

MEETING DATE: 05/21/2007

ITEM NO: DESK ITEM

COUNCIL AGENDA REPORT

DATE:

May 21, 2007

TO:

MAYOR AND TOWN COUNCIL

FROM:

DEBRA J. FIGONE, TOWN MANAGER

SUBJECT:

CONSIDER AN APPEAL OF THE PLANNING COMMISSION DECISION DENYING A REQUEST TO OPERATE A RESTAURANT ON PROPERTY ZONED C-2. APN 529-03-035. CONDITIONAL USE PERMIT U-07-24 PROPERTY LOCATION: **42 ELM STREET.** PROPERTY OWNER:

MICHAEL COBLER. APPLICANT/APPELLANT: SUH CHUNG KIM.

REMARKS:

The attached petition was received after the report on this matter was finalized.

Attachments:

1-8. Previously Submitted

9. Petition, received May 21, 2007 (14 pages)

BNL:RT:JP:

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| PREPARED BY: | BUD N. LORTZ | JT |
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| Reviewed by: | Assistant Town Manager Town Attorney | = 11111 1 11111 2 2 3 3 1 1 1 1 1 1 1 1 1 |
| Clerk Adminis | stratorFinanceCommunity Developm | ent |
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A pressing issue has come upon us that will greatly affect our business and downtown Los Gatos. A new shop only a half of a block away from our store (on 42 Elm Street) submitted a request for permit to sell frozen yogurt early this year. On April 11th, at the Los Gatos Town Planning Committee meeting, their request for C.U.P (Conditional Use Permit) was denied. The reason the planning committee of Los Gatos denied this request for permit was due to the over-saturation of frozen treats (ice cream, gelato, frozen yogurt, smoothies, etc.) stores within a small area of downtown Los Gatos (** there are already 6 businesses selling frozen treats on Santa Cruz Ave. alone).

An appeal has been made to the Town of Los Gatos by the potential business owners of the new yogurt shop, and an appeal hearing will take place on Monday, 5/21.

If the appeal is approved, a store like TCBY which has been a part of downtown Los Gatos for 16 years since 1991 will be greatly affected and we may need to consider closing our business due to the loss of business and revenue.

It is our desire to stay and serve this community through our store in this city for many years to come, with this said, we ask for your support by signing this petition to voice your disapproval for yet another frozen yogurt store to open here in downtown Los Gatos.

If you have strong feelings regarding this issue, you are welcome to voice your opinion at the Town Council meeting this coming Monday, 5/21 at 7:00PM in Los Gatos City hall.

For more information regarding this issue, please ask

Thank you for taking your time to read this.

Sincerely,

Iron, Sharon and Jamie

TCBY

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| Name: Nicola Otone | Address: 40 N | Sanda, Cruz Ave |
| Signature: Will Sto | | Date: <u>歩/ 岁/0</u> フ |
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| Name: Alex Leathernan | Address: 15/3 | |
| Signature: Office | | Date: 5/15/07 |
| Comment (if any): 100 many you | unt Stores | |
| Name: Paula Rekpurt | Address: | |
| Signature: Paula Prekont | | Date: 5-15-07 |
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| Name: Anne Biesewig | Address: | |
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| Signature: M.Racimo Date: 5-15-07 |
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| Name: Klyna Jour Address: 135 W. Main #Esle |
| Signature: 1 Regina Love Date: 5/15/07 |
| Comment (if any): |
| Name: Amy Millevich Address: 20201 Thompson Rd.# |
| Signature: Carry Miljevich L.G. 95033 Date: 5/16/07 |
| Comment (if any): |
| Name: 400000 About M Address: |
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| Comment (if any): |
| Name: Francesca Aiassa Address: 193 Kimble Avenue |
| Signature: Francesea Anac Date: 5/16/07 |
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| Name: Modelene Joves Address: 115 Amonda Love |
| Signature: MMMLH Date: |
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| Name: Porter Holcons Address: 10 Gleritha Aue |
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| Comment (if any): |
| Name: Lauren Ferietty Address: Q8 & Main St |
| Signature: \(\frac{1}{2}\) \(\left\) |
| Comment (if any): |
| Name: Brittany Kirwan Address: 220 More ave |
| Signature: Bullamy Kirwan Date: 5-16-67 |
| Comment (if any): Great Service + ICE Cream (TCBY |

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| Comment (if any): | |
| Name: Gitt Poz | Address: 120 Moutclair Los Gats |
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| Comment (if any): | |
| Name: Richy Higginson | Address: 883 w itoxoenska Avec |
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| Name: Kary Chauvin | Address: 5922 Exelev Ct. Sy CA95138 |
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| Name: EXVIRA COLBURN | Address: 534 Cluthouse aptos |
| Signature: ECC | Date: 5-15-07 |
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| Name: LANGENT, Works | Address: 16180 Oleander AV LOSGARS (AS |
| Signature: | Date: 5/18/87 |
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| Name: Kelli Kee | Address: 16/80 OLZANDZR ANZ., LOS GATOS |
| Signature: DZLPHWZ CZZ | Date: 5/15/07 |
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| Name: (L.) (in) | Address: 207 Lorain Pyle Li |
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| Name: Mathen A Bocking | Address: 35 Harmbly Avenue |
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| Name: PETER, AND ETHAN | P'S) Address: 11 1/2 APETH SMATH CRUIZ |
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| Comment (if any): | |
| Name: Angelique hoframporse | Address: 11 N Santa Cruz Ave |
| Signature: | Date: <u>5/15/07</u> |
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| Name: DeAnn Fox | Address: 11 N. Santa Cruz XUP. |
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| Name: YUDNNE YOUNG | Address: 1430 Stellen H San Just CH |
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| Comment (if (ny): | , , |
| Name: Larry Barrocchini | Address: 321 Baybong Common Frewart |
| Signature Pup Pl | Date: 5/15/07 |
| Comment (if any): | |
| Name: Karl Bernal |) Address: 6/ Montebello Wy. 716 |
| Signature: Ry a. Berna | Date: 5/15/07 |
| Comment (if any): | |
| Name: Sergio Mirando | Address: 3131 Cadilac Dr 1003 |
| Signature: | Date: 05/15/07 |
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| Name: Faustino Reyes | Address: 3131 Cadilac Dr APG |
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| Name: AM CHOICE | Address: | 7005 | HEATON MOOR DE. |
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| Name: Juan Torres | Address: | 812 | - Vine St. |
| Signature: Journal | | | Date: 5/15/07 |
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| Name: Tan Sportine | Address: | 59 | N. Sown Car Kie & |
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| Name: Mary Badame | Address: | 2151 | N Sant Cul Au #B |
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| Name: JOHN HOWMILLER | Address | 10247 | LA PRIOMA STATION |
| Signature: M | | | Date: 5/15-07 |
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| Name: Marjo Spencer Address: 1858 3 Decetur Rd. Los Gots |
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| Signature: May Apone - Date: 5/16/07 |
| Comment (if any): |
| Name: Kendra Waite Address: 19 Glenridge Ave |
| Signature: AWWW Date: 5/10/07 |
| Comment (if any): NICK 15 the best server. |
| Name: Robbic Conca Address: 15445 Kall Ave |
| Signature: MM Con. Date: 516 107 |
| Comment (if any): - Nick Shows be made Promoted ASAP is |
| Name: (HEARLY) CRUNDAI Address: 185 CUSHR HIN ROL. |
| Signature: Date: 5/10/07 |
| Comment (it any): NIK SCHOOL IL (NEW) WE A PRO FOSHO! |
| Name: WURLI PM KULINU Address: 729 MINERSITY AV- |
| Signature: MM/45 19447 , Date: 5/14/07 |
| Comment (if any): NICK'S AMIC TUIT WHY WAY TO WOOM |
| Name: BUHMA I HAVWA O Address: 5155 (WETER AV. |
| Signature: 27/16/67 |
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| Name: Aaron (vand) Address: 1463 Kenned/ Cl |
| Signature: 5/16/07 |
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| Name: 1215. A. 19 ass Address: Lus Garos |
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| Name: SOM AMEDIA Address: 623 PRICHTER CT DEM |
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| Signature: 8000 0000 - Date: 5 - 6-07 |
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| Name: Michaela R. Address: U.S.A. |
| Signature: McAo R Date: 5-16-01 |
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| Name: Aditi Champaneri Address: 1070 Hazel AVC |
| Signature: Date: 5/10/07 |
| Comment (if any): Kind People, I Work here and it's great |
| Name: Jeanne-Maris Rachlin Address: Campbell, CA |
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| Signature: Jan Wev Date: May 16 |
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| Name: Nicle Smith Address: 120 Verde Const, C.A. |
| Signature: Nid Gatt Date: 5/16/07 |
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| Name: 10 1 920 Address: 100 09706 Signature: Date: 9/16/07 |
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| Name: Margaret mith Address: 135 Tart La |
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| Name: Derma Oonanus | Address: 3188 Most Man St. 1 (49903 |
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| Name: Tarah Ponahue | Address: 348 13 West nein st LG CA 95030 |
| Signature: | Date: S//6/07 |
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| Name: Mighoel Moutir | Maddress: 1691 Via Ullano |
| Signature: MM | |
| Comment (if any): TCBY IS the | best let it be the best ! |
| Name: Scott Schlachter | Address: 1705 Massidda Court Sentise |
| Signature: | Date: 5/17/07 |
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| Name: Swank MM | Address: 16345 CG Bloot HO |
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| Name: D'Arcy Loce | Address: 16175 Andrews Ct |
| Signature: | Date: 5-17-07 |
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| Signature: Cally Ally | Date: 5-17-0# |
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| Name: RAM KOLLING | Address: 175 CUESTA DE LOS GATOS |
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| Name: Mise Rie | Address: 17055 Old Sunnit Re |
| Signature: Hive Billy | Date: |
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| Name: Pamela Ohara | Address: 123 Calle Estoria Los Gatos CA 9503 |
| Signature: P-L C.OL | Date: 5-17-07 |
| Comment (if any): | |

| Name: Cherisse K.Chomsfer | Address: | |
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| Name: Lisa Look | | N. Santa Cruz #Q |
| Signature: Low fork | | Date: $\frac{5/17/0.7}{}$ |
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| Name: Kin Quens | Address: 301 U | niversly one. |
| Signature: Kim Wenz | | Date: |
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| Name: hinda Mazaheri Signature: Juli Dazil | Address: <u>/35</u> Si | erra Azule, Los gatos, Co |
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| Comment (if any): | | · · · |
| Name: Lea-Anne Snuth | Address: <u>754 T.</u> | he Alameda #2215 |
| Signature: Lea-anne S | | Date: 5/17/07 |
| Comment (If any): My favorite ice cr | eum Strop & w/ | Sweet staff |
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| Name: LINDA + DAVID SPEICHER | Address: 95 C | HURON IS, H 2106 CARS |
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| Name: Claire, Egurrola | Address: 10751 | Loma Street |
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| Name: Occup Lovy | Address: 1597 | le Linda Avl |
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| Commant (if aloy): | | 1119 |
| Name: Emily Tighe | Address: 15961 | Cerro Vista Ct |
| Signature: July July | No. of the contract of the con | Date: 5/17/07 |
| Comment (if any) ful owners are | so sweet! | |

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| di Versi | fication of | Buch | siens! | low | n fram | -17 |

| Name: Brook Wilson | Address: 86 South 16th Street, Sandse |
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| Signature: FROK WILSON | Date: 5/18/07 |
| Comment (if any): There are alrea | edy a 10+ of 1ce cream shops, |
| Name: Galard Young | Address: 124 Los GATES Blid |
| Signature: Lalelyfon | Date: 5(18/07 |
| Comment (if any): | |
| Name: STEVE BACON | Address: LOCAL QUEEN STHOUL SAN IS |
| Signature: | Date: 5/18/07 |
| Comment (if any): | |
| Name: Wille, MC Harque | - Address: 1459 Elka Ave 94043 |
| Signature: Will A | Date: 5-13-57 |
| Comment (if any): To man fro | ren popert with directly |
| Name: Just, McHangro | Address: 2459 EQRE ave |
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| Comments of the Comments of th | Address: 17105 phillips Nu. |
| Signature: Kevin Will | |
| Comment (if any): 100 Many Evo- | en your plans. |
| | Address: 5/YU JOSF- |
| Signature: (14,1) | Date: 5/16/07 |
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| Name: Zwalel Ralel | Address: 750 B. dd ave |
| Signature: | Date: 5/18/07 |
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| Name: GIORES COUNTRY | Address: 1943 108 Ancignos et San Jose | |
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| Name: MO-Wdoe214 | Address: 313 105 PMCINOS CT. San Jose | |
| Signature: An full of | Date: 5/19/07 | |
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| Name: KRISTU (UBBC(14) | Address: 373 100 1000 01 05 1005 | |
| Signature: 12 Wt Wholl | Date: 5/19/(3) | |
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| Name: AnDICE PIÑO | Address: Placock CT. Santa Clara. | |
| Signature: landing land | Date: <u>19/19/04</u> | |
| comment (if any): We Alprock have to n | MM WOUGH Shops I NOMORE! TOBY is the bist! | |
| Name: Kesenia Hernandgez | Address: 540 MATE St. Ne. 5051-908 San Jac | |
| Signature World Hernanday | Date: 5/19/04 | |
| Comment (if any): TCBY has the best | if evenin LOGUST, COOKIES & CHURSETS ! DOMOR | |
| Name: fich King | Address: 7075 Cray Pd Morger Hill | |
| Signature: /// | Date: 5/19/07 | |
| Comment (if any): | G5731) | |
| Name: HEEN HAG | Address: 1025 CROYRO MARGAN HILL | |
| Signature Haren Keng | Date: 5/19/07 | |
| Comment (if any): | | |
| Name: Asa Branden | Address: 210 Rushmore Apt 6 | |
| Signature: (120 / 300) | Date: 5/19/67 | |
| Comment (if any): | | |
| Name: Wight FOO | Address: 148 SISCIA SC | |
| Signature: " (() () | Date: 5 (9 (200) | |
| Comment (if any): | \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | |
| Name: KOGSA Cultocall | Address: 873 103 Chinos CTGin Jose 14. 95134 | |
| Signature: Alli William | Date: 15/14/07 | |
| | of abd more the cream / 400 urt grops, TOBY is the best + will | |
| MWalls be I live in Som Jose a come to L.G. to work here a live worked here for about 4 years! | | |

| Name: Gloria Cubberly Address: | 373 LOS Encinos CT. SJ |
|---|-------------------------------|
| Signature: Skoua Gerbberly | - Ďate: <u>5-19-07</u> |
| Comment (if any); | |
| Name: RILAURENCE KULLO Address: | 5334 LENORA AUE |
| Signature: Pellus. | Date: 20 May 07 |
| Comment (if any): THEY ME A PART OF | I LOS GATOS! |
| Name: ROUSET PENN = - Address | 23800 Hitchingson RD |
| Signature: RRE | Date: ZOMA 07 |
| Comment (if any); | |
| Name: Katebiasini Address: | 23800 Hutchihson Rd Coscutos |
| Signature: Wille for | Date: 10 Marot |
| Comment (if any): | |
| Name: Samowth Well Address: | 1500 Riviera Fue |
| Signature: Lampy the Ollet | Date: 5/20/67 |
| Comment (if any): TOBY Rocks! | |
| Name: CNOTES BOOKLEY Address: | 762 Crazy Town Ave. |
| Signature: Charles Barklut | Date: 5/20/07 |
| Comment (If, any): DONT PUL OWO | ther icecream Place of |
| Name: MM/US HASSON MON Address: | 16945 65-6413 BHO #73 |
| Signature: | Date: |
| Comment (if any): I love TCR) | GO NIGH |
| Name: Allim, Maplin & Address: | 100 Verma Ct. Los Gatos, CAgo |
| Signature: A. A. S. Marketter Signature: M. | Date: May 10, 2007 |
| Comment (if any): I leve TOBY | |
| Name: Gregory Coton Address: | 19135 Overlead Loud |
| Signature: J. A. | Date: 5-20-07 |
| Comment (if any): | |
| Name: Address: | |
| Signature: | Date: |
| Comment (if any): | |