

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, February 22, 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 and Rodgers
Absent: Commissioners Schallop and Uhl
Staff: Associate Planner Lata Vasudevan

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of February 8, 2006.

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Hunter, the Planning Commission minutes of the regular meeting of February 8, 2006, were adopted as submitted. (5-0-2; Commissioners Schallop and Uhl were absent)

ORAL COMMUNICATION

There were no Oral Communications.

REPORT OF POSTING AGENDA

Associate Planner Lata Vasudevan announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on February 15, 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.

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. (Lata Vasudevan)

Chair Nagpal:

- Read a letter from the applicant into the record. The applicant is asking for a continuance of this item to the Planning Commission meeting of March 8, 2006, to allow more time to explore more options to make this project more compatible to the Downtown.
- Asked staff if the applicant is present.

Associate Planner Lata Vasudevan replied that the applicant is not present.

Commissioner Hunter advised staff that there is a lack of information in the staff report on the number of businesses selling sandwiches in the Village. She asked that this information be added to the staff report for the next meeting.

Planner Lata Vasudevan replied that she would put this information together for the next meeting.

Commissioner Hunter asked staff if the Commission must accept a request for a continuance.

Planner Lata Vasudevan replied no.

Commissioner Rodgers urged the Commission not to go forward this evening since it is implied that a request for continuance is generally approved.

Chair Nagpal suggested a straw poll to determine if there is a consensus in the Commission.

Commissioner Hunter said that in the past, the Commission has usually approved such a request for a continuance but that she wonders if it is possible not to grant such a request.

Commissioner Kundtz pointed out that this request was based upon the desire for an opportunity to pursue alternate signage. However, there is enough information available to render a decision tonight.

Commissioner Cappello pointed out that during the site visit yesterday, the applicant was asked to pursue alternative signage and is therefore reacting to that request.

Commissioner Hunter advised that she has sent emails to the Saratoga Village Development Council, a list of 85 people, to advise them of this continuance.

Commissioner Rodgers said that it would be a departure from normal practice to deny this continuance since they are usually granted when requested.

Planner Lata Vasudevan added that she does not know what if any justification exists in the Code to deny a continuance.

Chair Nagpal said that she was in favor to allow the continuance but is willing to take a straw poll if the Commission so desires.

Commissioner Hunter said that if a continuance is granted a list of those stores in the Village that sell sandwiches should be include in the report for the March 8th meeting.

Chair Nagpal asked if a straw vote is necessary.

Planner Lata Vasudevan replied no.

Commissioner Kundtz said that in fairness to all parties the continuance should be allowed. To go forward would deny the applicant as well as neighborhood representatives from coming forward to speak about this project. He said he is inclined to favor a continuance.

Commissioner Rodgers said that testimony should be allowed from anyone present tonight who wishes to speak.

Chair Nagpal:

- Advised that the Commission is going to accept the request for a continuance to the March 8, 2006, meeting.
- Encouraged all present this evening to come out to that meeting too.
- Added that the Commission is willing to take public testimony this evening.

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

Ms. Chris Oakes, President, Saratoga Chamber of Commerce:

- Reported that the Chamber took a quick poll of its members on the subject of this Subway proposed for the Village.
- Gave the poll results as follows: 4 members support this Subway; 18 members do not support this Subway (with 9 members strongly opposing); 8 members were neutral and responses are pending from 16 members.

Commissioner Cappello asked if these people polled are merchants.

Ms. Chris Oakes replied yes, they are business owners along Big Basin Way.

Mr. Bill Cooper, Owner, Bella Saratoga:

- Said that the Commission does not need to settle for a reschedule to the 8th.
- Said he has trouble understanding how this business can select a location without immediate parking for a business that consists of quick drop in business.
- Assured that this Subway would not affect his business except for perhaps during the summer when it might encourage people not to come directly into the Village but rather stop at the entrance and then be on their way.
- Expressed concern for long-time businesses and said that this Subway would represent a dilution of what we have and offers nothing new to bring people into the Village.
- Said that he detests big chains at the entrance to the Village more so than he would further inside the Village.
- Estimated that Starbucks has diluted other coffee businesses in the Village by about 10 percent.
- Said that he hates to see small local people who have built out Saratoga lose out.

Mr. Darryl Lupretta, Lupretta Deli, 14480 Big Basin Way, Saratoga:

- Said that the Village needs new retail and a mixture of retail and food.
- Stated that this sandwich shop won't bring any new foot traffic to the Village.
- Pointed out that there are already traffic impacts with just one tenant in this building.
- Reminded that the Village is a special and unique area.

Motion: Upon motion of Commissioner Cappello, seconded by Commissioner Rodgers, the Planning Commission CONTINUED to its meeting of March 8, 2006, the consideration of a Conditional Use Permit (Application #06-216) to establish a 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. (5-0-2; Commissioners Schallop and Uhl were absent)

DIRECTOR'S ITEMS

There were no Director's Items.

COMMISSION ITEMS

Commissioner Hunter advised that last week the Village Ad Hoc Commission went to Pleasanton and had a two-hour visit of their 15 block long historic downtown area.

Commissioner Rodgers asked if any hints were given on how to attract business to a downtown.

Commissioner Hunter said that Pleasanton has a formula for how many of each type of store is allowed.

Chair Nagpal asked if there is a specific percentage for retail uses.

Commissioner Hunter reported that when the representatives from Pleasanton learned that Saratoga's Village has 11 restaurants within its three blocks they were amazed.

Chair Nagpal reminded the Commission of the joint meeting with Council on March 1st.

Commissioner Kundtz said that future discussion on the notion of denying a continuance should be held. He added that the presumption is that such a request is accepted.

Chair Nagpal said that this is a procedural issue.

Commissioner Hunter said that the applicant usually appears in person to request a continuance.

Commissioner Rodgers asked if the City Attorney has or could be consulted.

Planner Lata Vasudevan reported that the City Attorney would be in attendance at the March 8th meeting.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hunter, seconded by Commissioner Kundtz, Chair Nagpal adjourned the meeting at 7:30 p.m. to the next Regular Planning Commission meeting of **March 8, 2006**, at 7:00 p.m.

MINUTES PREPARED AND SUBMITTED BY:
Corinne A. Shinn, Minutes Clerk