date: 9/14/2006 Time: 1:30.0

cc('s): _____

From: Summer Robertson Phone: 277-3185Subject: 400 N. Saratoga Avenue, Santa Clara

Comments:

Mr. Handerson,

As per your letter dated September 11, 2006, attached is a copy of the letter you have requested regarding Santa Clara's Use Permit authorization for 400 N. Saratoga Avenue.

If I can be of further assistance, please feel free to contact me at 277-3185, or summer.robertson@abc.ca.gov.

Thank you.

Summer Robertson #300
Summer Robertson
Supervising Investigator, ABC

NOTICE

This communication is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address.



"Be Energy Efficient"

DATE May 12, 1978

Planning Department
City of Santa Clara
1300 Warburton Ave.
Santa Clara

APPLICANT WALLICK, Barbara P. & Wayne E. Wallick
ADDRESS 400 N. Saratoga Ave.
Santa Clara
NEAREST CROSS STREET Pruneridge Avenue
TYPE LICENSE On Sale Beer

Dear Sir:

The above applicant has applied for an alcoholic beverage license in your jurisdiction. In order that the license be properly issued, please answer the following questions.

What is the zoning for this location? PD (Planned Development)Is zoning proper for this type license? YesIs a USE PERMIT required for this business? No restaurant OKDate USE PERMIT issued and number Is a SEPARATE USE PERMIT required for the alcoholic beverage license? Yes, however
when this property was annexedDate USE PERMIT issued and number the existing select alcoholic beverages
was legalized without requiring a Use
Permit.

Department of Alcoholic Beverage Control
1150 S. Bascom Avenue, Suite 4
San Jose, CA 95128
Telephone: (408) 277-1200

Garry Goodell Senior Planner
Signature and Title of Planning Officer
5-19-78 984-3111
Date Phone

NOTICE TO APPLICANT:

All the above information concerning ZONING and USE PERMITS must be completed by the Planning Department. It is your responsibility to secure the required information and return this form to your ABC Investigator.



Planning Division

January 12, 2007

Blair Philp
Pruneridge Golf Club
400 Saratoga Avenue
Santa Clara, CA 95050

Dear Mr. Philp:

This letter is in response to your request for clarification as to whether the existing City approval for beer and wine service at Pruneridge Golf Club allows for beverage service by the marshals from the beverage cart on the golf course.

The existing City approval of the entitlement for beer and wine service is related to the Planned Development rezoning on the site, rather than a specific Use Permit approval. It is staff's understanding that beer and wine service from the beverage cart on the golf course has occurred in the past. It is appropriate to allow this extended service to continue, without a new Use Permit public hearing. It is understood that this service will occur only within the fenced area of the course.

If there are any questions regarding this interpretation, please contact me at (408) 615-2450.

Sincerely,

Kevin L. Riley, AICP
Director of Planning & Inspection

cc: File PLN2006-05764

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1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2450
FAX (408) 247-9857
www.ci.santa-clara.ca.us

From: "Blair Philp" <blair@pruneridgegolfclub.com>
To: "Kevin Riley" <kriley@ci.santa-clara.ca.us>
Date: Saturday, January 20, 2007 3:09:32 PM
Subject: Thank you! Blair @ Pruneridge GC

Kevin,
Your letter was accepted by the ABC and now we are able to sell Beer & Wine on the premises

Thanks again, Blair Philp
-----Original Message-----

From: Kevin Riley [mailto:kriley@ci.santa-clara.ca.us]
Sent: Thursday, January 11, 2007 1:43 PM
To: Blair Philp
Cc: Doug Handerson
Subject: Re: Pruneridge GC

Blair,
I know this is done at some courses. I don't recall anything specific in the liquor use entitlement, but again, it was not our standard CUP process. This is unique compared to our typical outdoor seating approvals, so perhaps there are appropriate findings to be made to handle this administratively, versus a new hearing process. I'll review it with Doug to look at or options and we'll get back to you soon. Kevin

Kevin L. Riley, AICP
Director of Planning and Inspection
City of Santa Clara
1500 Warburton Avenue
Santa Clara CA 95050
Ph (408) 615-2450
FAX (408) 247-9857

>>> "Blair Philp" <blair@pruneridgegolfclub.com> 01/10/07 9:57 AM >>>
Hi Kevin, following up on a voice/e-mail I sent you before Christmas regarding the proper wording on the conditional use permit. What process do I need to follow to resolve this.

If you recall the use permit is for beer and wine sales in the clubhouse and does not say on the property as during the summer, the marshals have sold beer and wine out of the beverage cart.

Do I need to submit for reposting or can you override this????

Please advise, thank you Blair Philp

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