MINUTES
SARATOGA PLANNING COMMISSION

DATE: Wednesday, March 8, 2006
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

Chair Nagpal called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Commissioners Cappello, Hunter, Kundtz, Nagpal, Rodgers, Schallop and Uhl
Absent: None
Staff: Director John Livingstone, Associate Planner Lata Vasudevan, Associate Planner Therese Schmidt, City Arborist Kate Bear and Assistant City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of February 22, 2006.

Motion: Upon motion of Commissioner Hunter, seconded by Commissioner Rodgers, the Planning Commission minutes of the regular meeting of February 22, 2006, were adopted with a correction to page 4. (5-0-2; Commissioners Schallop and Uhl abstained)

ORAL COMMUNICATION

Mr. Paul Fortenot, 19537 Eric Drive, Saratoga:

- Reminded that he had made comments at the joint Planning Commission/City Council meeting held in October 2005.
- Stated his belief that Saratoga is exposed without having a Wireless Facilities Ordinance.
- Said that the City of Saratoga needs to take control.
- Suggested that the City consider the City of Cupertino's Wireless Master Plan as it offers an approach that Saratoga should look at.
- Pointed out that Cupertino has a Telecommunications Commission.
- Said that these steps would remove any ambiguity and provide a win-win for the community.

Mr. Ray Muzzy, 19518 Eric Drive, Saratoga:

- Explained that he also emailed the Council with his comments.
- Said that Saratoga is facing the issue of resources and that the City's Planning staff is working on difficult issues.

- Stated that a Wireless Master Plan is a very important tool to provide guidance.
- Agreed that the City should go out and take a look at plans such as Cupertino's and tailor them for Saratoga.
- Said that there is no reason to wait to do the whole thing from scratch, as there are good examples out there.
- Pointed out that the City of Saratoga does not have the technical advice that other cities have. The issues are complex and involve advanced technology. This Master Plan would provide a framework for judgment to make good decisions.
- Commended two installations saying that Crown Castle did a good job along Saratoga-Los Gatos Road and the flagpole in front of the Saratoga Library.
- Stated that a lot can be done if the City is proactive and provides guidance to providers.

ORAL COMMUNICATIONS – PLANNING COMMISSION DIRECTION TO STAFF

Commissioner Hunter said that this is primarily an issue for Council.

Director John Livingstone:
- Said that this issue is of interest both to Council and the Planning Commission. However, it has not worked its way up the priority list.
- Added that cities often try to borrow Ordinance drafts from other cities as a resource.
- Cautioned that the City is currently dealing with State-mandated Ordinances right now.

Chair Nagpal asked if the issue of a Wireless Master Plan is on the priority list right now.

Director John Livingstone:
- Replied that there is a large list of desired Ordinances and this is on that list.
- Stated that Council had to pick five to six to tackle this year and this was not one of those selected.
- Explained that right now the City must react to laws that require supporting Ordinances on issues such as Density Bonuses.

Chair Nagpal clarified that Council sets the priorities.

Director John Livingstone replied yes.

Chair Nagpal suggested that this issue could be raised at the next Planning Commission Study Session.

Commissioner Kundtz said that he has consistently asked for a strategic plan from cellular providers whenever an application comes forward and asked if there was something the Commission could do to ensure that this issue gets reviewed.

Director John Livingstone replied talk to Council.

Chair Nagpal introduced Assistant City Attorney Jonathan Wittwer.

City Attorney Jonathan Wittwer said that it was good to be here.

REPORT OF POSTING AGENDA

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on March 1, 2006.

REPORT OF APPEAL RIGHTS

Chair Nagpal announced that appeals are possible for any decision made on this Agenda by filing an Appeal Application with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15.90.050(b).

CONSENT CALENDAR

There were no Consent Calendar Items.

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PUBLIC HEARING - ITEM NO. 1

APPLICATION #06-216 (517-09-043, 517-09-018, 517-09-044) SUBWAY SANDWICH SHOP (tenant)/ATOGA LLC (property owner), 14410 Big Basin Way: The applicant requests a Conditional Use Permit to establish a sandwich shop in an existing approximately 960 square foot vacant tenant space in the newly remodeled Corinthian Corners commercial complex. The sandwich shop will face Saratoga-Los Gatos Rd. and will be situated in a tenant space between Starbucks Coffee and a proposed retail bicycle shop. Continued from February 22, 2006 meeting. (Lata Vasudevan)

Associate Planner Lata Vasudevan presented the staff report as follows:

- Stated that the applicant is proposing a Subway Sandwich Restaurant at Big Basin Way.
- Reminded that the Planning Commission continued consideration of this application at its meeting of February 22, 2006, to this meeting.
- Explained that this proposed Subway would be one tenant at the Corinthian Corner building.
- Said that the tenant space faces Saratoga-Los Gatos Road and consists of approximately 960 square feet. It is located between Starbucks and a proposed bicycle shop.
- Reported the proposed operational hours as being between 9 a.m. and 9:30 p.m. daily. The peak operational hours are between 11:30 a.m. and 1:30 p.m. There is little evening activity.
- Stated that deliveries would occur one time a week at 10 a.m. when there is no conflict with parking demand.
- Added that deliveries for Starbucks occur between 2 and 3 a.m.
- Said that there would be two Subway signs, one for each façade of this corner space. The signs would consist of individual metal letters with exterior illumination. The lamps are proposed to match those used by Starbucks. The lettering is yellow and white and the applicant will provide sign material samples tonight.

- Reported that two additional emails in opposition to this request were received. One is from Mr. and Mrs. Formico and the other is from Laurel Perusa.
- Said that the proposed Subway is classified as a restaurant, which requires the granting of a Conditional Use Permit by the Planning Commission. This process allows the Planning Commission to impose conditions. The Use Permit is based upon findings.
- Recommended that the Planning Commission make the required findings and adopt the attached Resolution approving a Conditional Use Permit for Subway.
- Said that she was available for any questions.

Commissioner Rodgers reported that she was at Starbucks today at about 10:15 a.m. and that there was a delivery truck on the street. She asked if this was a violation.

Director John Livingstone replied yes, this is a technical violation if the Conditions set specific times for deliveries. The Commission can propose and condition specific delivery times if it wishes to do so.

Assistant City Attorney Jonathan Wittwer asked staff if the Commissioners have seen these emails.

Planner Lata Vasudevan said that they were originally sent to the Planning Commissioners.

Assistant City Attorney Jonathan Wittwer asked if they were part of the staff report.

Planner Lata Vasudevan replied that they were sent separately, after the report had already gone out.

Assistant City Attorney Jonathan Wittwer suggested that these emails be read into the record.

Commissioner Kundtz read the email from Marte and Linda Formico, 14456 Sobey Road, into the record:

- *Just read the article in the Saratoga News about Subway Sandwiches in Downtown Saratoga. I don't think that is the direction for Downtown Saratoga. I think the Starbucks is great but we do not need another sandwich shop.*

Chair Nagpal read the second email from Laurel Perusa, 15085 Oriole Road, into the record:

- *How fortunate we are to live in Saratoga. How many California residents are able to refer to their downtown as a Village? Not many. The Village already has a multitude of businesses that sell sandwiches in our Village. An additional sandwich shop will not enhance our Village. A sandwich franchise at the Village entrance or any other location is not appropriate, detracting from the Village. Our Village is unique. A sandwich franchise does not lend itself to the existing charm of the Village. Please give the Subway Sandwich application careful consideration.*

Commissioner Rodgers asked between Use Permits, CH-1 and Land Use Impacts, which Ordinance takes priority?

Assistant City Attorney Jonathan Wittwer said that they all fold in together and that no one is more or less important.

Commissioner Hunter:
- Reminded that she had asked staff about the number of shops that serve sandwiches in the Village and Planner Lata Vasudevan has said 15.
- Read a list into the record: Mediterranean Deli, the gas station, International Coffee Shop, Coffee Ground, Vienna Woods, Starbucks, Village Rendezvous, Buy & Save, Blue Rock Café, Pat Smith's, French Tailor, Tapioca Express and the Napkin Ring.

Commissioner Rodgers disagreed that all those mentioned by Commissioner Hunter actually sell sandwiches. She said that Starbucks does not have sandwiches and she asked to be sure. She added that the sandwiches sold at the gas station couldn't be equated to a shop that sells sandwiches.

Commissioner Hunter said that she is listing businesses that have items available for lunch and not just sandwiches. She added that this list is actually shortchanged.

Chair Nagpal asked if staff is suggesting that the number of shops selling sandwiches is actually 15.

Director John Livingstone said that the Saratoga Village Development Council originally provided the list. He added that staff did a drive by attempt at a list and it appeared to be approximately 15 places.

Chair Nagpal reiterated that the approximately number is 15 shops.

Director John Livingstone reported that staff had received two calls this evening at about 5:30 p.m. in opposition to this Use Permit.

Commissioner Hunter pointed out that the alleyway is narrow and questioned what the plan is regarding impacts during deliveries.

Director John Livingstone:
- Advised that there are several ways to deliver including use of the back alley and the front parking lot. The least intrusive option would be used.
- Assured that the City would intervene in the event that problems occur with deliveries.
- Pointed out that there are not too many complaints received by staff regarding deliveries in commercial districts.

Commissioner Hunter asked if a back exit to this tenant space is required since baking occurs on the premises.

Director John Livingstone replied no. This site complies with Code requirements for this use.

Chair Nagpal asked what types of uses would be permitted in this location without a requirement for a Use Permit.

Planner Lata Vasudevan replied that retail uses are permitted by right. She added that each zoning district has a list of allowed uses.

Chair Nagpal clarified that this request is before the Planning Commission for a Conditional Use Permit because it is not listed as a permitted use.

Planner Lata Vasudevan replied correct.

Chair Nagpal asked if a traffic evaluation was done on the potential impacts of this use.

Director John Livingstone said generally speaking such traffic evaluations are done when the site is developed as was done with this building renovation. This is a safe corner as designed. There is no hazard and the circulation pattern does work.

Chair Nagpal pointed out that this evaluation did not include this type of business.

Director John Livingstone advised that a traffic evaluation was done for Starbucks.

Commissioner Hunter said that the traffic evaluation for the building was done in 2002.

Director John Livingstone advised that the City's Traffic Engineer looked at that report again for the Starbucks application. He added that a 900 square foot tenant space does not trigger a nexus for a traffic study. There is not much more of a draw anticipated for this use than any active retail.

Commissioner Hunter asked for the total number of retail spaces contained in this Corinthian Corners building.

Planner Lata Vasudevan replied six tenant spaces.

Commissioner Uhl pointed out that the bike shop is using two spaces.

Commissioner Rodgers clarified that the bike shop uses 1.5 spaces and the telecommunications space uses .5 tenant spaces.

Chair Nagpal opened the Public Hearing for Agenda Item No. 1.

Ms. Miya Glasauer, Applicant, 19991 Braemar Drive, Saratoga:

- Stated that she is honored to have this opportunity to address the Planning Commission for this Conditional Use Permit to allow her to establish a Subway Sandwich at this location.
- Explained that this franchise was founded 40 years ago and now has 25,000 stores worldwide.
- Said that Subway enforces its operational guidelines and violations result in revocation of the franchise license.

- Reported that Subway has a monitoring system by which a field consultant makes unannounced monthly visits to each restaurant to verify compliance with standards.
- Said that Subway has strong purchasing power that equals reasonable prices for its customers.
- Added that Subway locations are remodeled every five years. They are well maintained all year round.
- Advised that she is the owner of two Subway restaurants, one in Santa Clara and the other in Downtown Los Gatos. She has been a franchisee with Subway for four years. She also owns two Baskin Robbins restaurants and has been a franchisee for nine years.
- Stated that she has received numerous awards from both Baskin Robbins and Subway.
- Reported that she moved to Saratoga in February 1991 and is raising her 11 and 14-year old sons here. They are active in Little League and soccer. She and her husband are active in the community and volunteer.
- Said that she is happy to be involved in community fundraising through her business, as she is aware of the importance of community.
- Pointed out that there are a lot of empty tenant spaces in the Downtown.
- Added that a brand name business does not have a negative impact but rather would help revitalize the activities in Downtown Saratoga.
- Reminded that Subway offers a quality product and services for the residents.
- Assured that there is plenty of pie for everyone to share.
- Expressed her admiration for the dedication and sacrifice of the Planning Commissioners and thanked them for their time this evening.

Commissioner Rodgers asked to see the sign materials samples.

Ms. Miya Glasauer said she has them available and would like to present them later after the Use Permit has been discussed.

Commissioner Hunter asked Ms. Miya Glasauer if her Subway location in Los Gatos is in the historic part of the town.

Ms. Miya Glasauer said yes. She added that a big deal was made at the time of that application.

Commissioner Hunter asked if the tenant space is not located down by the DMV.

Ms. Miya Glasauer replied yes but this is also considered a part of the historic downtown.

Commissioner Hunter asked Ms. Miya Glasauer if she is certain she can function with just one delivery per week.

Ms. Miya Glasauer replied yes. She said that Subways has high quality refrigeration as well as well-packaged produce. She added that this is not anticipated to be a high volume store.

Director John Livingstone suggested that Ms. Miya Glasauer provide the sign materials now.

Ms. Miya Glasauer said that she surveyed the signs in Saratoga, which has its own identity.

Chair Nagpal asked Ms. Miya Glasauer what she is proposing for signage.

Ms. Miya Glasauer replied that she was flexible between uses of metal or wood letters.

Chair Nagpal asked if there are no changes proposed to page 5 of the staff report pertaining to signs.

Ms. Miya Glasauer said that she cannot change the registered logo but can change the materials used to create that logo.

Commissioner Cappello asked Ms. Miya Glasauer to clarify that most business for a Subway location occurs during lunch.

Ms. Miya Glasauer replied that two-thirds of the business has occurred by 3 p.m.

Commissioner Cappello asked how many transactions that might reflect.

Ms. Miya Glasauer said that it is hard to tell. She said that this is not considered an A-level location but more a B-level or C-level location.

Commissioner Cappello asked Ms. Miya Glasauer why she does not select a big and popular site for her Subway franchise location.

Ms. Miya Glasauer said that her Santa Clara location has a huge shopping center nearby. There is not a lot of traffic here in the Village.

Commissioner Cappello said that Ms. Miya Glasauer seems to be saying that her Subway shop won't attract new business but rather would leverage the existing traffic already there.

Ms. Miya Glasauer said that her restaurant would offer convenience. She pointed out that the average lunch break is actually 30 minutes. Patrons usually pick up their sandwich and go back to the office to eat. She said that half of her business would be neighbors who would walk to her restaurant.

Commissioner Cappello said that one objective is the revitalization of the Village. He asked how a Subway fits with that objective.

Ms. Miya Glasauer:

- Reminded that she has been a Saratoga resident since 1991.

- Reported that she had lost interest in the Village, as there has not been much to make her come there.
- Assured that she does not want to wipe out existing businesses but that she does support the right of choices.
- Pointed out that Westgate was a dying center that now has been redeveloped. There are many choices there now.
- Added that there are no negatives with having a Subway in the Village.

Commissioner Rodgers pointed out that Ms. Miya Glasauer had estimated about 60 people during the lunch hour as mentioned during the Commission's site visit.

Ms. Miya Glasauer said that she believes that approximately 50 is more accurate but that it is hard to estimate.

Chair Nagpal asked Ms. Miya Glasauer if she does not have a business model.

Ms. Miya Glasauer said that she is not comfortable speaking about her specific plans during a public meeting but would speak with Commissioners individually.

Commissioner Kundtz said that it is imperative that Ms. Miya Glasauer forecast the traffic impacts of this business if that number exists, as this detail is part of the decision-making process for the Commission.

Ms. Diana Kazarian, Subway Representative, 2001 Gateway Place, Unit 270, San Jose:
- Explained that she has been with Subway for 21 years.
- Said that the anticipated traffic in this neighborhood is between 30 and 40 during peak lunch, approximately 15 between 3 and 5 p.m. and approximately 20 between 5 and 7 p.m.
- Stated that Subway customers are in and out. It does not draw huge crowds.

Commissioner Hunter asked about the ovens needed to prepare the fresh bread. Are they located at the rear of the restaurant?

Ms. Miya Glasauer said that the ovens are located at the front of the restaurant where customers can see them.

Commissioner Rodgers asked for a description of the interior materials.

Commissioner Hunter said that they are included in the staff report but are not required as part of the Commission's review.

Ms. Miya Glasauer provided material samples for the signs and said that they do not reflect the proposed size or color of her sign but just the proposed material of which the letters would be constructed.

Commissioner Kundtz asked if green background is used.

Ms. Miya Glasauer replied no. The sign is comprised of individual channel letters.

Ms. Marilyn Marchetti, 20701 St. Charles, Saratoga:
- Identified herself as a resident in the Village.
- Said that Saratoga's Village is different. It is quaint, unique and charming.
- Stated that franchises would cause the Village to lose some of that charm.
- Suggested that the Village needs different niche types of shops that draw customers to the Village.
- Said that she is not sure that a Subway is the type of draw wanted for the Village.
- Pointed out that the potential patrons for this Subway are already in the Village and frequent existing shops already.
- Stated her concern about the appearance at the Gateway, saying that a Subway is not unique. Allowing a Subway here sets precedence and she would like to see some controls such as additions to the design guidelines that would prevent such uses in the Downtown.
- Reiterated that it is not a historic and charming Downtown with chain stores.

Ms. Jennifer Young Taylor, 14672 Oak Street, Saratoga:
- Said that she has been a resident since 1952 when she was eight years old.
- Stated that she feels strongly against this proposal and that a sandwich counter is not needed here.
- Pointed out that there are already many fine dining choices available.
- Stated that an in-and-out place is no draw for foot traffic and shopping on the street.
- Added that parking is a problem.
- Advised that the Village is doing fine and is not dying. It is a beautiful place!
- Opined that Subway is ordinary.
- Said that having a franchise sign in an historic area is unfortunate and would belie the beautiful and historic ambiance of the Village.

Ms. Laurel Perusa, 15085 Oriole Road, Saratoga:
- Said that she feels fortunate to live in unique Saratoga, a city that is distinguished from other communities in California.
- Added that this is a beautiful area that is quaint and charming. There is much to be proud of and appreciated.
- Stated that Subway does not lend itself to the character of the Village but is rather Anytown/Anywhere USA.
- Reiterated that there is no need for another sandwich shop in Downtown Saratoga.
- Asked the Commission to give this careful consideration.

Ms. Virginia Fiorentino, 12029 Saratoga-Sunnyvale Road, Saratoga:
- Explained that this building owner, Nasser, spent two years completing this project and is proud of it.
- Said that Nasser is hoping that the Planning Commission is pleased with the result.
- Assured that this revitalized building will bring more visitors to the Village and that Subway would be a viable and strong tenant for this building.
- Said that this building filled would bring in tax revenue to the City.

- Pointed out that this franchisee, Ms. Miya Glasauer, cares a lot about Saratoga and its Village.
- Said that this is an opportunity for more tax dollars.
- Asked the Commission to approve the Use Permit for this Subway, which offers another option and variety.

Commissioner Hunter pointed out that this proposal represents the fifth tenant and asked Ms. Virginia Fiorentino how many tenant spaces there are in the Corinthian Corners building.

Ms. Virginia Fiorentino replied that there is a double space available. Nasser wants a single tenant in that space that consists of approximately 5,000 square feet to serve as an anchor tenant.

Commissioner Cappello asked Ms. Virginia Fiorentino what an anchor tenant means.

Ms. Virginia Fiorentino replied that an anchor tenant brings in business. She said that since there are so many schools in the area, Subway would also draw new business to the Village with its fresh and good food.

Commissioner Cappello asked if it would be drawing people who would not otherwise be going there.

Ms. Virginia Fiorentino said that Subway would increase business in the Village. She added that eating there is more cost effective for young people.

Chair Nagpal asked if Subway's patrons would not simply drive in and leave.

Ms. Virginia Fiorentino said that there would be a mixture. Some would leave and others would stay and eat. The majority would arrive by car and she believes that the local businesses would still patronize their original sandwich shops.

Ms. Juliette Bloxham, 14419 Big Basin Way, Saratoga:
- Identified herself as a nearby business owner and landlord across the street.
- Stated that the Village needs foot traffic in that location to help support other business in the Village.
- Said that Starbucks has helped and has been a good addition to her shop.
- Said that a new antique store is coming.
- Stated that Subway does not provide interesting charm to the Village.
- Pointed out that the renovated Corinthian building is beautiful and great.
- Said that the bicycle shop would be a good addition.
- Asked that franchises not be brought into the Village.

Commissioner Kundtz asked Ms. Juliette Bloxham to distinguish between the benefits of Starbucks versus the lack of benefit for a Subway shop.

Ms. Juliette Bloxham said that Subway is not charming and the difference is the kind of people it attracts.

Ms. Lillian Benson, Benson Antiques, 20603-5 Third Street, Saratoga:
- Advised that she has operated an antique shop in Saratoga for 27 years.
- Said she is the unofficial "Queen of Saratoga."
- Said that she is disappointed.
- Pointed out that there are few Victorian Villages left.
- Expressed concern for other merchants in Saratoga.
- Said that she has sad news to report in that the Rendezvous is out of business due to a rent increase.
- Said that she knows of 15 people interested in establishing business in Saratoga but they can't afford the rents in the Village.
- Suggested that Corinthian consider reduced rental rates for the first year to allow new and unique businesses to establish themselves in Saratoga.
- Stated that Subway does not belong here. Another sandwich shop is not needed.

Commissioner Hunter advised that Ms. Lillian Benson would be leading the Easter Promenade this year.

Ms. Lillian Benson:
- Said that coordinating the Easter Promenade is no problem as she has done it before.
- Added that she is now 84 years old.
- Suggested that businesses in the Village need to keep later evening hours as she sees lots of business from the restaurants' dinner patrons.

Ms. Diana Kazarian, Subway:
- Said that they appreciate the uniqueness and charm of the Village.
- Disagreed that customers of Starbucks and Subway are different.
- Recounted that her own Subway franchise is located next to a Starbucks. Both businesses share customers.
- Said that Subway provides nutritional information.
- Assured that Subway restaurants do draw and would be a wonderful addition to the Village.
- Pointed out that Subway has a $600 million annual advertising budget.
- Reminded that no exterior changes are proposed.
- Said that this is a small shop of only 900 square feet and includes nice interior décor.

Commissioner Rodgers asked Ms. Diana Kazarian about the demographics of Subway customers.

Ms. Diana Kazarian replied that their main demographic is between 18 and 36 years old. That is their targeted advertising market.

Commissioner Kundtz asked if there is flexibility in signage.

Ms. Diana Kazarian replied that the sign color and logo are identifiable corporate trademarks but that sign materials are flexible.

Commissioner Rodgers asked about the signage used at the Santana Row Subway location.

Ms. Diana Kazarian replied that they are individual plastic channel letters.

Commissioner Rodgers asked Ms. Diana Kazarian if Subway would work with Saratoga on the signs.

Ms. Diana Kazarian replied absolutely.

Ms. Caryl Pozos, The Butter Paddle:
- Said that The Butter Paddle has been in business for 39 years and includes 70 people.
- Asked that the Commission protect the unique businesses in Saratoga.
- Said that she is concerned about the possibility of opening the door to too many franchise chain stores.
- Stated that she is in support of revitalization of the Village.

Mr. Joseph Masek, Owner, La Mere Michelle, Saratoga:
- Pointed out that 21 restaurants in the Village employ 250 people.
- Said greedy landlords raise rents that put small business out.
- Said that Subway would not draw to the Village.

Ms. Miya Glasauer:
- Said that she hears the concerns and resistance.
- Said that she would be open seven days a week for the same number of hours.
- Assured that she would create activity in the Village as well as provide healthy food.
- Reminded that she is an individual owner of a Subway.

Commissioner Cappello said that while Virginia Fiorentino has said that Subway is a strong tenant that would not leave in one year, if business were not good it could close up in a year.

Ms. Miya Glasauer:
- Explained that she is a sub-lessee.
- Advised that Subway's Headquarters is the lessee with 20 year's of options. Subway's Real Estate Corporate Department manages the company's leases.
- Pointed out that many landlords would love to have Subway as a tenant.
- Agreed that any business that does not do well could close.
- Reminded that this is her fourth year with Subway and her sales have doubled.
- Informed that customers are very health conscious.
- Said that she has a hard time understanding why Subway is not perceived as unique and charming. It is a beautiful and upscale store.

Chair Nagpal thanked Ms. Miya Glasauer for her time and presentation.

Chair Nagpal closed the Public Hearing for Agenda Item No. 1.

Chair Nagpal asked the Commissioners to base its discussion on the findings required for a Conditional Use Permit.

Commissioner Hunter:
- Stated that she disagrees totally with the staff recommendation.
- Said that there are lots of restaurants and shops that sell sandwiches in the Village.
- Added that something other than restaurants is needed.
- Pointed out that new salons have been prohibited after nine were established in the Village.
- Said that this use would affect other shops that sell sandwiches.
- Stated that Health & Safety concerns are not answered.
- Said that there is a parking shortage.
- Informed that other merchants have told her that they have seen no improvement as a result of Starbucks.
- Said that she has lived near the Village for 25 years and is there nearly every day. It is one of the most special places.
- Added that she moved here because of the Village.
- Said that vacancy is not high and shops are doing very well. This is a vibrant Downtown with many things happening.
- Said that a Subway does not fit with the CH-1 Zoning District and is totally wrong for the Village.

Commissioner Kundtz:
- Echoed Commissioner Hunter's comments.
- Advised that he too disagrees with staff's recommendation, as a Subway does not add to the mix in the Village.
- Reminded that he also voted against the Starbucks.
- Reported that he has an acute sensitivity about safety.
- Said that the traffic pattern for this use would not enhance the Village.
- Concluded that he could not support this request.

Commissioner Schallop:
- Agreed with Commissioners Hunter and Kundtz.
- Said that the location is in the entry or gateway to the Village.
- Said that due to traffic and image reasons, the findings are too difficult to make in the affirmative.
- Said that since there are impacts, he cannot vote in favor of this use.
- Added that it is more of a political issue for Council.

Commissioner Rodgers:
- Expressed concern over the accuracy of the list of existing shops that serve sandwiches in the Village, separating full restaurants from shops that sell sandwiches.

- Pointed out several shops on the list that she knows for certain do not sell sandwiches, including Starbucks and the Napkin Ring.

Commissioner Hunter said that Starbucks is coming up with a full line of sandwiches in the future.

Commissioner Rodgers said that a gas station does not qualify as a shop that sells sandwiches. She pointed out that another business listed, Village Rendezvous, has just been announced as going out of business.

Commissioner Hunter pointed out that that restaurant was in business for 20 years.

Commissioner Rodgers:
- Said that many on the list are closed at lunch.
- Said that there are good shops that sell sandwiches.
- Explained that she visited a number of shops in the Village today and bought lots of sandwiches.
- Said that she does not want to base decisions on this list.
- Added that a mix of uses is needed.
- Advised that this slot won't impact the Village that much as it is a small isolated space.
- Said that it would not be a negative and would draw in the younger crowd.
- Pointed out that the CH-1 Zoning talks about providing enhancement and diversity.
- Said that she cannot make negative findings against this proposal.
- Reminded that rents are high.
- Stated that issues of signage matter more.
- Pointed out that the Trotteria is also a franchise and said that Starbucks has been a good addition to that corner, bringing people to the area.

Commissioner Cappello:
- Assured that he came tonight without a preconceived decision.
- Added that he is still undecided to a large degree.
- Said that he is surprised to hear that Subway is not expected to bring in new foot traffic to the area as he expected it to.
- Said that there is an inconsistency between Subway and the character of the Village with its mom and pop unique shops.
- Said he would have no problem saying no to McDonalds or Burger King for the Village or saying yes to a new franchise mom or pop type of shop serving a unique product that was consistent with the unique character and charm of the Village but that Subway falls somewhere in between and it is hard to determine if it falls above or below the line.
- Said a unique feature of Subway is that it bakes its own bread on the premises. They offer a fresh product. There is a certain market segment and age group for this product and Subway compliments Starbucks since they have different peak hours with Starbucks in the morning and Subway at lunch.
- Pointed out that Subway offers a strong tenant with a strong brand name.

- Reminded that the interior of the shop will be very fashionable and most people would view it as a high quality shop.
- Said that he can make the findings but it is on the cusp. He is on the fence but would likely vote to approve.

Commissioner Rodgers stated that she is kind of on the cusp too.

Commissioner Uhl:
- Said that he feels very strongly and does not agree with the staff recommendation at all.
- Stated that there are Health & Safety concerns with this corner. It is not safe. This is a major intersection for a stop and go shop.
- Added that on a bigger scale, he has a big concern about this type of use in the Village.
- Suggested that the Code needs to be re-looked at.
- Pointed out that people live in Saratoga as an escape from the Valley.
- Stated that in his opinion the Commission should not even be having this conversation.

Chair Nagpal:
- Thanked the applicant and other speakers.
- Agreed that the Village is very unique.
- Said that she too came to this hearing with an open mind but she is unable to make the findings to support this use.
- Stated that the use does not conform to the CH-1 requirements. It doesn't provide a mix of specialty uses. It is detrimental to Health & Safety as there are traffic impacts.
- Reiterated that the required findings cannot be made in the affirmative.

Commissioner Rodgers asked the purpose of the CH-1.

Chair Nagpal replied enhancing the pedestrian character.

Commissioner Rodgers asked how a retail shop would service to enhance the pedestrian character.

Chair Nagpal reminded that retail uses are permitted and would not even come before the Commission.

Assistant City Attorney Jonathan Wittwer said that since it is clear that the majority supports the denial of this Use Permit, the draft Resolution must be modified. The findings need to be crafted for denial and the conditions of approval removed.

Commissioner Kundtz asked why not make a motion to approve and defeat it.

Assistant City Attorney Jonathan Wittwer drafted three findings for denial that include the fact the applicant has not met the burden of showing that the proposed use would preserve or enhance the pedestrian character of the Village, that the use would not encourage a mix of

uses and that the use would be detrimental to the health, safety and welfare of the community. Each finding for denial received a five to two (5-2) vote.

Motion: **Upon motion of Commissioner Hunter, seconded by Commissioner Uhl, the Planning Commission adopted a Resolution DENYING a Conditional Use Permit (Application #06-216) to establish a Subway sandwich shop in an existing approximately 960 square foot vacant tenant space in the newly remodeled Corinthian Corners commercial building on property located at 14410 Big Basin Way, by the following roll call vote:**
AYES: Hunter, Kundtz, Nagpal, Schallop and Uhl
NOES: Cappello and Rodgers
ABSENT: None
ABSTAIN: None

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PUBLIC HEARING - ITEM NO. 2

APPLICATION #06-075 (397-28-052) SAGARCHI, 20433 Walnut Avenue: The applicant requests Design Review Approval to remodel an existing one-story single-family residence and add a new 906 square foot second floor. The existing detached garage would be removed. The total floor area of the proposed residence including a new attached two-car garage will be 2,850 square feet. The maximum height of the proposed residence will be not higher than 25 feet. The net lot size is 7,600 square-feet and the site is zoned R-1-10,000. (Lata Vasudevan)

Associate Planner Lata Vasudevan presented the staff report as follows:

- Advised that the applicant is seeking Design Review Approval to allow the remodel of an existing single-story residence with the addition of a second story, the removal of an existing detached garage and the addition of an attached two-car garage.
- Said that the total square footage would be 2,850. The maximum height would be 24 feet, 5 inches.
- Described the lot as 7,600 square feet.
- Explained that the area includes smaller lots. Several homes in the area have recently been built or remodeled.
- Pointed out that the second story is smaller than the first story with an increased setback that provides adequate articulation and that the proposed siding is compatible.
- Stated that the Arborist Report adds no requirements as there are no root zones impacted.

Commissioner Rodgers asked for clarification of the west setback.

Planner Lata Vasudevan replied six feet.

Chair Nagpal opened the Public Hearing for Agenda Item No. 2.

Mr. Salim Sagarchi, Applicant, 20433 Walnut Avenue, Saratoga:

- Said that he is the owner.

- Stated that this single story single-family house will have approximately 1,000 square feet added.
- Assured that it would be compatible with the neighborhood.

Chair Nagpal closed the Public Hearing for Agenda Item No. 2.

Commissioner Hunter:
- Agreed that this neighborhood has undergone a huge change over the last five years.
- Said that this project is just fine. It is nice and will enhance the neighborhood.

Commissioner Cappello agreed and said he could make the findings to approve.

Commissioner Rodgers said that this home is well situated on a small lot with good articulation. It is perfect for this location and she can make all findings to support this application.

Motion: **Upon motion of Commissioner Cappello, seconded by Commissioner Kundtz, the Planning Commission adopted a Resolution granting Design Review Approval (Application No. 06-075) to remodel an existing one-story single-family residence and add a new 906 square foot second floor on property located at 20433 Walnut Avenue by the following roll call vote:**
AYES: Cappello, Hunter, Kundtz, Nagpal, Rodgers, Schallop and Uhl
NOES: None
ABSENT: None
ABSTAIN: None

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PUBLIC HEARING - ITEM NO. 3

APPLICATION #06-229 (393-43-042) RODRIGUEZ, 13664 Camino Rico: The applicant requests Design Review Approval to construct an addition to an existing single-family residence consisting of 263 square-feet. The total floor area of the proposed residence will be 2,785 square feet including garage. Proposed renovation will include a reduction of impervious coverage from 62% to 51% of the lot. The maximum height of the proposed residence will be not higher than 22 feet. The net lot size is 10,003 square-feet and the site is zoned R-1-10,000. (Therese Schmidt)

Associate Planner Therese Schmidt presented the staff report as follows:
- Advised that the applicant is seeking Design Review Approval for an addition to an existing single-family residence of approximately 263 square feet for a total of 2,785 including the attached garage.
- Pointed out that there would be a reduction in impervious surface from 62 to 51 percent.
- Said that the maximum height would not exceed 21 feet, 5 inches.
- Stated that the site is zoned R-1-10,000.
- Explained that the reason this application is before the Commission is the height in excess of 18 feet.

- Said that one tree, a Eucalyptus, would require protection.
- Said that all findings can be made and recommended approval.

Commissioner Hunter asked if the rock for the façade is river rock or stacked rock.

Planner Therese Schmidt distributed the sample board.

Commissioner Rodgers asked about the Eucalyptus tree as the report mentions a palm.

Planner Therese Schmidt reported that the tree is in fact a Eucalyptus and the mention of a palm in the report is in error.

Chair Nagpal opened the Public Hearing for Agenda Item No. 3.

Mr. Michael Ryan, Architect:
- Said he has nothing to add.
- Reported that his clients want to update their home.
- Stated that this proposal falls within the Design Guidelines.
- Said he was available for questions.

Commissioner Cappello asked Mr. Michael Ryan why the height proposed was necessary.

Mr. Michael Ryan said that his clients want a storage attic. He has incorporated a steeper roof to create more of an attic space. He added that his clients like a Craftsman style and the home will incorporate river rock.

Commissioner Rodgers said that this project design meets the architectural integrity standard to support the proposed height. She asked if there would be two or three fireplaces as she can only see two chimneys on the plans.

Mr. Michael Ryan replied three.

Commissioner Kundtz asked if spark arresters would be incorporated.

Mr. Michael Ryan replied yes, copper ones.

Chair Nagpal asked if the mass of the roof is required for the attic space.

Mr. Michael Ryan said that the slope is existing and is not being increased so much. They have used dormers to break it up somewhat. He said that with the porch condition, the roof would shallow out.

Chair Nagpal closed the Public Hearing for Agenda Item No. 3.

Commissioner Kundtz:
- Stated that this is better than good design and is really quite nice.
- Said this home would compliment the neighborhood and meets design criteria.

- Added that with the protection of the Eucalyptus this project has his support.

Commissioner Uhl said he agrees that this is a great design and nice home.

Commissioner Rodgers agreed and said that the home has architectural integrity. She said she could easily make the findings to approve.

Motion: **Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, the Planning Commission adopted a Resolution granting Design Review Approval (Application No. 06-229) to construct an addition to an existing single-family residence on property located at 13665 Camino Rico, by the following roll call vote:**
AYES: Cappello, Hunter, Kundtz, Nagpal, Rodgers, Schallop and Uhl
NOES: None
ABSENT: None
ABSTAIN: None

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Commissioner Cappello advised that he must recuse himself from the next item as he lives in the neighborhood. He left the dais and the chambers for the duration of this hearing.

Assistant City Attorney Jonathan Wittwer advised that when a Commissioner must recuse from participating in a hearing, while the Commissioner may elect to provide testimony as a local resident, he or she must leave the room during the actual deliberations by the Commission.

PUBLIC HEARING - ITEM NO. 4

APPLICATION #05-270 (386-07-037) LU, 12546 Palmtag Drive: Appeal of a Denial of a Tree Removal Application. Staff has denied a tree removal request from the applicant to remove three trees on the subject property. Two trees are Elm and are in the front yard, and the other tree is an Ash and located in the back yard. The applicant is appealing Staff's denial to the Planning Commission. (Kate Bear)

City Arborist Kate Bear presented the staff report as follows:

- Advised that the property owner has appealed the staff level denial of a Tree Removal Permit to allow the removal of three trees.
- Explained that the property owner says that two of these trees (Elms) cause allergies and the third has created cracks in the backyard patio.
- Reported that staff is recommending that this property owner be allowed to remove one of the requested trees, a Siberian Elm, but recommends that the removal of the other two trees be denied.
- Added that the Elm that is supported for removal is interfering with utility lines.

Chair Nagpal asked Assistant City Attorney Jonathan Wittwer for direction.

Assistant City Attorney Jonathan Wittwer said that while there are not specific findings to be made, a decision is made based upon an evaluation of nine criteria.

Commissioner Hunter asked Arborist Kate Bear for her recommendation for the Evergreen Ash.

Arborist Kate Bear said that this tree is located in the rear yard and staff recommends that a root barrier be installed next to the patio to keep the roots for pushing up the patio surface.

Chair Nagpal asked if staff could not make findings to support removal of that particular tree.

Arborist Kate Bear said that she couldn't find adequate evidence that the cracks in the patio are caused by roots from this tree.

Commissioner Rodgers asked what kind of evidence would support this position.

Arborist Kate Bear:
- Reported that she had recommended the use of an air spade to investigate the presence of roots beneath this patio.
- Added that a significant change of grade is also evidence or the presence of a root right at the point of the crack.

Chair Nagpal asked if staff's recommendation would change if those things are done or would staff still stand by its current recommendation.

Arborist Kate Bear said that first staff recommends use of mitigations to see if they work in order to retain the tree.

Commissioner Hunter asked about the allergy impacts of the Elms.

Arborist Kate Bear pointed out that the tree blooms for a short time during rainy season. She said that this rational of allergy impacts does not fit the criteria.

Chair Nagpal asked if there is any medical evidence that has been submitted to support this claim of allergies.

Arborist Kate Bear said that the applicant has a medical report and is willing to show it but does not want this personal medical information included in the permanent public record.

Commissioner Rodgers asked if there are other Elm trees in this neighborhood.

Arborist Kate Bear replied that she found one other in the vicinity.

Commissioner Hunter said that she has never heard of an allergy to Elm trees before.

Arborist Kate Bear said she is not aware how common it is.

Chair Nagpal opened the Public Hearing for Agenda Item No. 4.

Ms. Lu, Appellant, 12546 Palmtag Drive, Saratoga:
- Stated that she has issues with the City's process of such requests.
- Said that these trees are causing physical damage to the improvements of and enjoyment of her property.
- Said that it is important to balance the rights and privacy of property owners.
- Said that she has a problem with Elms and when she took an allergy skin test the Elm tree created the highest reaction.
- Added that she does not want her medical record in the public record.
- Reported that September and October are the worst times of impact for her but that there are many periods of troubles.
- Advised that her kids also have allergy symptoms now.
- Stated that allergies can impair the quality of life and can lead to asthma.
- Asked for a Tree Removal Permit to remove two Elms from her property and said that she could plan evergreen replacements.

Commissioner Kundtz asked why the replacement trees are proposed for the side of the property rather than in the exact same spot as the trees to be removed.

Ms. Lu said that the ground has to be repaired, including root removal. She added that she also does not like the tree positioned right in front of the front door.

Commissioner Hunter asked Ms. Lu how long she has resided on this property.

Ms. Lu replied 12 years, having moved in the home in May 1994. She said that her allergies started in 1997 or about three years after moving in.

Chair Nagpal asked Ms. Lu for a copy of the medical information which could be reviewed by the Commissioners and then immediately returned to Ms. Lu. She said that she appreciates Ms. Lu's need for privacy.

Ms. Lu:
- Provided pictures of the Elm tree in the rear yard.
- Said that this is a huge tree with a 48-inch diameter that is close to the house and deck.
- Stated that the crack has already damaged the deck almost in half and that the roots are bulging up.
- Said that a root barrier is recommended during the planting of new trees and not for old trees.
- Said that she wants a Tree Removal Permit for the Ash, which she would replace with a Magnolia, Eucalyptus or some other evergreen tree.

Assistant City Attorney Jonathan Wittwer said that somehow the medical information must be made a part of the record. He suggested that Ms. Lu make a direct statement into the record of the allergy impacts of this type of tree.

Commissioner Kundtz said that he thought this was the hearing of last resort.

Assistant City Attorney Jonathan Wittwer said no longer. Action tonight by the Planning Commission could subsequently be appealed to Council.

Chair Nagpal asked Ms. Lu to read a statement into the record to document her allergy to the Elm.

Ms. Lu reported her results from a skin test for allergies with the Elm tree having a ranking of four plus. Zero means not allergic. One or two is minor allergy. Four is pretty allergic.

Assistant City Attorney Jonathan Wittwer asked Ms. Lu to provide the identifying number for the Elm trees proposed for removal as documented in the Arborist report.

Ms. Lu said the Elm tree is #26. She added that there is no separation between the two types of Elm tree on her property. She is allergic to both.

Commissioner Kundtz asked if this allergy test reports only on trees.

Commissioner Rodgers asked if there is any information available on the children's allergies.

Ms. Lu said no. The children have not been tested and she hopes they won't need to be.

Commissioner Rodgers asked Ms. Lu to describe the symptoms of her allergies.

Ms. Lu said that it feels pretty bad. She suffers from a runny nose, tears and the rubbing of eyes and noise that makes her appear as if she has been crying all day long.

Chair Nagpal asked Ms. Lu if she is not interested in implementing the recommendations made by the Arborist.

Ms. Lu said right. The recommendation is for two-foot barriers with a four-foot diameter.

Chair Nagpal asked Ms. Lu if she has consulted with an Arborist to support her position against the root barrier.

Ms. Lu said no.

Commissioner Rodgers asked where the photographs taken by Ms. Lu and provided to the Commission this evening were taken.

Ms. Lu said that some of the photographs are from her property and others are Elms located at McCullough Elementary School.

Commissioner Rodgers asked Ms. Lu what the difference is in the height of the crack.

Ms. Lu replied one centimeter.

Commissioner Rodgers said that equates to about a half inch. She asked if this patio has been in place since Ms. Lu purchased this home.

Ms. Lu said yes.

Commissioner Rodgers asked Ms. Lu if the patio appeared to be new at the time she purchased this property.

Ms. Lu said that it didn't appear to be new.

Commissioner Uhl asked about other trees on the property.

Ms. Lu said that there are orange, lemon, Walnut, Pine and palm trees.

Commissioner Hunter asked Arborist Kate Bear to comment.

Arborist Kate Bear reported that she noticed a palm in the front yard, the Ash in the backyard and a citrus tree.

Chair Nagpal asked staff when the first permit request was made.

Arborist Kate Bear replied on August 31, 2005.

Commissioner Uhl asked what the proposed replacement tree size and species would be.

Ms. Lu replied 10 gallon or nine-foot high trees, perhaps Redwood.

Commissioner Hunter pointed out that the allergy test report is 10 years old.

Ms. Lu agreed that it was prepared in 1997.

Chair Nagpal asked if there has been any recent testing.

Ms. Lu replied no.

Chair Nagpal closed the Public Hearing for Agenda Item No. 4.

Chair Nagpal said that there are three separate trees under consideration here.

Director John Livingstone clarified that the standard for replacement would be 24-inch box trees.

Commissioner Hunter said she supports staff's findings.

Commissioner Rodgers:

- Said she too supports the Arborist as well.

- Reminded that the allergy test is from 1997 and that it is unclear what the rankings mean.
- Added that allergies do not impact enjoyment of property.
- Stated that if everyone takes down trees, there would not be any left.
- Reiterated support for the Arborist's recommendations.

Commissioner Uhl:
- Said that this is a tough case.
- Advised that he is in favor of tree preservation.
- Agreed that the allergy report is from 1997.
- Added that the applicant has provided no alternatives to removal.
- Stated his support for the staff recommendation as well.

Chair Nagpal pointed to page 3 and asked if at least one criterion must be met.

Assistant City Attorney Jonathan Wittwer advised the Commission to look at and base its decision on all of the criteria.

Chair Nagpal said that the old data provided is not as clear as she would like to see. She said that she supports the staff recommendation.

Motion: **Upon motion of Commissioner Hunter, seconded by Commissioner Uhl, the Planning Commission DENIED an appeal and UPHELD the staff level denial of a Tree Removal Application (Application #05-270) to remove three trees from property located at 12546 Palmtag Drive, by the following roll call vote:**
AYES: Hunter, Kundtz, Nagpal, Rodgers, Schallop and Uhl
NOES: None
ABSENT: None
ABSTAIN: Cappello

Chair Nagpal advised Ms. Lu that she has the option to appeal this action to Council.

Commissioner Cappello returned to the dais following the conclusion of Agenda Item No. 4.

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DIRECTOR'S ITEMS

Presentation by City Attorney on the Issue of Continuances by Planning Commission

Assistant City Attorney Jonathan Wittwer:
- Advised that State Law allows any public hearing to be continued from time to time.
- Added that there is broad discretion and said that use of discretion is a good thing.
- Reported that Council has an adopted policy on continuances.
- Stated that Code says that appeals must be heard on the next agenda and minimally within 30 days. The appellant must agree to extend that time frame in writing.

Chair Nagpal explained that this issue came up at the last meeting and asked if there are issues with Permit Streamlining.

Assistant City Attorney Jonathan Wittwer replied yes, there could be. He added that if an item is continued to a date certain, additional advertising is not required.

Commissioner Hunter asked whether anything could be done if the reason given by an applicant for a continuance is later not substantiated.

Assistant City Attorney Jonathan Wittwer replied no, not really.

Commissioner Hunter asked whether the Commission has the right to deny a continuance if an applicant does not show up at a public hearing to request a continuance in person.

Assistant City Attorney Jonathan Wittwer replied yes. He added that Council requires a request for a continuance in writing.

Commissioner Hunter asked if a request for continuance from Council requires the applicant to be present.

Assistant City Attorney Jonathan Wittwer replied no.

Commissioner Kundtz said that there is an issue on amount of notice of a continuance. He pointed out that some members of the public came to the last meeting to speak about the continued item since there was no time to notify anyone of the intent to continue.

Assistant City Attorney Jonathan Wittwer reiterated that there is discretion on whether or not to grant a request for continuance. One consideration may be if the request came in too late.

Commissioner Kundtz said that if the applicant is not present that puts pressure not to deny the request for continuance.

Assistant City Attorney Jonathan Wittwer pointed out that a medical reason is a good reason to allow a continuance.

Commissioner Hunter said that the reason given for the most recent request for a continuance was a desire to redesign the sign but no obvious changes were provided tonight for that sign.

Assistant City Attorney Jonathan Wittwer said that once a continuance is granted nothing can be done.

Director John Livingstone:

- Recapped by saying that the Commission has complete discretion on a case-by-case basis on whether to allow a continuance or to act on an application that evening.
- Said that if an application is continued to a date certain, no re-noticing is required.

- Stated that if major changes are required, an application can be continued to a date uncertain and that project would be re-noticed when it is ready to be heard.

Commissioner Rodgers said that staff would be required to let an applicant know that their request for a continuance might not be approved.

Director John Livingstone pointed out that staff works very closely with applicants and can advised them accordingly.

COMMISSION ITEMS

Chair Nagpal announced that tonight is Commissioner Uhl's last meeting. She said that it has been a privilege to serve with Commissioner Uhl and that everything he has done is appreciated. She expressed hope that Commissioner Uhl would continue to participate in the activities of the City of Saratoga in some way and said that a party would be planned for April.

Commissioner Hunter said that Commissioner Uhl would be missed terribly.

Commissioner Kundtz said he wished he had had the opportunity to get to know Commissioner Uhl better. He thanked Commissioner Uhl for his points of view and his objectivity.

Commissioner Rodgers said she enjoyed Commissioner Uhl's descriptions and his passion for the City of Saratoga.

Commissioner Uhl said that it has been a pleasure. He had a good time working with this great group that has done great things. He said he enjoyed his tenure on the Commission in so many ways and assured that he will be around.

Commissioner Hunter:
- Advised that Commissioner Uhl's mom is in the audience this evening visiting from Michigan.
- Informed that the Heritage Tree Society is having its first meeting tomorrow night at which time the 20 most beautiful trees in the City will be announced. A map will be provided to help locate these trees and the information will be added to the City's website.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hunter, seconded by Commissioner Uhl, Chair Nagpal adjourned the meeting at 10:45 p.m. to the next Regular Planning Commission meeting of **March 22, 2006**, at 7:00 p.m.

MINUTES PREPARED AND SUBMITTED BY:

Corinne A. Shinn, Minutes Clerk