

**MINUTES  
SARATOGA PLANNING COMMISSION**

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

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

**ROLL CALL**

Present: Commissioners Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao  
Absent: Commissioner Cappello  
Staff: Director John Livingstone, Associate Planner Therese Schmidt, Assistant Planner Suzanne Thomas, Contract Planner Jerry Haag and Assistant City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of October 25, 2006.

**Motion:** Upon motion of Commissioner Hunter, seconded by Commissioner Hlava, the Planning Commission minutes of the regular meeting of October 25, 2006, were adopted with edits to pages 5,9,13, 15 and 20. (7-0)

**ORAL COMMUNICATION**

There were no Oral Communications.

**REPORT OF POSTING AGENDA**

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on November 2, 2006.

**REPORT OF APPEAL RIGHTS**

Chair Rodgers 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****General Plan Consistency for the Santa Clara Valley Water District Capital Improvement Program (John Cherbone)**

Mr. John Livingstone, Community Development Director, advised that the Santa Clara Valley Water District requests the review by the City of Saratoga of its CIP Program to find it consistent with the City of Saratoga General Plan. He explained that there are two projects within this CIP that are located within the boundaries of Saratoga. He said that the Commission could elect to simply make the finding for consistency or ask for a presentation by staff.

Commissioner Hunter said that she would like an explanation and more specifics on the creek project.

Mr. John Cherbone, Public Works Director, presented the staff report as follows:

- Said that there are no specific design plans as of yet.
- Assured that SCVWD is very environmentally conscious these days.
- Said that the project would likely include the removal of the Comer concrete basin.
- Added that the trend today is to naturally restore flood protection and not to use concrete like in the past.
- Informed that the appropriate EIR process would be done in the future and that tonight's action is just to determine General Plan conformity.
- Said that this project will probably not occur until a couple of years down the road as this is a long-term, multi-year CIP with projects into 2011.

Commissioner Hunter asked if there would be public hearings.

Mr. John Cherbone said that they would be conducted through SCVWD. He said that the City of Saratoga is being asked to find these projects to be in conformance with the General Plan, as the SCVWD needs a resolution to that fact from this Planning Commission.

Chair Rodgers opened the Public Hearing for the Consent Calendar Item.

Ms. Trish Cypher:

- Asked where in the General Plan this consistency can be found.

Mr. John Cherbone:

- Listed Goals 3, 4, 5 and 16, Policy 1 and Implementation Measure 19 from the Open Space Element for the Calabazas Creek Flood Protection Project.
- Added that there is nothing in the description of that project that goes against the General Plan.
- Informed that the Bridge project is a roadway project that can be supported through the Circulation Element, Goal 2.0A and Implementation Measure 2.16.

- Reported that he has attached to the staff report the applicable pages from the General Plan.

Ms. Trish Cypher pointed out that the Policy numbers might change with the General Plan Amendment.

Chair Rodgers reminded that this SCVWD CIP consists of projects to be done over years.

Chair Rodgers closed the Public Hearing for the Consent Calendar Item.

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission adopted a Resolution making the findings that the Santa Clara Valley Water District's Capital Improvement Program is consistent with the City of Saratoga's General Plan, by the following roll call vote:

**AYES:** Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao

**NOES:** None

**ABSENT:** Cappello

**ABSTAIN:** None

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### **PUBLIC HEARING - ITEM NO. 1**

**APPLICATION #07-004 (503-17-066) REYES, 21116 Comer Drive:** - The applicant requests Design Review Approval to remodel a single-story single-family residence. The remodel will consist of the addition of 460 square feet of floor area and the removal of a wall, which faces the interior of the lot, to convert a garage space to a carport. With the proposed modifications, the total floor area of all buildings on the site will be 7,369 square feet. The maximum height of the proposed addition will not be higher than 19-feet, which is lower than the existing roof. The net lot size is 343,122 square-feet and the site is zoned H-R. (Suzanne Thomas)

Assistant Planner Suzanne Thomas provided the staff report as follows:

- Explained that this property is located in a Hillside Residential Zoning District.
- Advised that the applicant is seeking approval for minor additions to a family room and office in an existing home as well as the conversion of the garage into a carport.
- Said that this action requires Planning Commission approval because the structures on the property exceed 6,000 square feet and the height is in excess of 18 feet.
- Reported that this home is isolated to neighbor views due to both topography as well as landscaping.
- Distributed photographs and explained that the nearby homes are well below the level of the house or across the canyon.
- Pointed out that this addition is at most a nine-foot expansion in any one direction and that the roofline of the addition is lower than the existing roofline. The colors and materials will match the existing home.
- Assured that there are no significant impacts to views.

- Said that the conversion of the garage into a carport will be accomplished by removing one interior wall. The exterior walls will remain so neighbors' views will not change.
- Informed that the applicant contacted neighbors. Two additional letters were submitted since the packets went out. Letters were provided to neighbors within 500 feet and no negative responses were received.
- Stated that all General Plan and Design Review findings can be made. Bulk has been minimized and there are no view impacts or tree impacts.
- Recommended approval and advised that both the applicant and his architect are available this evening.

Commissioner Hunter asked if the reason the garage door is being removed is to allow additional square footage to the home.

Planner Suzanne Thomas said that one interior wall and the door would be removed. With that the garage/carport space no longer qualifies as floor area. They are swapping that square footage for the proposed additions to the house. She added that there is an overall reduction in the square footage by two square feet.

Commissioner Hunter pointed out that the extension from the family room would be more visible from the valley floor. She asked if the same muted colors would be used.

Planner Suzanne Thomas said that the addition would match the existing home. The family room extension is between 8.5 and 9 feet and the other room is extended out by four feet.

Commissioner Kundtz said that the Comer neighbor responses are here but asked if the Chadwick property owners were also notified.

Planner Suzanne Thomas said that there were no responses against this proposal.

Commissioner Nagpal pointed out that the notification list included in the staff report includes Chadwick addresses.

Chair Rodgers said that while the description says white stucco, the house didn't look white on the site visit.

Planner Suzanne Thomas provided the material board.

Commissioner Hunter said that it would be concerning if the house color were too white due to reflecting impacts to the valley floor.

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

Mr. Mike Vierhus, Project Architect:

- Described the colors as including a base of sage green, windows of a muted green and the only white being columns. These columns are very pale limestone.

Commissioner Hunter asked if the reflectivity would be low because it is stone.

Mr. Mike Vierhus replied yes.

Chair Rodgers asked Mr. Mike Vierhus if staff had recommended the use of story poles.

Mr. Mike Vierhus said that the issue was not discussed.

Commissioner Nagpal asked whether new columns are going up as part of this addition.

Mr. Mike Vierhus said yes. The columns would be located in a pavilion outside the living room. There are presently two columns and four are proposed facing the pool on the interior of the property.

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

Commissioner Nagpal said that this is a fairly straightforward project with no impacts from this addition. She added that since the columns are only on the interior of the site they should be okay.

Commissioner Zhao said that she could make all findings. She added that there is no interference with views or privacy and that she is okay with this project.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission adopted a Resolution granting Design Review Approval (Application #07-004) to remodel a single-story single-family residence with a total floor area of all buildings on the site totaling 7,369 square feet on property located 21116 Comer Drive, by the following roll call vote:**

**AYES: Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao**  
**NOES: None**  
**ABSENT: Cappello**  
**ABSTAIN: None**

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Chair Rodgers suggested that the remaining two items on this evening's agenda be heard in reverse order with Item No. 3 (11 Parcels – General Plan & Zoning Amendments) to be handled prior to Item No. 2 (Draft Land Use and Open Space/Conservation Elements of the Saratoga General Plan and Negative Declaration).

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### **PUBLIC HEARING - ITEM NO. 3**

**APPLICATION #07-140 (517-12-020 – 022; 517-18-018; 517-19-082 – 085; 517-20-016; 517-20-021; and 517-22-004): General Plan and Zoning Amendment to correct inconsistencies between the City's General Plan and Zoning Ordinance on eleven (11)**

**parcels.** The proposed project includes amending the General Plan designation of eight (8) parcels from RLD to RVLD and amending the zoning designation of three (3) parcels from R1 – 40,000 to R1- 20,000. (Therese Schmidt)

Associate Planner Therese Schmidt presented the staff report as follows:

- Reported that this is a City-initiated action to correct inconsistencies between the Zoning Ordinance and the General Plan for 11 parcels.
- Explained that the General Plan is mandated by State Law and requires consistency.
- Said that the 11 parcels are currently designated as Residential Low Density (RLD). For that GP designation, the corresponding Zoning should be R-1-20,000.
- Stated that the actual Zoning is currently R-1-40,000. However, with this Zoning designation, the minimum parcel size must be 40,000 square feet and the General Plan designation of RLD requires a minimum lot size of 20,000 square feet.
- Informed that when there is inconsistency, the General Plan designation must rule and parcels could be subdivided. There is the potential that 11 parcels could be split with this inconsistency.
- Said that the intent with this amendment is to bring everyone in line so that the Zoning and General Plan designations for these 11 parcels match.
- Explained that the staff proposes to rezone three parcels from R-1-40,000 to R-1-20,000. This prevents these lots from being subdivided any further.
- Added that staff is also proposing that the remaining eight parcels have a General Plan Amendment to Residential Very Low Density.
- Said that one parcel on Vickery Lane is proposed to be left non-conforming at R-1-40,000.
- Stated that this amendment is exempt from CEQA (California Environmental Quality Act) as it is not creating new lots or increasing density.
- Added that the Initial Study prepared for the General Plan found no impacts with this proposed amendment.

Commissioner Hunter advised that she had received four notices for this amendment and wondered if she is compelled to recuse herself.

City Attorney Jonathan Wittwer explained that if this Zoning Code amendment affects her any more than the general public she would need to recuse herself. If not, there is no reason to recuse from participation.

Commissioner Hunter replied that there is no specific impact to her property.

Planner Therese Schmidt advised that there have been several calls from neighbors and property owners but no concerns or problems were raised. One email was received from a Hill Avenue property owner who is not in favor of the General Plan amendment to his property, as he prefers to retain the existing RLD designation with R-1-20,000 Zoning to allow for potential subdivision.

Commissioner Zhao asked how this inconsistency was created and which designation was created first.

Planner Therese Schmidt said she must defer this question to the Director.

Director John Livingstone advised that he does not have that history.

Commissioner Zhao asked if the three Lomita properties were the result of a subdivision.

Planner Therese Schmidt said she does not have that history.

Commissioner Hunter said that these are all older homes, some of which are historical from about 1900. The discrepancies are simply the result of carelessness or inadvertent mistakes.

Chair Rodgers recounted that the previous Community Development Director was looking at maps one day and noticed that they didn't match.

Commissioner Hlava reminded that much of this likely occurred before computers when General Plan maps were hand drawn. Lots of times things just didn't get caught.

Commissioner Nagpal asked about this item being exempt from CEQA while a Negative Declaration was prepared for the next item on tonight's agenda.

Planner Therese Schmidt reminded that the Negative Declaration was prepared for the General Plan Amendment. This application was going to be a part of the overall General Plan Update but staff realized there were three straggling parcels that didn't need a General Plan Amendment but rather Zoning Amendment to make the inconsistency go away.

Commissioner Nagpal asked if a vote on the Negative Declaration would occur in relation to these 11 parcels.

Planner Therese Schmidt replied only the portion of that Negative Declaration that pertains to this application.

Chair Rodgers clarified that eight parcels would receive a General Plan Amendment and not the three that need re-zoning.

Planner Therese Schmidt replied correct.

Commissioner Hunter reminded that the process had been expedited due to concerns over the possibility of Proposition 90 passing in this recent election. Proposition 90 did not pass so the need for quick action is now a moot point.

Commissioner Nagpal asked how large the house is on the Hill property.

Planner Therese Schmidt said she is not sure how large that home is. She said that the parcel is over 40,000 square feet and so it could be subdivided.

Commissioner Zhao reminded that the General Plan designation takes precedence over the Zoning designation when they are inconsistent.

Chair Rodgers asked for clarification that one amendment would handle all 11 parcels.

Planner Therese Schmidt replied correct.

Chair Rodgers pointed out that one letter received mentioned lack of due process. She asked whether this evening's hearing is what constitutes due process.

City Attorney Jonathan Wittwer said that this public hearing is part of the due process. The Planning Commission will forward its recommendation on to Council. Another noticed public hearing would be conducted by Council, which offers the public another opportunity to be heard.

Commissioner Nagpal asked if the owner of the Hill property sent the email.

Planner Therese Schmidt replied yes.

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

Ms. Trish Cypher:

- Said that she appreciates the ability to address this Commission on this issue.
- Explained that she was on the Land Use Element Update Task Force Committee.
- Stressed the importance in recognizing that this item is just the 11 parcels and not the entire General Plan Land Use Element update.

Ms. Cheriell Jensen:

- Stated that she is in favor of this amendment.
- Pointed out that a General Plan Amendment was processed with the North Campus was changed back.
- Asked how many General Plan Amendments the City can have.

Chair Rodgers replied that the City is allowed four per year.

Planner Therese Schmidt said that that is four per calendar year. There has been just one so far this year.

Ms. Cheriell Jensen reiterated that she is in favor of this amendment but is concerned about the inclusion of the Negative Declaration information with this item.

Mr. Jerry Bruce, representative of the Saratoga Federated Church, said that there are potential corrections to the mapping.

Chair Rodgers apologized for the confusion caused with Items 2 and 3 being handled in reverse order this evening and explained that Mr. Jerry Bruce's issues need to be raised with the next hearing item.

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

Chair Rodgers asked about the inclusion of the Negative Declaration.

Planner Therese Schmidt:

- Explained that it is in the packet and is part of the application only as it pertains to this General Plan Amendment for the eight parcels. The remaining three parcels to undergo a Zoning Amendment are Categorically Exempt under CEQA.
- Said that the Negative Declaration is an available resource and that the Planning Commission can forward a recommendation to Council to approve that portion that pertains and it can stand alone. Not the entire Negative Declaration will be approved as part of this action.

Commissioner Nagpal asked if the entire Negative Declaration would be forwarded to Council with this General Plan Amendment.

Planner Therese Schmidt said she would defer to the Director on this.

Commissioner Nagpal asked if that is possible to only apply a portion of the Negative Declaration to this amendment.

Director John Livingstone explained that when the General Plan process was split into three components (Land Use Element, Open Space/Conservation and General Plan/Zoning Map Amendments), the City Attorney advised that staff could continue to use the same environmental document for each phase. When approved, any one of three phases can be based upon only the portion of the Negative Declaration that applies.

City Attorney Jonathan Wittwer said that when the evaluation was done for the Negative Declaration the entire Land Use Element was looked at. He added that there was a concern in using only a subset of this document instead of the entire document. He said that the Negative Declaration is only to apply to the 8 of 11 parcels that will receive a General Plan Amendment. There is language that clarifies this in the title as well as in the "be it further resolved" language.

Chair Rodgers said or it could also be added as another "whereas" statement.

Commissioner Nagpal asked if the Negative Declaration would be attached as an exhibit.

City Attorney Jonathan Wittwer replied yes.

Commissioner Nagpal said that she would like to know which sections specifically relate to these parcels.

City Attorney Jonathan Wittwer pointed to Table 1 that identifies these eight parcels. He added that the Planning Commission could elect to recommend that Council split the Negative Declaration but the document is pretty intermingled.

Chair Rodgers asked how the eight parcels would be tied to the Negative Declaration.

City Attorney Jonathan Wittwer said that they are already referenced in the title and that the Negative Declaration is only for eight parcels that will be listed.

Chair Rodgers asked for specific language.

City Attorney Jonathan Wittwer suggested the text as follows, *"be it further resolved that the Planning Commission hereby recommends that the City Council adopt the Negative Declaration dated August 23, 2006, and attached hereto as Exhibit A, for a General Plan Amendment to redesignate from RLD (Residential Low Density) to RVLD (Residential Very Low Density) the eight parcels identified as 20152 Hill Avenue; 20161 Hill Avenue; 20170 Bonnie Brae; 28010 Audrey Smith Lane; 28020 Audrey Smith Lane; 28021 Audrey Smith Lane; 28011 Audrey Smith Lane; and 14931 Vickery Avenue."*

Commissioner Nagpal asked what about the Negative Declaration itself. Does it warrant a change?

City Attorney Jonathan Wittwer said that an attempt could be made to pull the document apart. He added that there are no impacts as far as the eight parcels are concerned. It could be determined that no Negative Declaration is needed for these eight parcels and simply designate them as Categorically Exempt.

Commissioner Nagpal asked the City Attorney if he is recommending that action instead of adoption of the Negative Declaration for the eight parcels.

City Attorney Jonathan Wittwer said that the Negative Declaration was prepared to cover this as well. However, if the Planning Commission feels there is confusion, the clean and easy way is to find this General Plan Amendment to be Categorically Exempt.

Commissioner Hlava asked if the eight parcels should be designated as Categorically Exempt.

City Attorney Jonathan Wittwer said that the Commission could elect to make that recommendation to Council.

Commissioner Hlava pointed out that there is no change to density.

City Attorney Jonathan Wittwer said that this simply represents a minor amendment to Land Use regulations.

Chair Rodgers asked the City Attorney if it is safer to use the Negative Declaration.

Commissioner Nagpal asked what the Attorney's recommendation is for this item.

City Attorney Jonathan Wittwer said that once it has been prepared, it is probably better to stay with the Negative Declaration and have the Categorical Exemption as more of a

fallback position. The motion can say either the Negative Declaration or Categorical Exemption is appropriate.

Commissioner Kundtz supported using the Negative Declaration.

Commissioner Nagpal pointed out that the Commission has not evaluated the Negative Declaration yet but will with the next agenda item.

Commissioner Hlava said that she is not comfortable since the Negative Declaration is a large document that is an all or nothing deal. She said this would be better handled with a Categorical Exemption.

City Attorney Jonathan Wittwer again recommended the use of this environmental documentation.

Commissioner Nagpal pointed out that a Negative Declaration is better than a Categorical Exemption much like an EIR is better than a Negative Declaration.

Chair Rodgers said that as applied to these eight parcels, she has no problem with either the Negative Declaration or the Categorical Exemption although the Negative Declaration is stronger.

Commissioner Hlava said that the use of this Negative Declaration doesn't seem clear for the record but will defer to the City Attorney's recommendation.

Commissioner Nagpal said that if the City Attorney recommends this, she is fine with the added text provided by him. She added that she wanted to be on the record that this Negative Declaration is currently only to be applied to these eight parcels undergoing a General Plan designation change from RLD to RVLD.

Commissioner Hlava reminded that there is one letter from someone who doesn't want this amendment for his property. Staff's recommendation is that the better way to go is with three parcels receiving a Zone Change and eight parcels receiving a change in General Plan designation to create consistency for all 11 parcels.

Chair Rodgers re-opened the Public Hearing for Agenda Item No. 3.

Mr. Mark Weisler, Owner of one of the Hill Avenue properties under consideration this evening, pointed out that there are other 20,000 square foot lots located near his.

Commissioner Nagpal asked Mr. Mark Weisler if his is a flat lot.

Mr. Mark Weisler said that there is a gentle slope of less than 10 percent. He added that his home is approximately 2,400 square feet.

Chair Rodgers re-closed the Public Hearing for Agenda Item No. 3.

Chair Rodgers advised that three resolutions would be required. The first is the recommendation of a Negative Declaration for the eight parcels, as amended by the City Attorney.

City Attorney Jonathan Wittwer suggested addition additional text, *“Be it further resolved that the circumstances of the General Plan Amendment would allow a Categorical Exemption as well.”*

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Kundtz, the Planning Commission adopted a Resolution, as amended by the City Attorney, recommending the adoption of a Negative Declaration for a General Plan Amendment (Application #07-140) from *RLD (Residential Low Density) to RVLN (Residential Very Low Density) for eight parcels identified as 20152 Hill Avenue; 20161 Hill Avenue; 20170 Bonnie Brae; 28010 Audrey Smith Lane; 28020 Audrey Smith Lane; 28021 Audrey Smith Lane; 28011 Audrey Smith Lane; and 14931 Vickery Avenue, by the following roll call vote:*

**AYES:** Hlava, Kundtz, Nagpal, Rodgers and Zhao  
**NOES:** None  
**ABSENT:** Cappello  
**ABSTAIN:** Hunter

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission adopted a Resolution recommending approval of a General Plan Amendment (Application #07-140) from *RLD (Residential Low Density) to RVLN (Residential Very Low Density) for eight parcels identified as 20152 Hill Avenue; 20161 Hill Avenue; 20170 Bonnie Brae; 28010 Audrey Smith Lane; 28020 Audrey Smith Lane; 28021 Audrey Smith Lane; 28011 Audrey Smith Lane; and 14931 Vickery Avenue, to reach conformity with the Zoning designation, by the following roll call vote:*

**AYES:** Hlava, Kundtz, Nagpal, Rodgers and Zhao  
**NOES:** None  
**ABSENT:** Cappello  
**ABSTAIN:** Hunter

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission adopted a Resolution recommending Zoning Map Amendments (Application #07-140) on three parcels located on Lomita Avenue from R-1-40,000 to R-1-20,000 to achieve consistency with the assigned General Plan designation, by the following roll call vote:

**AYES:** Hlava, Kundtz, Nagpal, Rodgers and Zhao  
**NOES:** None  
**ABSENT:** Cappello  
**ABSTAIN:** Hunter

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**PUBLIC HEARING - ITEM NO. 2**

**APPLICATION #07-082 (City Wide) Draft Land Use and Open Space/Conservation Elements of the Saratoga General Plan and Negative Declaration:** The proposed project includes an update of the City's Land Use and Open Space/Conservation Elements of the Saratoga General Plan and Negative Declaration. These Elements establish City goals and policies related to the location, type, density and intensity of development in the City as well as the location of trails, open space and natural resource areas.

Mr. Jerry Heddick, Consulting Planner, presented the staff report as follows:

- Explained that his associate, Deborah Ungo-McCormick, had a family emergency and is unable to be here this evening.
- Reminded that three Planning Commission workshops have been held on the Land Use Element and the Open Space/Conservation Element updates.
- Pointed out that the current Land Use Element is approximately 20 years old; the current Open Space Element is approximately 10 years old; and the current Conservation Element is currently approximately 20 years old.
- Informed that the State Attorney General's Office requires that a City's General Plan be consistent with State Law.
- Added that while over the years staff has attempted updates, they did not come to fruition.
- Explained that about a year ago the City issued an RFP (Request for Proposals) to prepare a technical update of the elements and his firm was retained.
- Advised that the direction received from the City was to update current elements and provide a legally defensible and readable General Plan.
- Said that since some elements are 20 years old, it was necessary to upgrade them and make them more user friendly for the public.
- Stated that he is recommending the certification of the Negative Declaration and that the Commission forward a recommendation that Council rescind the existing Elements (Land Use, Open Space and Conservation) and adopt two draft elements that are being considered this evening (Land Use and Open Space/Conservation).
- Said that he understands that the Planning Commission may not conclude its deliberations this evening but rather may continue to other hearings.
- Pointed out that there has been quite a bit of review, consideration and public comments on the draft elements.
- Said that this evening the Commission is looking at a revised Land Use Element dated November 1, 2006, that was updated since the last Study Session.
- Assured that the consultants have attempted to follow the direction of the Planning Commission and the public and the information provided this evening compares the existing elements to what is being proposed.
- Pointed to the cover sheet dated November 1, 2006.
- Described the structure of the material. Normal text is existing text from the current element. Strikethrough text is proposed to be removed from the existing element. Underlined normal text that is not bolded is proposed new text that was in the previous draft (dated August 25, 2006). Bold and underlined text is new wording that has been

added to the element to address public comment and concerns raised at the various workshops.

- Stated that they have attempted to consider comments raised and put wording as appropriate in the latest draft.
- Said that a sample matrix provides a list of key topic issues, direction provided and responses to that direction.
- Reminded that the redesignation of the Abrams parcel is no longer being considered as part of this amendment. It is off the table.
- Said that they have attempted to make sure that all Measures and Initiatives that have been adopted over the years are captured (see page 6) including Measure A, the Stadium Initiative and others. Policies included refer back to those.
- Added that page 6 of the November 1<sup>st</sup> document includes bold and underlined text that represents Initiatives.
- Discussed the CR Commercial Zone and building heights allowed.
- Explained that the Downtown Specific Plan has rules for heights in the CH-1 Zone (35 feet maximum with two-stories facing Big Basin Way and three-stories facing the creek.) In the CH-2 Zone the maximum allowed height is 26 feet at two-stories. This is already included in the Downtown Specific Plan. This plan has the voice of law. Said that language has been added to page 13 to this effect.
- Said that in the PA Zone concerns were raised about the types of allowed uses including small schools. Page 13 now includes small schools.
- Reminded that the General Plan is supposed to be a general document offering general guidance, direction of the City and mission statements. It doesn't include specific implementation. That is a Zoning Code function.
- Discussed Gateway landscaping status and reminded that the Gateway Improvement Master Plan was adopted in 2003. It has a nebulous status in terms of law as it is not a Specific Plan or a Zoning Ordinance but rather it's a policy document that is intended to guide. A reference to this plan has been added on pages 7 and 22 with a new Policy that reads, "*Development within the gateway does need to comply with the Gateway Improvement Master Plan.*"
- Said that the intent was to get rid of the OS-NR (Open Space-Natural Resources) designation as it is cumbersome to keep this in the General Plan.
- Said that the logging operations and quarries are under other jurisdictions including the Department of Forestry for logging. This is not a high priority as there are no quarries operating in the City's sphere of influence and no logging.
- Discussed PUC (Public Use Corridor) designation and explained that the direction was to delete this land use designation as it only applied to two parcels that include the railroad corridor. Said that the recommendation regarding this PUC designation is applied on page 15.
- Explained the structure of the draft Land Use Element. The November 1<sup>st</sup> draft has replaced the term strategies with policies (pages 25 to 33). Implementation measures have been woven through the various goals and policies and there is no longer a separate implementation section. The proposed goals and policies were previously called strategies.
- Discussed the statues of bed and breakfast inns. Policy LU 2.3 allowed bed and breakfast inns through a Use Permit process in residential and commercial zoning districts but they

are currently not allowed in the Residential District Zoning Ordinance. Such Use Permits come before the Planning Commission for action.

- Discussed Land Use Policy 5.2 – Neighborhood Protection (page 27) with text amended to read that “impacts can be fully mitigated.”
- Said that existing Goal 9 “preserves the rural nature of the hills by limiting incompatible development” (page 29). A newly recommended mitigation measure added “ensures protection of hillside areas...” (page 30).
- Said that page 31 mandates that in the Design Review of historic sites, the Heritage Preservation Commission and Planning Commission shall review as required.
- Added language to Land Use Policy 13.2 to read, “... shall adhere to applicable adopted Design Guidelines...”
- Said that Air Quality concerns were raised about feasible mitigation measures. The question was, who decides what is feasible. The language has been revised to read “best management practices.”
- Said that Policy 15.3 has been added to discourage use of wood burning fireplaces by limiting them to one per residence including outdoor and patio fireplaces.
- Said that this list concludes the proposed changes to the Land Use Element since November 1, 2006.

Commissioner Hlava expressed appreciation for the inclusion of so many comments from the Study Session. She asked if the PG&E easements are also PUC zoned.

Mr. Jerry Haag said that this is an excellent recommendation since they generally preclude other uses. He said that could be looked at for inclusion on the Land Use map.

Commissioner Hlava suggested taking residential zoning out of consideration for bed and breakfast inns. The old General Plan states they are allowed in commercial and residential zones with a Use Permit.

Commissioner Hunter said that the maximum 35-foot height in the Village should only be facing the creek.

Chair Rodgers pointed to page 18, Table LU-1 and said that with the land use categories the allowed density for CR seems high.

Mr. Jerry Haag said he would check this.

Chair Rodgers asked if wood-burning fireplaces would be limited to one per lot or one per structure.

Mr. Jerry Haag said one per lot.

Commissioner Nagpal asked if that includes outdoor wood burning units as well.

Mr. Jerry Haag replied yes.

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

Ms. Trish Cypher:

- Urged the Planning Commission to please not adopt this amendment “as is before you.”
- Reminded that she was appointed to the Land Use Element Update Task Force in 2004. The Task Force was put on hiatus until a consultant was selected. The Task Force met with the consultant just one time.
- Advised that the Task Force advised Council that it would not sign off on the draft.
- Said that 1983 was the last General Plan Update and that they are required every 10 years.
- Reported that she called the State Office of Planning and Research today and spoke with someone for one hour about the General Plan. She was told that former Director Tom Sullivan sent a letter in 2001 stating that Saratoga was to begin a comprehensive update to the General Plan.
- Added that Saratoga is but one of 300 cities with an outdated General Plan. There is no urgency this evening. In fact, Saratoga will not be off this list until it has done a complete update to the General Plan that includes the Safety and Noise Elements. The Housing Element will need to be updated in 2007, as it is due every five years.
- Reiterated that per her conversation with the State staff, there is no immediate urgency.
- Added that the State would like a letter from the City giving them an update of our progress on the General Plan. Staff should prepare and send this letter.
- Agreed that it is important to update these elements but it is not a good approach without public input although there have been three Study Sessions and tonight’s public hearing.
- Suggested the appointment of a General Plan Update Committee to oversee this and future updates to the General Plan.
- Presented a map that outlines the City of Saratoga’s Area Plans.

Ms. Maureen Hill:

- Stated that she hopes that the Planning Commission stops this process on the most important document that the City undertakes. It should not be undertaken lightly or without significant public input into the entire process.
- Said that the General Plan outlines development, growth and economic development of the entire city and that the Land Use Element lays out the framework for the other elements that will follow.
- Said that State law requires an update but encourages the establishment of a steering committee made up of a broad base of community members to develop buy-in from everyone in the community. Without that input, the General Plan may or may not provide vision as a whole.
- Added that this update should not be done in a vacuum with just staff and the consultant although she is not critical of staff.
- Informed that she never got the November 1<sup>st</sup> update so she can’t comment specifically on that draft.
- Recommended the suspension of this process and taking a step back.
- Reiterated that there is no urgency with the State. They just want to know that the City is working toward this update.

Ms. Cheri Jensen:

- Reported that she went to the Planning Office today for the material and got two big packets of information. However, there was no staff report attached.
- Added that she was supposed to have received a staff report by email and did not.
- Expressed concern about the proposed change in designation for the Heritage Orchard and pointed out that the Abrams property is still included in the document.
- Stated that the City is legally required to have policies and implementation measures.
- Stressed that more information is needed.

Chair Rodgers suggested that Ms. Jensen be provided with updated information and then come back before the Commission with further comment later in this hearing.

Commissioner Nagpal left the dais to assist Ms. Jensen.

Commissioner Hunter suggested taking a break until Commissioner Nagpal returns from assisting Ms. Jensen in the lobby.

Chair Rodgers called for a short recess.

Chair Rodgers reconvened the meeting approximately five to ten minutes later.

Mr. Jerry Bruce:

- Reminded that he is representing Saratoga Federated Church.
- Said that page 18 of the report changes designations and that there are a couple of others not marked for the same change that should perhaps be so identified.
- Added that Saratoga Federated has no concern about this proposed change for its property.

Mr. Jerry Haag said that he would change the map accordingly using Mr. Bruce's exhibit.

Ms. Cynthia Barry:

- Stated that she is addressing this Commission as an individual rather than as the Co-Chair of the Land Use Element Update Task Force.
- Extended a big thank you for the consultant's run through and to the Planning Commission and staff for the process so far.
- Said that this public hearing this evening is for public input and everyone is doing a good job, going slowly and getting input before going forward.
- Stressed that this is not an adversarial process.
- Encouraged that this update not be forwarded on to Council just yet.
- Said she wanted to discuss a couple of specifics. One is that she thinks that the 100 percent coverage allowance in the Village should be taken out. Another is that on the issue of bed and breakfast inns, the General Plan should be made consistent with the Zoning.
- Said that adding Measure A and the Stadium Initiative language was well done.
- Explained that she had explored the Hillsborough and Los Altos Hills General Plans on line and found language that calls for the "preservation and enhancement of the unique character of their town." This language is preferred to what is in the current Saratoga draft.

- Said that her other recommendations can be passed along directly to staff.

Commissioner Hunter suggested offering Ms. Barry more time to speak and asked Ms. Barry to provide the rest of her comments directly to the Commission this evening.

Ms. Cynthia Barry:

- Reminded that the pumpkin patch change was taken out on the basis of citizen input, which demonstrates the value of such input.
- Expressed agreement with Trish Cypher and Maureen Hill about what the process should look like.

Mr. Gene Zambetti:

- Thanked the Commission for its time.
- Seconded the comments made by Saratoga Federated Church.
- Explained that allowing bed and breakfast inns in residential zoning was intended for the older parts of the City.
- Stated that Oak Street is the place for bed and breakfast inns. The City didn't want them outside the Village but rather within the historic context of the Village.
- Said that the height limitation is only for the creek side of the Village up to 35 feet.
- Stated that he is requesting that the allowance for three stories not be jeopardized on this side.
- Asked if there is any difference on the attitudes on annexation between then and now.

Commissioner Hlava said she was on the Council when a Julia Morgan house was proposed for conversion into a bed and breakfast inn. There was no opportunity to do that with the current Zoning and concerns had been raised about neighborhood impacts including parking.

Commissioner Hunter agreed that there were three proposed bread and breakfast inn areas including Saratoga-Sunnyvale Road, Brookdale and Oak Street.

Commissioner Hlava cautioned that she did not believe that the 100 percent coverage in the Village is new or even a change.

Chair Rodgers said that she had thought it had been changed.

Commissioner Hunter asked Mr. Gene Zambetti if he would like to see the three-story height allowance extend past 4<sup>th</sup> Street.

Mr. Gene Zambetti replied yes, he would like to see increased height allowed as you continued on downhill.

Commissioner Hunter asked what the slope is in that area.

Mr. Gene Zambetti said that it exceeds 20 percent at certain points.

Mr. Jeff Johnson asked for verification that the Abrams property rezoning has been tabled and is not under consideration with this update. He asked what the current status is for that property.

Mr. Jerry Haag said that the Abrams property is off the table and not part of this update.

Mr. Jeff Johnson asked if he could receive further communications on the status of the Abrams parcel when it comes up again.

Mr. Jerry Haag replied yes.

Mr. Jeff Johnson asked for the time frame for the rest of this update.

Chair Rodgers explained that the Commission is trying to do the rest without including the Abrams property.

Commissioner Nagpal asked staff if the Abrams parcel's surrounding properties were notified of this hearing.

Director John Livingstone replied no, staff did not want to alarm them since the Abrams property was no longer under consideration as part of this process. He added that 5,000 notices were mailed for this meeting.

Ms. Cheri Jensen:

- Returned to the dais after reviewing the more updated staff report and draft update.
- Reported that the copy she had picked up at City Hall today was not complete.
- Said that she has since looked at the maps and finds odd little pieces that have not been changed that were supposed to have been changed.
- Stated that this is frustrating to her.
- Pointed out that in the November 8<sup>th</sup> staff report the Abrams property is still included on the map and that the Saratoga Federated Church is marked as going to retail.
- Said that in the County they had the PUC designation in their plan and the City might want to think about that.
- Stated that what was noticed and what is in the documentation is different.

Commissioner Hunter asked what is next.

Ms. Cheri Jensen said that she will have suggestions to add to policies and would like the chance to do so.

Ms. Trish Cypher said that her map display includes the areas covered by the City's 12 Area Plans. She urged that the revision of these Area Plans be added to the scope of work for this update.

Commissioner Nagpal asked if there are lead folks identified for all 12 Area Plans.

Ms. Trish Cypher replied yes.

Commissioner Hunter advised that about 1.5 years ago she went on a bus tour lasting several hours around the City with this Task Force.

Commissioner Kundtz asked Ms. Trish Cypher if she can identify what Area Plan pertains to his particular neighborhood.

Ms. Trish Cypher suggested that he email her and she will identify it for him.

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

Chair Rodgers pointed out that the Abrams property is still shown as going from PA to CR.

Mr. Jerry Haag explained that the Initial Study was prepared several months ago while the Abrams property was still included in the update. He said that staff is recommending that if this Negative Declaration moves forward, corrections and/or amendments will be made and provided to Council. It is difficult to change it now since it has undergone a public review period. Changes can occur during the adoption process.

Commissioner Hlava asked if staff could ask the consultants to start work on that now and start a list so the Commission can have it at the next public hearing.

Mr. Jerry Haag replied if that is the direction of the Planning Commission.

Chair Rodgers advised that an article in the Saratoga News mentioned that this Commission had taken a vote to keep semi-rural but she wanted to clarify for the record that the Planning Commission has not yet taken a vote to date.

Commissioner Hlava:

- Advised that she is not feeling comfortable moving ahead with referring this to Council right now.
- Suggested that she would like to go back into a Study Session to be able to review the materials and say specifically what the Commission wants.
- Cautioned that things that the Commission is not even considering can upset people.
- Said that all comments have been heard including from Task Force Members.
- Reminded that the City Council has asked the Planning Commission to work on this and it is incumbent on the Commission to move ahead with a continuance to a Study Session.
- Added that there is some urgency since there is a paid consultant so the process needs to go forward and move ahead.

Chair Rodgers pointed out that the recommendation from many members of the public is to not go ahead.

Commissioner Kundtz pointed out that many comments have already been incorporated into the document and that that another Study Session needs to be a working session where the Commission rolls up their sleeves and goes through this document item by item. After that step, public comments can again be solicited.

Commissioner Hunter:

- Stated that since this is her last meeting as a Commissioner and she will be sitting on another body that will work on this soon, she will not speak further.
- Expressed her admiration for the ability of this Commission and thanked them.
- Said that Commissioner Cappello has been very vocal on wanting to hear from the public but this environment with the podium and stage and restricting speakers to three minutes is not the best forum.

Chair Rodgers reminded that thus far more than seven hours has been spent around the table during Study Sessions.

Commissioner Zhao said that she is here for public comment and input but is not ready to vote on this matter. She too would like another Study Session followed by another public hearing when all documents are ready with what this Commission wants to present. This is big.

Chair Rodgers said that it could be conducted as a working session as long as time is allowed for public input.

Commissioner Nagpal:

- Stated that it is surprising that so few people came to this hearing as a result of 5,000 notices being sent out.
- Suggested that any draft get mailed out way in advance of the Study Session to allow review even if it prolongs the process by two to three weeks.
- Said that this next Study Session should deal with the Commission's thoughts while allowing public input too.
- Recommended that the proposal for Area Plan Updates also be continued, including whether they should occur before or after the General Plan Update.

Chair Rodgers said that there might be budgetary considerations.

Commissioner Hunter pointed out that many people she knows received multiple notices of this hearing. Some people were concerned by the duplicate mailings with .39 each in postage.

Director John Livingstone explained that specific notices were mailed for each item under consideration. He suggested that perhaps one blanket notice might work better in the future.

Commissioner Hunter suggested they be tied together into one notice.

Chair Rodgers agreed that it would be beneficial for the Planning Commission to sit at a table and talk amongst ourselves first.

Commissioner Nagpal suggested compiling a list of items including the review of the General Plan designations for the Post Office and Fire District Properties.

Commissioner Nagpal said she wants to hear more about the PF designation for the Heritage Orchard.

Mr. Jerry Haag said that the Heritage Orchard is being clumped together with the library and looked at as a complex.

Commissioner Nagpal said that the Heritage Orchard is unique.

Chair Rodgers said this could be added to the Study Session list.

Commissioner Nagpal:

- Said that coverage, height and bed and breakfast inns in the Village should be evaluated.
- Added that she agrees with Cynthia Barry that the goal of “preservation and enhancement...” is more reflective of our community.
- Said that she likes the switch to goals, policies and implementation.

Chair Rodgers said that she would like to see specific definitions of policies, goals and implementation.

Commissioner Kundtz said he agreed that a list of definitions is important.

Chair Rodgers:

- Suggested that a policy “is an expression of commitment to achieve a goal or specific areas of related concern.”
- Said that small-scale professional schools need to be defined so it is not overly broad.
- Said that bed and breakfast inn needs to be defined as well as fiscal analysis, rural, semi-rural, hillside and urban development.

Commissioner Nagpal said that the question of whether there is a different thought process regarding annexation should be evaluated. She said that she too is distressed with the maps from the Initial Study, saying that people want to be sure we are catching their comments.

Commissioner Zhao suggested keeping bed and breakfast inns as it is right now with the General Plan instead of changing the zoning.

Commissioner Hunter said that she was involved in the early 1980’s with the issue of bed and breakfast inns. There was neighborhood concern regarding parking and noise.

Commissioner Nagpal reminded that the Use Permit requirement allows those issues to be evaluated and suggested perhaps changing the General Plan to be consistent with the Zoning as it relates to bed and breakfast inns.

Chair Rodgers said this issue needs more discussion. She said that issues such as neighbor notification and story poles for development have not been discussed.

Mr. Jerry Haag cautioned that those are more Zoning or Design Guideline issues or procedures rather than for inclusion in a General Plan. They are too specific.

Commissioner Zhao said that rural versus semi-rural character needs to be defined.

Chair Rodgers:

- Said that other definitions of areas other than rural or semi-rural are needed as well as a cross-reference to the Housing Element.
- Suggested putting grading in the Hillside District on the table for Study Session discussion. What is currently written is the “minimum required for dwelling and access.” However, it is unclear who defines what is the minimum required.
- Asked Mr. Jerry Haag to provide the next part of his presentation on the Draft Open Space/Conservation Element.

Mr. Jerry Haag:

- Said that the same format is used as was used for the Land Use Element including normal text, stricken text, underlined text and bolded underlined text.
- Said that the existing Open Space Resources retain the existing recommended language (page 40) with the deletion of a portion of a paragraph.
- Listed issues as being dedicated open space, private and community open space.
- Explained that Montalvo is both public and private.
- Said that school sites are identified on page 12.
- Said that park information including size and improvements must be further researched. Congress Springs has multi-use fields. Other spaces include El Quito Park, Hakone Gardens, the improved path on the Pollard and Quito properties, regional parks such as Montalvo, open space linkages.
- Said that under geologic hazards, language needs to be modified from “problem free building sites” to “less constrained building sites” (page 19).
- Suggested changing wording under Flood Plain and Flood Protection to include text, “the City discourages channelization” (page 20).
- Explained that the FEMA (Federal Emergency Management Agency) flood maps are the bible of what defines areas of flooding which is adequate for the purposes of the General Plan.
- Said that Water Sources are discussed on page 24.
- Said that the goals, policies and implementation sections have been revised in a consistent format to the Draft Land Use Element.

Commissioner Hlava:

- Pointed out that the email provided by Denise Goldberg has lots of suggestions.
- Asked how long the recommended Urban Forest Inventory might take to compile and what would be involved.
- Stressed the importance to have staff ready to answer such questions at the next Study Session.

Chair Rodgers re-opened the Public Hearing on Agenda Item No. 2.

Ms. Trish Cypher:

- Said she appreciates the ability to address the Planning Commission.

- Said that she too received Denise Goldberg's email and that very good ideas were provided in it.
- Stated that the heart of this effort is the understanding of the goals, policies and implementation.

Ms. Cheri Jensen:

- Said that she appreciates the incorporation of her ideas except for one.
- Suggested that putting a prohibition for logging into the General Plan.

Chair Rodgers thanked the speakers for being a part of the process.

Chair Rodgers re-closed the Public Hearing for Agenda Item No. 2.

Commissioner Hunter pointed out that Denise Goldberg is active in the Heritage Tree Society, which wants to count old oak trees. This is a nice idea for which volunteers could be secured.

Commissioner Nagpal asked for the process to continue on.

Commissioner Hlava recommending combining the discussion of the Land Use Element and Open Space/Conservation Element in a Study Session at which time a final document can be drafted for presentation at another public hearing.

Commissioner Nagpal asked if both Elements should be handled at the same Study Session.

Commissioner Kundtz suggested two sessions to prevent burn out at one.

Commissioner Hlava pointed out that the Open Space/Conservation Element is not as big an issue as is the Land Use Element.

Chair Rodgers said that she prefers one session.

Commissioner Kundtz cautioned that word-smithing takes time.

Commissioner Nagpal pointed out that there have been three meetings and the same folks are at each one.

Chair Rodgers said that the Commission has a pretty good idea of where it is going.

Commissioner Zhao said that with the number of pages to review, she prefers two sessions to one. There is too much material for one. She suggested that the school sites data be consistent in both the Land Use and Open Space/Conservation Elements as right now there are discrepancies.

Commissioner Hlava said that she prefers one session but is open to two but stressed the need to have the documents out way ahead of time of the public hearing to allow adequate study prior.

Chair Rodgers said she would like to try one session.

City Attorney Jonathan Wittwer said that this has been advertised as one item and should be continued to a date certain.

Commissioner Kundtz said he too is surprised at how few people came out for this public hearing.

Chair Rodgers proposed setting specific times at this Study Session for each element and suggested that the reasons so few people have comments is that a good job has been done on the draft.

Commissioner Nagpal asked if the Study Session would be as noticed as this hearing.

Director John Livingstone said that with a continuance to a date certain no additional noticing occurs.

Commissioner Hlava suggested putting a notice on the website as well as including an ad in the newspaper.

Commissioner Nagpal said it is important to make sure that the people on the list get the draft document.

Commissioner Hunter suggested having Shannon add this Study Session to her article on tonight's meeting.

Consultant Jerry Haag suggested using a display ad.

Chair Rodgers said that this would be a working Planning Commission Study Session at which public comment will also be allowed.

Commissioner Hlava said that the feasibility of conducting an Urban Forest Inventory needs to be considered including if there is financial consideration. She added that the requirement for native species is already in there. She said that the recommendation to establish an Open Space Advisory Committee to prepare a management plan is not really appropriate.

Commissioner Zhao also questioned the purpose and function of such a Committee.

Commissioner Hlava said that Denise Goldberg's recommendation to establish a Land Trust and seek out grant money are dandy ideas but not appropriate for the General Plan.

Chair Rodgers asked the consultant if he feels this should be part of the General Plan.

Mr. Jerry Haag said that the feasibility of establishing a Land Trust can be discussed but it is a fairly complicated process that takes a certain amount of land. If it is too small, it is not feasible and does not make sense financially. This can be discussed further at the Study Session.

Chair Rodgers suggested adding it to the list and making sure Denise Goldberg is invited to attend.

Commissioner Nagpal said the Land Trust and solicitation of grants issues could be grouped and discussed together.

Commissioner Hlava said the issue of mini parks versus having money placed in a big pot for larger parks could be further discussed.

Commissioner Nagpal said she would like to discuss that.

Mr. Jerry Haag said that a lot of communities like neighborhood parks while others have minimum park size. There is an issue of size versus function and maintenance.

Commissioner Hunter pointed out that Saratoga is low in park inventory. She asked if the General Plan reflects a dream or reality.

City Attorney Jonathan Wittwer said that the General Plan is the Constitution of Land Use Policy.

Commissioner Nagpal said it reflects wishes and what can be done.

Chair Rodgers said that a definition of biking is needed and questioned whether the issue of Segways on trails should be evaluated like it has in other nearby communities recently.

Commissioner Nagpal said she has never seen these used in Saratoga.

Chair Rodgers raised the issue of fencing in Hillside areas.

Commissioner Nagpal suggested adding that to the list too. She asked if a motion is needed at this time.

Director John Livingstone suggested setting this Study Session for after the next site visit on December 12<sup>th</sup> (for the December 13<sup>th</sup> PC meeting), at 5 p.m., or alternately on January 9<sup>h</sup> (prior to the January 10<sup>th</sup> PC meeting).

Commissioner Hlava suggested January.

Chair Rodgers said that this Study Session is not a heavy public participation meeting. Public input can be provided at a later time in the session. The question is whether the consultant can be ready.

Mr. Jerry Haag said likely they could.

Commissioner Nagpal said she would like more time to review the material in advance of the Study Session when it is ready.

Mr. Jerry Haag said that if this Study Session is to be held on December 12<sup>th</sup>, he would propose providing a list of issues on a matrix and leave the last column blank for comments.

Commissioner Kundtz said it is important to be able to compare the starting point to where we are now.

Commissioner Hlava said that word-smithing is necessary as she is not thrilled with all language included.

Commissioner Nagpal said that the whole text is needed.

Commissioner Hlava agreed.

Commissioner Nagpal said that also the amendments to the Initial Study are needed.

Mr. Jerry Haag suggested that the Planning Commission do its wordsmithing on the November 1<sup>st</sup> version with an updated matrix.

Commissioner Nagpal said she was okay with that but since she is leaving for India that week she is not certain she can make the December 12<sup>th</sup> Study Session in addition to the December 13<sup>th</sup> regular meeting.

Commissioner Hlava asked Commissioner Nagpal when she would be back.

Commissioner Nagpal replied December 31<sup>st</sup>. The January 9<sup>th</sup> date would be fine. She pointed out that the agenda for December 13<sup>th</sup> is full but that she does not want to hold back the process for the Study Session.

Commissioner Zhao said that she thought January would be preferable as she wants to review the material again.

Commissioner Kundtz said deferring to January would be like staring all over again.

Chair Rodgers asked staff if it might be possible to have this Study Session the week before Thanksgiving on Tuesday reviewing this November 1<sup>st</sup> version with an updated matrix.

Mr. Jerry Haag said that it would be possible but less so if the Commission wants more lead time for the materials as it is hard to get the documents out that quickly.

Chair Rodgers said that the Planning Commission needs to spend time itself on this.

Commissioner Zhao suggested the week before the December Planning Commission meeting.

Commissioner Nagpal said she was game for that.

Commissioner Kundtz said okay.

Chair Rodgers said okay.

Commissioner Hunter reminded that December 6<sup>th</sup> is the reorganization for Council.

Chair Rodgers asked about December 5<sup>th</sup>.

Commissioner Hlava said that December 5<sup>th</sup> is not good.

Chair Rodgers suggested Tuesday, January 9<sup>th</sup>.

Commissioner Zhao said she couldn't on January 9<sup>th</sup>.

Commissioner Nagpal asked about January 11<sup>th</sup>. She suggested emailing available dates.

Commissioner Hlava reminded that this must be continued tonight to a date certain.

**Motion:** Upon motion of Chair Rodgers, seconded by Commissioner Hlava, the Planning Commission CONTINUED TO A STUDY SESSION TO BE HELD ON DECEMBER 12, 2006, AT 5 P.M. (WITH THE LAND USE ELEMENT TO BE DISCUSSED FROM 5 TO 8 P.M. AND THE OPEN SPACE/CONSERVATION ELEMENT TO BE DISCUSSED FROM 8 TO 9 P.M.) the update to the Land Use and Open Space/Conservation Elements of the Saratoga General Plan and Negative Declaration (Application #07-082), by the following roll call vote:

**AYES:** Hlava, Kundtz, Nagpal, Rodgers and Zhao

**NOES:** None

**ABSENT:** Cappello

**ABSTAIN:** Hunter

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### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

Chair Rodgers advised that Commissioner Hunter has been elected to Council and this is her last meeting as a member of the Planning Commission.

Commissioner Hunter:

- Recounted that one of her proudest moments on this Planning Commission was when then Director Tom Sullivan said that this Commission was the best he had ever worked with.
- Stated that everyone on this Commission is hard working, conscientious and fabulous.

- Commended each member for his or her wonderful service to our City.
- Stated that she will miss the bus tours with the Planning Commission.

Commissioner Nagpal said that the Commission's loss is Council's gain. Commissioner Hunter brought lots of heart to the Planning Commission.

Commissioner Kundtz joked that as a member of Council, Commissioner Hunter should never overturn any of this Commission's actions.

Commissioner Hlava suggested that Commissioner Hunter simply be sure to send us a good person to replace her. She also reminded the Commission of the League of Women Voters speaker that will appear on November 16<sup>th</sup> at the Library.

### **COMMUNICATIONS**

Chair Rodgers acknowledged the written communication received from Mr. Glen Cahoon.

### **ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Kundtz, seconded by Commissioner Hunter, Chair Rodgers adjourned the meeting at 11:30 p.m. to the next Regular Planning Commission meeting of **December 13, 2006**, at 7:00 p.m.

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