

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, June 10, 2009
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Bernald, Cappello, Hlava, Reis, Robertson, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Senior Planner Chris Riordan, Assistant Planner Cynthia McCormick, Planning Intern Rina Shah and City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of May 27, 2009.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Bernald, the Planning Commission minutes of the regular meeting of May 27, 2009, were adopted with corrections to pages 2, 13, 20 and 21. (7-0)

ORAL COMMUNICATION

There were no Oral Communication Items.

REPORT OF POSTING AGENDA

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on June 4, 2009.

REPORT OF APPEAL RIGHTS

Chair Zhao 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 MOD09-0005 (503-24-064) Lee, 14495 Big Basin Way: The applicant requests PC approval to modify pre-approved plans at 14495 Big Basin Way. The commercial/residential building includes a total floor area of approximately 6,220 square feet. The height of the proposed building is less than 26 feet. The proposed modifications include an arbor addition and exterior changes to color and material for boiler room and garage doors. The lot is 4,277 square feet and is zoned CH-1. (Rina Shah)

Ms. Rina Shah, Planning Intern, presented the staff report as follows:

- Advised that the applicant is seeking approval of modifications to approved plans.
- Explained that this project was originally approved on September 13, 2006. The original approval was for an addition and remodel to an existing two-story commercial/retail building.
- Described the building as including 3,100 square feet of retail space on the first floor consisting of Saratoga Dry Cleaners, a second vacant retail space and three-car garage. The second floor contains two residential units with a total of about 2,500 square feet. The total floor area is 6,220 square feet.
- Reported that the modifications include changes of material and wood doors, steel roll up door and the addition of a wood trellis above the second floor deck. The doors were conditioned to be wood but the applicant has changed the boiler room door to steel matching the body stucco color. The garage doors approved as exposed wood pattern with a stain finish have been downgraded to a paint grade quality. A wood trellis has natural finish and is compatible.
- Informed that just today the applicant proposed the removal of the trellis. If it is retained uncovered, it must comply with all fire safety requirements.
- Continued that other exterior changes requiring Planning Commission review are a limestone wall on the west façade and placement of a fire equipment riser on the street frontage.
- Said that at the site visit, the applicant proposed to leave the wall alone and replace existing vines with fast-growing vines.
- Stated that an enclosure is required for the fire sprinkler equipment to screen it from public view and make the area more pedestrian friendly.
- Said that three neighbors have signed the consent forms.
- Informed that this item is Categorically Exempt under CEQA and recommended approval of these modifications.

Commissioner Rodgers reported that the trellis is down completely.

Commissioner Bernald asked staff if they had ever heard from the Fire Chief.

Intern Rina Shah said that the Fire requirement appears on Attachment C. To keep the trellis the applicant would have to go with what is conditioned there.

Director John Livingstone clarified that there are options to consider. The Commission can approve this project as it is. It can propose the condition for a screening enclosure. It can ask staff to work with the applicant on lattice or some other option and/or leave it to staff to work out with the applicant.

Chair Zhao opened the public hearing for Agenda Item No. 1.

Mr. Gin Lee, Property Owner & Applicant:

- Reported that the trellis has been removed and is no longer an issue.
- Advised that he would replace it with the originally approved awning.
- Said that the garage door was modified to a paint grade door because there is a lot of traffic back there.
- Explained that he had thought that a metal door was more practical and appropriate for the boiler room.
- Stated that the limestone wall was exposed on the approved plan. Instead he would prefer to install some sort of fast growing ivy.
- Reported that he has to work with Fire regarding the fire hydrant.
- Said he agrees that it is not very attractive having the backflow at the front of the building but he thinks that it can be covered up somehow.

Commissioner Bernald said she had an idea today of incorporating three flower boxes under the three main windows to help tie this building in with the rest of the Village.

Mr. Gin Lee said that would not be a problem. He said he has the material from the removed trellis that he can use to construct those boxes and thanked Commissioner Bernald for that suggestion.

Commissioner Hlava said that she had the same thought. She said that it would break up the front flat space that is not very attractive.

Commissioner Cappello asked if three doors on the side of the building with the limestone wall had been replaced.

Mr. Gin Lee said that they were existing doors.

Commissioner Reis asked which of those doors was metal.

Mr. Gin Lee replied that it was the last one.

Commissioner Cappello asked if the garage doors at the rear of the building were metal.

Mr. Gin Lee said that they were wood and metal using the same carriage house design that was approved.

Commissioner Robertson asked Mr. Gin Lee how aggressive the ivy is as it could potentially damage the limestone wall, which is of concern as this is a URM (unreinforced masonry) building.

Mr. Gin Lee said that he did not know but understands that ivy grows fast.

Commissioner Robertson suggested use of a lighter vine such as Jasmine.

Mr. Gin Lee agreed to look into that.

Chair Zhao closed the public hearing for Agenda Item No. 1.

Commissioner Cappello:

- Agreed that the trellis issue is now resolved with its removal and Mr. Lee's plan to go back to the originally approved awning.
- Said that the paint grade door is fine and appropriate. It looks nice and achieved the objective.
- Said that the fire water system aesthetic needs to be softened. He said he would like to see some lattice-type of fixture in front that just blocks the view from the front without obstructing the sides. Vines could be used to obscure this trellis.
- Spoke about the doors on the side elevation
- Reminded that this is a very historic stone wall on a building that includes an historic plaque. While he has no issue with the roll up door, he does take issue with the two old doors and proposed a condition for these doors to be wooden.

Chair Zhao agreed that the new doors were supposed to have been wood finished.

Commissioner Cappello restated that he is okay with the painted roll up door but the other doors are not attractive. It is important to make them more appealing.

Commissioner Hlava:

- Said that while the door to the right is okay as metal painted to match the stucco color, the ones on the historic side of the building need to be the stained wood similar to the ones at the front of the building and appearing more historic.

Commissioner Rodgers:

- Said that as she recalls from consideration of the original approval, the Commission either supported requiring something nicer or making sure these doors are painted the color of the wall so they go away.
- Added that she does not recall if the front door in this limestone wall was supposed to be stained wood versus painted to match.

Commissioner Robertson pointed out that the back doors are wood and metal in the carriage style.

Commissioner Hlava:

- Said that she thought that the doors in the back look fine.
- Said that she would like to see wood-stained doors in the limestone wall.

- Agreed that some sort of enclosure for the fire sprinkler is warranted as large as the Fire Department will allow.
- Stated that she likes the idea of incorporating window boxes, which would look nice.
- Said that she is okay with leaving the limestone wall the way that it is and cautioned Mr. Lee to be careful with the vines used as some have feelers that will hook into this URM building wall and potentially damage it.

Director John Livingstone asked if the planter boxes are proposed for all five of the second floor windows.

Commissioner Hlava replied just the three windows above the dry cleaners space.

Commissioner Rodgers expressed concern over the potential of tenants failing to maintain the plant material in these window boxes.

Commissioner Robertson said he shared that same concern.

Commissioner Hlava suggested that the plant material in these window boxes could be plastic. Since the boxes are high up, that would look fine.

Commissioner Rodgers that she originally had thought that the recommendation for these flower boxes was on the first floor by the front doors.

Commissioner Bernald said that having these window boxes at the second floor level will help draw the eye up and away and help give articulation to this building.

Commissioner Rodgers said that there is a lattice box obstructing equipment at her house that is not attached to the wall but rather sits up against it and can be removed for access.

Commissioner Bernald reminded that the Fire District report says no keys or locks would be allowed.

Commissioner Reis:

- Said that he likes the idea of flower boxes, which will distract from the street and from across the street but not by people walking by.
- Said that more clear requirements by Fire are needed, as the Commission does not specifically know what the limits are.
- Added that it is important to know what this Commission can impose to keep the fire sprinkler equipment from being so ugly.
- Said that the doors at the back of the building being paint grade wood may indeed be more durable.
- Agreed that the limestone wall area doors need to be something more rustic.

Commissioner Hlava:

- Suggested removing any reference to the trellis now that it has been removed.
- Said that she is not seeing anything in the report about the enclosure for the fire sprinkler and door being replaced.

Chair Zhao pointed to Condition 3, which deals with the fire sprinkler enclosure.

Commissioner Hlava said that she had missed that reference. She said that the only thing that needs to be added is a condition for one door to be stained wood.

Chair Zhao said that she is not sure that she agrees. If just one door were wood stained, it would look odd and not blend with the other doors.

Commissioner Cappello said that there is not much continuity on that wall anyway. There is an eclectic nature to that side. He added that he normally agrees with the need for consistency.

Commissioner Robertson said he agreed with Chair Zhao. While the roll up door is fine as it is the other doors should be consistent.

Commissioner Hlava pointed out that those two doors are sliding doors.

Commissioner Robertson said that the new wood stained doors could be made with a sliding mechanism.

Commissioner Hlava said that perhaps metal could be supported because there is a dry cleaner behind it.

Commissioner Robertson:

- Stated that he agrees that the back doors look great.
- Supported the need for screening of the fire connection.
- Suggested that consistency is needed both now and in the future on how such equipment is conditioned for screening, including the style of trellis/lattice with light vines.
- Said that the inclusion of flower boxes is a good idea but the maintenance issue bothers him.
- Expressed concern that use of plastic flowers could look cheesy.

Commissioner Hlava said that this is not a very attractive building and needs something to break it up. She said she had considered shutters but there may not be room for them so she likes the idea of flower boxes there.

Commissioner Robertson asked about using awnings there instead.

Director John Livingstone advised that there are long-term maintenance issues with awnings, especially when located on the second story.

Commissioner Bernald:

- Said that if the flower boxes are installed, they should be stained the color of the doors.
- Added that she continues to support the inclusion of flower boxes up there.
- Assured that something can be worked out and this owner is willing to do this.
- Suggested Jasmine and not ivy.

- Cautioned that it is hard to get rid of invasive ivy.
- Stated that she likes the idea of lattice with a vine in front though it might be tricky to fit it in.
- Supported the use of two stained wood doors on the limestone wall side.
- Agreed that the garage doors are fine as is.

Commissioner Rodgers:

- Advised that she has not changed her opinion from the original approval.
- Expressed support that the doors on the limestone wall side be either painted or wood stained but prefers the door closest to the street to be stained wood. The back doors she does not mind if they are painted the same color as the wall and “go away” visually.
- Supported having the applicant work out the details of the riser screening with staff and Fire.
- Said that she also supports reverting back to the previous approval in lieu of the just-removed trellis.

Chair Zhao:

- Said that she was okay with the garage door.
- Expressed that she was okay with the metal roll up door on the west elevation but the two other doors need to be consistent, both either wood stained or painted.
- Said that she prefers to leave those doors as they are now.
- Agreed that the trellis is no longer an issue once removed.
- Said that the screening of the riser is already subject to the approval of the Community Development Director and she supports having the applicant work that out with staff.

Commissioner Rodgers said she does not support the flower boxes due to maintenance concerns.

Chair Zhao agreed that these flower boxes would be hard to maintain.

Director John Livingstone:

- Summarized the Commission’s recommendations.
- Stated that it seems that there is a majority who want wood-stained doors to match the front doors.
- Said that the rear garage door can remain as they are.
- Stated that the removed trellis will be replaced with the awning per the original plan.
- Clarified that staff will work with the applicant on the screening of the sprinkler equipment and that lattice with jasmine are to be used for screening the fire box and against the limestone wall.
- Asked if the three window boxes proposed for above the cleaners are supported or not.

Chair Zhao took a straw vote, which was four in support and three against.

Director John Livingstone said that staff would work with the applicant to come up with something that is durable, lightweight and looks good.

City Attorney Jonathan Wittwer suggested changes to the draft resolution to include language to Condition 1 that requires staff to obtain plans that reflect what has actually been approved. Condition 3 should be amended to reflect the recommendation on the screening of the equipment.

Director John Livingstone said that instead of making the applicant prepare updated plans, staff or the architect could simply redline the plans.

City Attorney Jonathan Wittwer said that would be fine. He said that Condition 1 could document the changes to the approval.

Chair Zhao asked where is the condition for the flower boxes?

City Attorney Jonathan Wittwer suggested the language, "approving plans dated May 28, 2009, Exhibit A, except for the wooden trellis at the second floor deck and with the addition of flower boxes and with the exception that the doors at the side will be stained wood to match the front doors.

Mr. Gin Lee asked to address the Commission once again.

Chair Zhao re-opened the Public Hearing for Agenda Item No. 1.

Mr. Gin Lee:

- Said that he does not want window boxes on the second floor. He said that he misunderstood the suggestion thinking it was intended for the ground level.
- Pointed out that he never asked for those and it is crazy for this Commission to require them.
- Reminded that what he is asking for is resolution on the doors.
- Complained that this has been going on for a long time.

City Attorney Jonathan Wittwer advised that the Planning Commission has the authority to consider additional changes with this modification request.

Commissioner Rodgers reminded that Mr. Warren Heid brought forth the original plans for this building. She said that she is not sure if flower boxes are really in keeping with the architecture of this building.

Commissioner Reis explained that he supported the inclusion of these flower boxes due to the enthusiasm of the applicant when the suggestion was put forth this evening. He said has no compulsion to force Mr. Lee to include them.

Commissioner Hlava reminded that the only reason that Mr. Lee is here today is because he did not do what the Planning Commission asked him to do with the original plan approval. She chided Mr. Lee for faulting this Commission for the time this has taken when it is his own fault.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Bernald, the Planning Commission approved modifications to previously approved plans for a commercial/residential building on property located at 14495 Big Basin Way, as amended:

- With the amendments to Condition 1 as outlined by the City Attorney,
- Garage Doors as installed;
- Requiring the use of Star Jasmine with the trellis screening;
- That two of the doors on the west elevation will be wood-stained new doors;
- That the roll up door there can remain;
- That the trellis has been removed and the awning per the original approval will be installed;
- That the enclosure for the fire sprinkler riser will be worked out with the Community Development Director and Fire;

by the following roll call vote:

AYES: Bernald, Cappello, Hlava, Reis, Rodgers, Robertson and Zhao

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

APPLICATION PDR09-0002 & CUP09-0003 (503-24-063) Mintequi, 14487 Big Basin Way:

The applicant requests PC approval to remodel a two-story commercial/residential building at 14487 Big Basin Way. The applicant also requests CUP for changing business to retail use. The project has a total floor area of approximately 3,624 square feet. The height of the proposed building is at 29 feet 10 inches. The proposed plans include remodel/expansion of (E) Chamber of Commerce space and (E) Nail Salon at first floor level into front retail hair salon and (E) nail salon to be housed in the rear. The lot is 4,350 square feet and is zoned CH-1. (Rina Shah)

Ms. Rina Shah, Planning Intern, presented the staff report as follows:

- Reported that the applicant is seeking Design Review and Conditional Use Permit approvals to remodel a two-story commercial/residential building with a change from business to retail use.
- Described the building as consisting of 1,935 square feet of retail/service space on the first floor and 1,866 square feet on the second floor consisting of two residential units.
- Explained that Design Review approval is required to allow the substantial changes to the front and side elevations. Changes include color, texture and materials.
- Added that Conditional Use Permit approval is required to allow a service business to be located at street level, space that is currently occupied by the Chamber of Commerce and a nail salon. The Chamber of Commerce will be relocated to another spot in the Village.
- Distributed a materials board.

- Reported that the storefront façade will include wood/glass stained doors and windows with natural wood stain finish; brown wood trim, tan/yellow stucco walls and S-shaped concrete style roofing in a brown color. Architectural features at the street frontage will stimulate visual balance, symmetry and enhance street appeal.
- Said that the building would be tenant based and owner occupied by a hair salon establishment that draws high-end clientele. The retail store component will encourage foot traffic and pedestrian interest. This use would serve the purpose of the district and meets the goals of the Saratoga Village Guidelines.
- Said that this project is Categorically Exempt under CEQA.
- Advised that three neighbors have provided approving signatures and two pieces of correspondence have been received in support.
- Said that there would be no increase in FAR or height.
- Recommended approval.

Commissioner Rodgers said that she assumes a Conditional Use Permit was previously approved for the nail salon.

Director John Livingstone said that the nail salon was established here prior to the change of Code that required a Use Permit for a service business on Big Basin Way in the Village. He said that half of this building housed this existing personal services business. However, expanding it requires a Conditional Use Permit. He added that there is limit on the number of personal service businesses allowed. The moratorium was a temporary step until the Ordinance could be put in place that requires issuance of a Conditional Use Permit. Service uses are allowed with issuance of a Use Permit on a case-by-case basis.

Commissioner Rodgers reported that she talked with this project's designer about the neon signs currently in the window. He said that he was okay with a restriction that there be no neon visible from the street.

Director John Livingstone said that the Sign Code limits use of neon. That restriction could also be added to the conditions. A condition goes even further than the Sign Ordinance.

Chair Zhao asked if there would be one Use Permit or two for the nail salon and hair salon.

Director John Livingstone replied one. Both uses will share the first floor of this building.

Commissioner Hlava pointed out that the nail salon would be on the back of the building where a Use Permit is not required.

Director John Livingstone said that this is a multi-functional floor. The nail salon will have some retail.

Commissioner Hlava said it appears from the plans that the nail salon is totally moving to the back of the building with no frontage or entrance onto Big Basin Way.

Director John Livingstone said that the Commission might want to take a recess to allow staff to discuss this issue a bit. Unless the nail salon has a completely separate entrance and

there is no obvious connection between the two uses, he advised that he would prefer one multi-functional Use Permit.

Commissioner Hlava pointed out that there is no way to get to the back in a wheelchair without entering from the front.

Commissioner Rodgers added that the bathrooms serving this space are shared internally in the building.

Commissioner Hlava agreed.

Chair Zhao opened the public hearing for Agenda Item No. 2.

Mr. Michael Tsakiris, Applicant:

- Stated that he was thankful for this opportunity to speak.
- Reported that he has been a resident of Saratoga for 35 years and attended Foothill, Redwood and Saratoga High School.
- Said that he loves this city.
- Explained that he has been in business with his family for 12 years. The family business is 35 years old.
- Said that their biggest regret is that they were not in Saratoga's downtown or even in Saratoga.
- Said that they are an established business that takes pride in its customer service.
- Reported that when they first saw this building their first thought was "wow, this is an ugly building." However, on second thought, they thought, "what an opportunity."
- Declared that they would love to be in downtown Saratoga.
- Stated that they are aware that this building is located in the middle of town.
- Assured that they plan to fulfill the standards for the Village with their renovation.
- Reiterated that they are really looking forward to being in town.

Mr. Michael Chapman, Project Designer:

- Said that Planner Rina Shah did a great job explaining the details of this project.
- Said he wanted to make a few additional points.
- Reported that this remodel represents a facelift of the façade that will drastically change and enhance that elevation within the mandates of the Village Design Guidelines.
- Said that the front elevation will have a new storefront detail including wood window with stain finish that is furniture grade as an architectural feature to enhance the chic-ness of this building.
- Assured that this remodel will represent a major improvement to the downtown area for what is right now the most unattractive elevation in the downtown. It will be enhanced quite a bit.
- Said that they have worked closely with staff and are happy to implement these changes. This will be a breath of fresh air for the downtown.
- Extended his congratulations to his clients, Connie and Michael.
- Reminded that there is no added square footage, no view impacts and no tree impacts as a result. They will also be modifying two existing flower boxes.

- Thanked staff, especially Rina Shah and Director John Livingstone.

Commissioner Hlava asked for clarification on the retail aspect of the salon.

Mr. Michael Tsakiris said that a large part of the business is retail. The front part (@450 square feet) will be devoted to retail, which is a huge part of their business. He said that they sell hair care and a larger percentage of their clientele leave with product.

Commissioner Robertson asked if all of the wood features, including the hand-hewn beams, would have the same finish.

Mr. Michael Chapman replied yes, they would all incorporate the same finish.

Commissioner Robertson stressed that the quality of workmanship would be important.

Commissioner Rodgers said that looking at the proposed wall color, it looks brown at times and more golden/mustardly yellow at others.

Mr. Michael Chapman assured that their intention is for a tan color. It is definitely more toward the earth tone than the yellowish depicted on the rendering. He said that they would work with staff and perhaps go with a shade lighter so it doesn't stand out too much.

Mr. Joe Simas, Resident on Country Squire Lane:

- Identified himself as a 25 year resident.
- Stated that this project will enhance downtown Saratoga.
- Added that the remodel is tasteful.
- Expressed his support.

Ms. Fernanda Trifilo, Third Street, San Jose:

- Stated that she is very excited about her nephew and sister's shop.
- Said that she looks forward to coming to this shop and patronizing the Village.
- Expressed her hope that the Commission would support this request.

Ms. Nancy Kirk, Resident of Saratoga:

- Stated that she is a 34 year resident
- Said that she is also a 10-year client of this salon.
- Assured that their huge clientele will follow them to this new location and will frequent the other stores that are there.
- Stated that this new business in the downtown would be an asset to the community.

Ms. Jennifer Simus:

- Said that she is a cousin to Michael Tsakiris.
- Reported that she just graduated from cosmetology school and is excited to work in the Village.
- Advised that she also formerly worked at La Fondue.
- Requested support of this fresh new business for the Village.

Chair Zhao closed the public hearing for Agenda Item No. 2.

Director John Livingstone clarified that the plans called for smooth trowel old world finish on the walls. These never have to be painted and look great forever.

Chair Zhao re-opened the public hearing for Agenda Item No. 2.

Mr. Michael Chapman said that Director John Livingstone is correct. This is a color coat stucco that will look like old French lime wash.

Commissioner Rodgers asked about the use of neon or illuminated signs that are visible from the street.

City Attorney Jonathan Wittwer reminded that Code prohibits illuminated signs that are visible from off property.

Mr. Michael Tsakiris assured that no neon is planned. He stated that they do not like neon signs.

Commissioner Hlava asked about use of up lights or goosenecks.

Director John Livingstone said that those would require Planning Commission approval. The applicants didn't have their sign package ready in time to be included in tonight's action. They have no intent to have illuminated signs. Instead they plan to meet the Sign Code requirements.

Chair Zhao re-closed the public hearing for Agenda Item No. 2.

Commissioner Hlava said that, for full disclosure purposes, she wanted to advise that Connie has been styling her hair for 35 years. She added that she is thrilled to have the salon within walking distance to her house but assured that she has no financial interest in this matter.

Commissioner Rodgers said that she could make all of the findings to support this.

Commissioner Bernald said that she too could make the findings and is thrilled with the design.

Commissioner Cappello said ditto. He said that this would be a fantastic addition to the Village, both the building improvements and this new business.

Commissioner Robertson said that this represents a big improvement and he too looks forward to this addition to the Village.

Commissioner Bernald thanked the applicants for the flower boxes.

Commissioner Reis said that he can make the findings and is impressed with the design.

Chair Zhao said she can as well and is also thrilled.

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Bernald, the Planning Commission approved a remodel to an existing commercial/residential building (Application PDR09-0002) and granted a Conditional Use Permit and approval (Application CUP09-0003) to allow a change of use to retail on property located at 14487 Big Basin Way, as amended, by the following roll call vote:

AYES: Bernald, Cappello, Hlava, Reis, Rodgers, Robertson and Zhao

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 3

APPLICATION CUP09-0001 (517-08-072) Frontzx-Cinnabar Winery, 14612 Big Basin Way

The applicant is requesting Conditional Use Permit approval to expand an outdoor seating area for an existing wine tasting business. The area will be enclosed by a three (3) foot railing. The site is zoned CH-1 (Commercial-Historic). (Cynthia McCormick)

Ms. Cynthia McCormick, Assistant Planner, presented the staff report as follows:

- Advised that the applicants (Cinnabar Winery) received a Conditional Use Permit on January 8, 2007, for a retail shop with wine tasting bar. They are now seeking to amend their Use Permit to allow for outdoor seating.
- Explained that the outdoor seating area will have new furniture and umbrellas that are of high quality. The existing wood benches will remain.
- Described the proposed outdoor seating area as approximately 275 square feet in area and will be enclosed with a new 36-inch high black aluminum railing. ABC (Alcohol Beverage Control) requires this partition.
- Recommended that the Commission find this request to be Categorically Exempt under CEQA and approve this Conditional Use Permit.
- Reported that this new CUP will replace the existing CUP.

Chair Zhao opened the public hearing for Agenda Item No. 3.

Ms. Angela Chezery, Manager of the Cinnabar Winery:

- Said that they have enjoyed being a part of the Saratoga community over the last two years.
- Reported that they had 10,000 visitors last year and have been gaining awards and accolades.
- Expressed hope that this Use Permit would be approved.

Commissioner Rodgers reminded that when the original approval was under consideration a neighbor living behind the site had expressed concerns about parking and noise impacts. She asked if there have been any complaints.

Ms. Angela Chezery replied never.

Commissioner Hlava asked Ms. Angela Chezery to please preserve the plants that will be removed as Councilwoman Jill Hunter, who has long been active in providing landscaping in the Village, would like to replant them elsewhere in the Village.

Ms. Angela Chezery promised to do so.

Chair Zhao closed the public hearing for Agenda Item No. 3.

Commissioner Robertson:

- Pointed out that the existing benches have plastic legs painted to look like wrought iron.
- Said that the proposed railing is steel tubing that is assembled with screws. They are generally not attractive.
- Suggested that it would be better if some sort of fencing that is heavier and more in keeping with the Village is used. It will look better and will last longer.

Commissioner Reis reported that he installed this type of fencing in his yard and it does not look good over time and becomes rusted.

Commissioner Hlava:

- Said that others have more knowledge than she does on this.
- Stated that she has no problem making the findings to support this Use Permit.
- Suggested that the fencing be approved using higher quality material that is approved by the Community Development Director.
- Urged the applicant to make sure it is approved prior to ordering.
- Asked if that should be conditioned.

Commissioner Rodgers said yes, since the condition currently reads aluminum.

Commissioner Hlava said that it could still be something that is aluminum but of a higher quality.

City Attorney Jonathan Wittwer suggested modifying Condition 13 to read outdoor furniture/fencing shall be of high quality and subject to approval by the Community Development Director.

Commissioner Hlava said it is important to make sure it looks good.

Commissioner Reis asked about limitations on music outside given the application handled at the last meeting.

Commissioner Hlava pointed out that they didn't ask for it.

Director John Livingstone said that this item was not noticed to include outdoor music. The applicants are not asking for it. The neighbors are not aware of any intention of it so he prefers that this not be added into this approval.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Robertson, the Planning Commission granted Conditional Use Permit (Application CUP09-0001) to allow the expansion of an outdoor seating area for an existing wine tasting business on property located at 14612 Big Basin Way, with the conditions of approval as modified, by the following roll call vote:

AYES: Bernald, Cappello, Hlava, Reis, Rodgers, Robertson and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

Director John Livingstone asked if a member of the Commission might be willing to help identify an acceptable quality of furniture and fencing materials.

Commissioner Robertson so volunteered.

PUBLIC HEARING - ITEM NO. 4

APPLICATION EXT09-0002 (397-27-020) Morrison, 14234 Saratoga-Sunnyvale Road: The applicant requests a 36-month extension of a Tentative Map approval granted by the Planning Commission on April 25, 2007. The Tentative Map expired 24 months from this date. The Tentative Map would subdivide a 2.35-acre property into 20 townhome lots and one common area lot. Access to the property is from Saratoga-Sunnyvale Road. The property has a General Plan designation of Multi-Family Residential and is zoned RM-3,000. (Christopher Riordan)

Mr. Chris Riordan, Senior Planner, presented the staff report as follows:

- Reported that the applicant is seeking a 36-month extension of a Tentative Map to subdivide a 2.35-acre property into 20 townhome lots and one common lot.
- Said that this Tentative Map was originally approved on April 25, 2007. A Tentative Map expires in 24 months from the date of approval and this one expired on April 25, 2009.
- Recommended that the Commission grant a three-year extension per the draft resolution.

Char Zhao asked staff how many extensions are possible.

Planner Chris Riordan replied one three-year extension is allowed.

Commissioner Reis asked if the Design Review was approved before.

Planner Chris Riordan replied yes. It is a different and separate entitlement.

Chair Zhao opened the public hearing for Agenda Item No. 4.

Mr. Rick Knoff, Applicant's Representative:

- Explained that he is here on behalf of the Morrisons who are out of town.
- Said that they are asking for an extension of the Tentative Map approval.
- Stated that he was available for any questions.

Chair Zhao closed the public hearing for Agenda Item No. 4.

Commissioner Cappello said that he has no issue with this extension. Nothing has changed with the project. It doesn't warrant any changes. The extension is warranted.

Commissioner Rodgers advised that this application received significant review originally. There was a thorough environmental review done by then-Commissioner Nagpal, which is her professional area of expertise.

Commissioner Hlava said that it is understandable, in this economy, to take time to complete a project such as this. It was an expensive project to put together and it would be unfair not to extend it.

Commissioner Bernald thanked the other Commissioners for their historic input. It was good to hear. She said that she could support this extension too.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Cappello, the Planning Commission approved a 36-month extension of a Tentative Map approval for property located at 14234 Saratoga-Sunnyvale Road, by the following roll call vote:

AYES: Bernald, Cappello, Hlava, Reis, Rodgers, Robertson and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING - ITEM NO. 5

APPLICATION CUP09-0009 (503-24-034) Ratra, 14395 Big Basin Way: The applicant is requesting approval of a Conditional Use Permit. The Conditional Use Permit would allow a 97 square foot addition to the 1,608 square foot retail store of an existing Union 76 service station. The lot is 26,689 gross square feet and is zoned CH-1. (Christopher Riordan)

Mr. Chris Riordan, Senior Planner, presented the staff report as follows:

- Reported that this existing food market at the Union 76 service station was originally approved in 1997. In October 2004, the Planning Commission approved a 70 square foot expansion to the food market but it was never constructed and that approval has since expired.

- Advised that the proposal today is for a 97 square foot addition at the southeast corner of the building using matching materials.
- Recommended that the Commission find this project to be Categorically Exempt under CEQA and approve this request.

Commissioner Rodgers asked if there is any significant difference between the past approval and this request.

Planner Chris Riordan said that it is just 27 square feet larger than what was approved and allows the business to add more merchandise to its current selection.

Chair Zhao opened the public hearing for Agenda Item No. 5.

Mr. Rick Ratra, Applicant:

- Reiterated that he is seeking to expand his existing food market by 97 square feet.
- Said that this addition will take advantage of space that has been wasted for so many years and will enhance the existing food bar.

Commissioner Rodgers asked about where the second public restroom would be located.

Mr. Rick Ratra said that there are already two on site. One was private and will now be made available to the public.

Commissioner Hlava asked Mr. Rick Ratra what percentage of his retail sales (outside of gasoline) is taxed.

Mr. Rick Ratra said everything from soda, cigarettes, cigars and candy.

Commissioner Hlava said it is like a 7/11.

Mr. Rick Ratra agreed.

Commissioner Hlava cautioned that a lot of food items are not taxed.

Mr. Rick Ratra pointed out that they had \$5.6 million in sales last year of which approximately 80 percent was taxable.

Chair Zhao asked if the bathroom entrance was inside.

Mr. Rick Ratra said no, it was outside.

Commissioner Bernald asked Mr. Rick Ratra how he intends to use the space.

Mr. Rick Ratra said the same as before but just more items in the store. He said that there is a lot of demand for items like bread and milk. This is a convenience for his customers.

Chair Zhao closed the public hearing for Agenda Item No. 5.

Commissioner Bernald said that she was on the Planning Commission when the first approval was granted and it did not appear to be controversial at that time. She said that she could make the findings for approval.

Commissioner Rodgers pointed out that they also came back a couple of years ago and their request was also approved.

Motion: Upon motion of Commissioner Bernald, seconded by Commissioner Robertson, the Planning Commission granted Conditional Use Permit (Application CUP09-0009) to allow a 97 square foot addition to an existing Union 76 service station retail store on property located at 14395 Big Basin Way, by the following roll call vote:

AYES: Bernald, Cappello, Hlava, Reis, Rodgers, Robertson and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

DIRECTOR'S ITEMS

Director John Livingstone:

- Said that he wanted to thank the Planning Commission.
- Reported that when they learned of the staffing reductions, several offered to come in and help out with duties such as public noticing.
- Stated that upon evaluation of tasks that volunteers might assist with, it was felt that there would be a conflict to have members of the Commission work on tasks like public noticing since they are the deciding body for the items being noticed. There is potential for a conflict with their role on the Planning Commission.
- Expressed his sincere thanks for all of the support and offers of assistance.

COMMISSION ITEMS

Commissioner Bernald thanked Director John Livingstone for the session held last night. This Architecture 101 educational opportunity was very helpful.

Commissioner Hlava agreed.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Bernald, seconded by Commissioner Robertson, Chair Zhao adjourned the meeting at approximately 8:55 p.m.

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