

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, May 23, 2007  
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 Cappello, Hlava, Kumar, Kundtz, Nagpal, Rodgers and Zhao  
Absent: None  
Staff: Director John Livingstone, Contract Planner Heather Bradley, Associate Planner Shweta Bhatt and Assistant City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**ELECTION OF NEW CHAIR AND VICE CHAIR**

Chair Rodgers advised that it is time to select the new Chair and Vice Chair.

Commissioner Nagpal said she wanted to take this opportunity to thank Chair Rodgers for her leadership as Chair over the last year as well as the service of Commissioner Cappello as Vice-Chair.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission elected Commissioner Hlava to serve as the next Chair. (7-0)**

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission elected Commissioner Kundtz to serve as the next Vice-Chair. (7-0)**

Outgoing Chair Rodgers handed over the gavel to incoming Chair Hlava.

Chair Hlava:

- Stated that she is honored to serve as Chair.
- Explained that serving as Chair takes time and the fact that she is retired gives her the time necessary to fulfill the duties.
- Added that she was on the Commission previously 30 years ago while still working.
- Extended recognition to the other Commissioners for their time commitment given in service as members of this Planning Commission.

**APPROVAL OF MINUTES** – Regular Meeting of May 9, 2007.

**Motion:** Upon motion of Commissioner Kundtz, seconded by Commissioner Nagpal, the Planning Commission minutes of the regular meeting of May 9, 2007, were adopted as submitted (6-0-0-1; Chair Hlava abstained)

**ORAL COMMUNICATION**

There was no oral communication.

**REPORT OF POSTING AGENDA**

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on May 17, 2007.

**REPORT OF APPEAL RIGHTS**

Chair Hlava announced that appeals are possible for any decision made on this Agenda by filing an Appeal Application with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15-90.050(b).

**CONSENT CALENDAR**

There were no Consent Calendar items.

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**PUBLIC HEARING - ITEM NO. 1****APPLICATION #07-028 (503-25-013) Sloan/Zambetti Family Trust, 14639 Big Basin Way:**

The applicant requests Design Review, Use Permit and Variance approval to construct a mixed-use development consisting of two residential apartment units in one building at the rear of the site and a separate two-story commercial building at the front of the site. Each apartment is a 1,250 square foot, two-bedroom unit and the commercial building is 2,348 square feet (with a 974 square foot basement). The maximum building coverage is 28.8 percent of the site. The maximum height of the proposed buildings is 26 feet. The lot gross size is 17,187 square feet and the site is zoned CH-2. The Variance application is necessary to allow an exception to the require 20 percent of net lot area dedicated to pedestrian open space coverage.

Contract Planner Heather Bradley presented the staff report as follows:

- Informed that items received late are being distributed to the Commissioners this evening. There are 18 notification letters, 15 from people on Big Basin Way. Seventeen are in support of this application and one is opposing. The person in opposition is the adjacent property owner who expresses concerns over the size of this project, finding it to be too large in comparison to her building as well as too close to it.

- Advised that the applicant is seeking Design Review, Use Permit and Variance approvals for a mixed-use development on a 17,187 square foot property located on the east end of Big Basin Way in a CH-2 zoning district.
- Described the proposed development as consisting of two residential apartments of 1,250 square feet each; a commercial building at the front of the site that is 2,350 square feet with retail and office uses. Additionally, there is a three-car carport.
- Explained that the lot coverage is 29 percent and the maximum height is 26 feet.
- Added that the project incorporates an American Farmhouse architectural style that includes a metal roof and wood siding, windows and doors. While a metal roof is not common in the Village, staff has determined that it will be compatible in the proposed non-reflective finish.
- Said that the Heritage Preservation Commission reviewed the existing residence on the site and made the determination that the structure is not significant. They support the demolition of said structure.
- Said that two trees would be removed from the site. One is just a stump that has no value. The other will be replaced with a tree of equal value.
- Stated that an open space area would be established adjacent to the creek. The Santa Clara Valley Water District (SCVWD) reviewed this aspect of the development and found that as this open space area is located further than 50 feet from the creek no additional permits are required from them.
- Reported that this project is Categorically Exempt under CEQA.
- Suggested that the Planning Commission accept the proposed open space area near the creek that would render the Variance request unnecessary.
- Recommended that the Commission grant the Design Review and Use Permit approvals.

Commissioner Zhao asked Planner Heather Bradley to reiterate what percentage of dedicated open space is required.

Planner Heather Bradley replied 20 percent.

Commissioner Nagpal expressed confusion since the Plan Sheet A-2 reflects this area and still a Variance was advertised.

Planner Heather Bradley explained that staff did not have this plan sheet at the time that the project was noticed so the Variance was included in the notice.

Commissioner Nagpal asked for verification from Planner Heather Bradley that the Variance is not required now.

Commissioner Kundtz asked if the 20 percent of required open space must be contiguous space.

Planner Heather Bradley replied that the 20 percent of proposed open space for this project is not contiguous and that Code does not specify that it must be contiguous space.

City Attorney Jonathan Wittwer confirmed that this interpretation of Code is correct.

Director John Livingstone said that the Commission does have the right to look at this proposed open space to see if it makes sense, to determine the practicality of that open space.

Commissioner Zhao asked about an access path from Big Basin Way to this proposed open space area.

Planner Heather Bradley advised that there is an access path that is located on the property to the west of this property that is a dedicated path to this area. There is signage on the sidewalk that identifies this as an access point.

Chair Hlava said that there is an access that is a big and well-maintained stairway. There are benches in the existing open area. The open area will be made bigger and will include more benches.

Commissioner Nagpal asked if requirements are met here.

Planner Heather Bradley replied yes.

Commissioner Nagpal inquired if the metal roof would be a non-reflective, matte-type finish.

Planner Heather Bradley replied yes.

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

Mr. Gene Zambetti, Applicant and Property Owner:

- Said that he and his wife own this property.
- Informed that they originally submitted an application to the City of Saratoga in January 2006.
- Added that their project was reviewed by the Heritage Preservation Commission as well as by three different staff planners, Historic Consultant Leslie Dill, a geologic engineer, a civil engineer and Arborist Barrie Coate. He said that his architect is Tom Sloan.
- Thanked staff and the City Attorney for their assistance.
- Added that it has been a long time since June 2005, when they first began developing the ideas for this project.
- Pointed out that these apartments will offer housing opportunities for professionals such as firefighters and/or teachers working in the community.

Mr. Tom Sloan, Project Architect:

- Said that this is the first true mixed-use project in Saratoga that combines retail, office and residential uses on one site.
- Added that this could be considered a “pioneering” project that can inspire other projects in the future.
- Opined that the Village needs an adrenaline shot right now.
- Explained that while 60 percent coverage is allowed in this zoning, they are proposing only 28 percent coverage.

- Reminded that 20 percent If the site consists of public open space with common areas that are open to pedestrians.
- Added that the front yard setback counts as open space.
- Reported that the open space provided exceeds the requirement by 94 square feet.
- Assured that this is high quality and visual open space with an arbor that welcomes people onto it. There is an interior courtyard. The gateway arbor provides shade.
- Informed that half of the property at the back will remain undeveloped, benches notwithstanding.
- Said that artistic paving will be incorporated.
- Advised that even though the side yard setback requirements are zero, they are providing between five and 18-foot setbacks.
- Said that their proposed location of the driveway allows the existing sidewalk to terminate gracefully and also preserves an oak tree.
- Stated that they used the housing to the east as inspiration and that this project represents a village within a village with three uses on one site.
- Explained that they are calling this the "Toll Gate Project" that includes a galvanized "cool" roof, a wraparound porch, off-white siding that respects the surrounding buildings. The carport provides covered parking for the residents in the evening and available customer parking during the day.

Commissioner Rodgers asked the reasoning for the choice of a metal roof.

Mr. Tom Sloan said that it is considered a "green" roof. He added that they wanted architecture that popped and gave a little personality. He reminded that they also provided a whole list of green features for this development.

Commissioner Rodgers asked how this is a green roof.

Mr. Tom Sloan replied that it keeps the temperatures in the house cooler during summer and cuts down on heat gain.

Ms. Holly Davies, Big Basin Way:

- Explained that she owns the building next door to the east.
- Said that this proposed new building would be very different from her building. It would be massive and located only 10 feet away from her building.
- Compared her building of 1,400 square feet to this new one that is 900 square feet larger.
- Pointed out that the City required her to relocate her driveway when she developed her building.
- Suggested that it would be best to have this property keep its driveway where it currently is located.
- Stated that this building would dwarf her building and thus detract from her building.
- Said that the appearance would be more attractive if the project could be mirror imaged to open to the east and not to the west.

Commissioner Nagpal asked Ms. Holly Davies what she prefers.

Ms. Holly Davies said that she prefers that the building sit on the west property line and not on the east property line and that the driveway stay where it is right now.

Chair Hlava asked Ms. Holly Davies if her building is an office.

Ms. Holly Davies replied yes. It was constructed in 1991 as a law office for her husband.

Mr. Martin Fenster, Big Basin Way:

- Explained that he is a tenant in the law office.
- Echoed the comments of Ms. Holly Davies.
- Said that having a large building right next door would crowd and detract from the appearance on the street. The corridor between the two properties will be narrow.
- Added that this proposal includes lots of square footage.
- Said that he does endorse bringing more people to the Village.
- Pointed out that the site would provide only three parking spaces.
- Stated that he feels this project would look better if it were mirror imaged to the project on the other side.
- Said that the story poles make this look like a big and massive development.

Commissioner Zhao asked Mr. Martin Fenster the height of his building.

Mr. Martin Fenster replied 26 feet.

Commissioner Zhao pointed out that 26 feet is the same maximum height as is proposed with this project.

Mr. Martin Fenster said that his building is smaller and has visual space on both sides.

Commissioner Rodgers asked if it would help if the carport were more opened.

Mr. Martin Fenster said that the retail/office building at the front is what appears massive. He added that a basement is going in here too.

Commissioner Rodgers asked for verification from Mr. Martin Fenster that the carport is not an issue for him.

Mr. Martin Fenster said that it would be better if the large office/retail building were to be moved to the other side of the lot.

Commissioner Rodgers asked if Mr. Martin Fenster is concerned about impacts on his communications since there appears to be a satellite on his property.

Mr. Martin Fenster replied no, not at all.

Ms. Andrea McGhee, Big Basin Way:

- Said that she too echoes the points made by Ms. Holly Davies.
- Stated that the front building is massive and “on steroids.”

- Said that the roof should be reconstructed.
- Expressed concern over having apartments on this property.
- Pointed out that the existing public open area near the creek already draws kids and reported that she recently saw teenagers making love in that area in sight of her window. Activities there include drugs and more.
- Added that developing impedes on the beauty and gracefulness of the creek.
- Reiterated that this building is too massive.
- Stated her concern over the metal roof as there is no other metal roofing in the Village and it is not fitting in this area.

Ms. Mary Boscoe, Big Basin Way:

- Stated that she was just recently made aware of this proposed development.
- Said that while there are story poles up there was no mesh netting installed.
- Advised that her property is on the other side of the Davies property.
- Added that this building will cut off mountain views and light from her property.
- Said that she didn't believe that this project is supposed to be so bulky.
- Expressed concern over parking, saying that there is not much available.
- Said that she does not understand why she was not made aware of this project until so late.

Mr. Tom Sloan:

- Said that he has heard the word "massive" used to describe this project several times this evening.
- Reminded that Code allows up to 65 percent in coverage of the net site while they are covering only 25 percent of that with buildings.
- Said that the retail/office building drew its inspiration from the adjacent office building. When completed, it will mirror the office building to the east with the exception of dormer projections.
- Pointed out that their building has a footprint that is just 2,000 square feet total.
- Said that they chose not to locate the building further to the west as it would have created safety hazards in that the driveway would be situated at the centerline of the crosswalk and would also require the cutting of an 18-inch diameter oak tree.
- Stated that their office building would be located next door to an office building with the same setback and building outline. He added that the upper floor of the office has quite a bit of area with a low plate line at six feet.
- Assured that this is not a massive structure.
- Said that while he loves to work out issues when he sees one, he does not know what he can possibly do here.
- Advised that they would like to keep the roof over the carport. He said that exposed parking in lieu of covered parking is not a good idea.
- Reiterated that these are not massive buildings but rather are pretty small and represent 25 percent coverage where 60 percent is allowed.

Commissioner Kumar said that flexibility on the carport might dissipate the issues of bulk.

Mr. Gene Zambetti:

- Stressed the importance of providing covered parking for the two apartments.
- Pointed out that there is a metal roof on the Sam Cloud building.
- Agreed that there are sometimes problems occurring down by the creek.
- Reminded that a previous proposal had more square footage with underground parking.
- Said that on November 10, 2006, a 500-foot notification letter was sent.
- Explained that an interior designer was interested in relocating from another Village location to this new retail space.

Commissioner Cappello asked about the current driveway.

Mr. Gene Zambetti said that it on the far east side.

Commissioner Cappello asked why a tree would be threatened if the existing driveway location were retained.

Mr. Gene Zambetti said that the existing driveway is 13-feet wide. It must be 16-feet wide to meet current standards and thus would require the removal of a tree valued at \$12,000.

Commissioner Rodgers asked if the carport lines up with the attorneys' parking lot to the back of their building.

Mr. Gene Zambetti replied yes.

Commissioner Rodgers asked if the roof on The Basin is metal.

Mr. Gene Zambetti replied no, it is tarpaper made to look like metal.

Commissioner Nagpal asked how much of the 2,300 square foot commercial building would consist of retail space.

Planner Heather Bradley said that the first floor consists of 1,160 square feet, the second floor consists of 1,188 square feet and the basement is 974 square feet.

Commissioner Nagpal asked what percent is represented by retail space.

Planner Heather Bradley replied approximately 25 percent. The first floor is retail.

Commissioner Nagpal asked if the designer who is interested in retail space in this building would require a separate Use Permit.

Planner Heather Bradley replied that retail is permitted there without a Use Permit.

Commissioner Zhao asked if there are windows in this new development facing the Davies building.

Mr. Tom Sloan said the bottom left corner of the retail/office building, behind that is the carport and behind that are the apartments.

Commissioner Zhao said that windows looking down when just 10 feet apart are awfully close.

Mr. Tom Sloan said that the setbacks for both properties are identical at five feet. The office building to the east is one-story at a 26-foot height. Their proposed building is a two-story at a maximum height of 26-feet.

Commissioner Nagpal asked for clarification from staff that the adjoining building with office on the ground level would not be allowed today.

Planner Heather Bradley replied that is correct.

Commissioner Cappello asked Mr. Tom Sloan to elaborate on the proposed non-reflective metal roofing material.

Mr. Tom Sloan said that it has a grainy surface rather than baked on paint so that it cuts down on the reflection.

Commissioner Cappello asked if it is included on the color board.

Mr. Tom Sloan replied yes.

Chair Nagpal asked Mr. Tom Sloan if he has an actual material sample this evening.

Mr. Tom Sloan replied no.

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

Commissioner Rodgers:

- Stated that she likes the concept of three separate structures. They look more historic and in keeping with that part of the Village.
- Added that she has no problem with the covered carports to serve the apartments in the back.
- Said that the front building needs more discussion, particularly the rooflines that are massive and unbroken and will block light, sun and views. She said that she has a problem with that incredible expanse and is on the fence about it.
- Recounted that when she lived in Oregon she had two neighbors with meal roofs. One roof looked nice and the other was awful.
- Said that perhaps a slightly darker color for the metal roof could help.
- Said that she likes the driveway where it is proposed and said that she has no problem with two properties having back-to-back driveways on either side. Keeping the driveway in place would create issues with the crosswalk and result in the loss of an oak tree.
- Said that she loves the way the house has a wraparound porch that helps create atmosphere.
- Added that she likes the fact that there is no picket fence.
- Stated that her only concern is the metal roof and its proposed light color as well as the issue of bulk as it appears from the neighboring properties.

Commissioner Kundtz:

- Said that he has views that are consistent with Commissioner Rodgers'.
- Added that he likes the mixed-use concept and has experience with saltbox designed architecture.
- Said that tampering with the roof is a trade off with the use of the building.
- Agreed that the building has excessive bulk.

Commissioner Kumar:

- Agreed that Commissioner Rodgers summarized the issues well. The single-most issue is bulk.
- Reminded that the project is being developed at one-third of what Code allows.
- Added that a mixed-use project is helpful and beneficial to the community.
- Concluded that he is okay with the project.

Chair Hlava:

- Said that she has issues including the driveway and the fact that the Davies were required to move their building location.
- Said that it makes sense to have the driveway on the side where people are living.
- Pointed out that the official policy of the Village is to encourage apartments.
- Added that these look like lovely apartments that will draw high-level tenants.
- Agreed that the 20-percent requirement for open space has been resolved.
- Stated that the project is not much bigger than the one next door and is smaller than the condo project to the left.
- Reiterated that this site could max out at 60 percent coverage and they are only proposing 28 percent. In fact, they are using so little of the lot.
- Stated that she does not think it will look too big, it will look fine.
- Said that she is unsure about the metal roof but that Tom Sloan has done many buildings in Saratoga so she trusts his experience.

Commissioner Cappello:

- Advised that he could make the Design Review findings as this project fits in very well.
- Said that he is fine with the roofing materials as long as they are non-reflective.
- Opined that the project is not massive in any way and is compatible with adjacent buildings.
- Stressed the importance in preserving the oak tree.
- Added that keeping the driveway in its present location would conflict with the crosswalk if it were to remain in use and be enlarged as required.
- Said that he appreciates the comments made and feels for the concerns raised but said that more issues would be created if the building placements were relocated.
- Expressed support for this project.

Commissioner Zhao:

- Echoed the comments made by the other Commissioners.
- Pointed out that the setback requirements have been met and the driveway as proposed is the best option in regards to safety.

- Stated that the proposed architectural style is nice and will enhance the Village image and the other buildings in the Village.
- Advised that she is not sure about the metal roofing and what makes it more “green” than another material. She said she would like to learn more about it.
- Said that she will support this project.

Commissioner Nagpal asked about the claimed loss of views of mountains.

Commissioner Rodgers said that from the condos, as seen from Mary Boscoe’s unit, there was a limited view of mountains.

Commissioner Nagpal asked about the suggestion from the Heritage Preservation Commission regarding the reuse of windows and whether that provision is included in the conditions of approval.

Planner Heather Bradley replied yes, those windows would be re-used inside of the building.

Commissioner Nagpal said that she would like to see more retail in the Village. She added that the more people who live there, the more vibrant the Village would be. She said she will support the Conditional Use Permit and Design Review Approval and appreciates the fact that no Variance is now required.

Commissioner Rodgers reminded that the 2002 Housing Element called for apartments in the Village rather than condominiums.

Director John Livingstone reported that the last update of the Housing Element takes into consideration the City’s “fair share” of housing. To meet that requirement, a mixed-use zoning designation was created that restricted the corresponding housing units to apartments and also set limits to the size of those apartments. This is housing that the City is required to facilitate in providing.

Commissioner Nagpal said that the roofing material is hard to envision but said that she is willing to go with the general consensus.

Commissioner Rodgers reiterated that she had two neighbors with metal roofing; one was a good example and the other a bad example. She said that the color proposed here matches the materials on the attorney’s building next door.

Chair Hlava said that she wanted to advise those watching from home this evening that a packet of letters was distributed to the Commission in support of this project.

Commissioner Nagpal agreed and said that about 10 to 15 letters of support were provided.

City Attorney Jonathan Wittwer advised that Conditions 6 and 7 under Community Development Department should be amended to begin with the following text, “Prior to obtaining a Building permit, ...”

Commissioner Rodgers added that the Chair's name should be updated on the resolution.

Commissioner Nagpal asked if just one resolution is required.

City Attorney Jonathan Wittwer replied correct.

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Rodgers, the Planning Commission granted Design Review and Use Permit Approvals (Application #07-028) to construct a mixed-use development consisting of two residential apartment units in one building at the rear of the site and a separate two-story commercial building at the front of the site on property located at 14630 Big Basin Way, with the modification to Conditions 6 and 7, by the following roll call vote:

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

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## **PUBLIC HEARING - ITEM NO. 2**

**APPLICATION #07-231 (APN 397-18-105) Miller/Chien, 19600 Farwell Avenue:** The applicant requests Design Review Approval to construct a new two-story, single-family dwelling. The dwelling will consist of approximately 5,573 square feet of floor area. The existing accessory structure will remain on the parcel. The height of the structure will not exceed the 26-foot height limitation. The lot size is approximately 43,068 square feet and the site is located in the R-1-40,000 zoning district. Design Review approval by the Planning Commission is required pursuant to Saratoga Municipal Code Section 15-45.060. (Shweta Bhatt)

Planner Shweta Bhatt presented the staff report as follows:

- Explained that the applicant is seeking Design Review Approval to allow the demolition of an existing two-story residence and construction of a new two-story residence. A volleyball court will also be modified to create a sport court.
- Described the proposed materials as beige stucco, dormer windows, carriage style garage door and a slate roof.
- Said that several neighbor template letters were received in support. No additional comments have been received.
- Reported that the arborist inventoried 18 trees. All are to remain and will be protected with fencing during construction. No landscape plan or additional planting is being required around the sports court due to existing mature screening landscaping.
- Said that the project is Categorically Exempt under CEQA and that required Design Review findings can be made in the affirmative.
- Recommended the adoption of a resolution approving this project.

Commissioner Rodgers pointed out that one tree looked dead and another looked almost dead, which would create a gap in the screening landscaping around the sport court. She asked if there is any staff recommendation on that.

Planner Shweta Bhatt said that staff noticed that condition at the site visit. She added that the applicant is not proposing to remove these trees at this time but the Commission can require additional plantings.

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

Mr. Park Miller, Project Architect:

- Explained that his clients are out of town this week.
- Said that his clients want to replace an existing two-story home.
- Added that there is existing mature landscaping.
- Pointed out that the new structure will appear as a single-story when seen from the front yard. The home will have a traditional feel utilizing quality materials and will fit in within the context of the existing neighborhood.

Commissioner Rodgers asked about one of the accessory buildings and if it would be removed.

Mr. Park Miller advised that the plan is for an interior remodel with the addition of a powder room and wet bar.

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

Commissioner Kundtz said that this is a well-designed project. He said that he likes the existing home but can see that flow and lifestyle are driving this update more than anything. He pointed out that this is a wonderfully deep lot and said that he can make the required findings.

Commissioner Rodgers pointed out condition 3 that requires proof of legality of the accessory structure or to obtain necessary permits. She asked about conditioning the improvements to the sport court screening.

Director John Livingstone said that since the landscaping is existing and mature, he thinks that the landscaping is okay as it is.

City Attorney Jonathan Wittwer added that City Code already requires landscaping around sports courts to the satisfaction of the Community Development Director.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission granted Design Review Approval (Application #07-231) to allow the construction of a new two-story single-family residence on property located at 19600 Farwell Avenue, by the following roll call vote:**

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

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

Chair Hlava advised that she must recuse herself from this item, as she is a stockholder in Comerica Bank.

City Attorney Jonathan Wittwer said that he too must recuse himself as he also has investments with this bank.

Commissioner Kundtz assumed the gavel to preside as Acting Chair for Item No. 3.

**APPLICATION #07-311 (APN 393-02-003) Polcyn, 13000 Saratoga-Sunnyvale Road:** The applicant requests Design Review Approval to add an external automated teller machine (ATM) and a nigh drop to an existing commercial building in the C-N district. (Susanne Thomas)

Director John Livingstone presented the staff report as follows:

- Explained that the applicant is seeking a minor design modification to the exterior of a building to allow a new ATM and deposit area as well as a few awnings.
- Added that a major upgrade of all the landscaping on site will be done to fill in the bare spots.
- Distributed color boards, one depicting blue awnings and the other beige awnings.
- Explained that the applicant prefers the use of the blue awnings while staff is recommending use of the beige awnings.
- Recommended approval of this application.

Commissioner Cappello asked what color the awnings are currently.

Director John Livingstone said there are none in place currently.

Acting Chair Kundtz opened the public hearing for Agenda Item No. 3.

Mr. Steve Polcyn, Project Architect:

- Said that the reason for the ATM is that the bank is in the process of upgrading banking services to include 24-hour access.
- Assured that the new ATM and awnings should blend in seamlessly.
- Added that there are no graphics proposed on these awnings.
- Said that they are prepared to install upgrades to the landscaping.

Commissioner Rodgers asked about security cameras and lighting in the parking lot that will not impact adjacent residential properties.

Mr. Steve Polcyn said that the cameras would be in place as well as security lighting.

Commissioner Rodgers asked about additional lighting in the parking lot.

Mr. Steve Polcyn said that there are no plans to upgrade the existing parking lot lighting.

Commissioner Rodgers asked about the possibility of shielding lighting from the residential neighbor.

Ms. Kimberly Smith, Applicant's Representative:

- Advised that all banks must comply with AB244 compliance guidelines.

Acting Chair Kundtz pointed out that there is an adjacent resident with concerns about existing building lights visible from her home.

Mr. Steve Polcyn said that Comerica would be happy to replace that fixture of concern with one that will angle straight down.

Mr. Anthony Morici, Property Owner's Representative, expressed full support for this project.

Commissioner Rodgers asked Mr. Anthony Morici if the property owner is in charge of lighting or are the tenants.

Mr. Anthony Morici said that shields are possible and they are willing to work to help alleviate the issue.

Commissioner Nagpal asked if it is true that the ATM unit is blue.

Mr. Anthony Morici said that the surround to the ATM is what is blue.

Commissioner Nagpal asked if it would be possible for this surround to be beige.

Ms. Kimberly Smith advised that the blue is the nationwide corporate identity color. She added that they hope to be able to use it here. However, if it must be changed, it could be.

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

Commissioner Nagpal:

- Said that she prefers the beige awning color.
- Added that the fixtures on the east and south elevations should be shielded in such a way that they don't adversely impact the adjacent residential property to the rear.
- Said that since the blue ATM surround is part of their logo and branding requirements, she can support it staying blue.

Commissioner Zhao said that she is okay with the blue awnings, as they look nice.

Commissioner Cappello said that he likes the beige awning but is okay with the blue ATM surround. He suggested a condition to change out the light fixtures.

Director John Livingstone suggested that the lighting be conditioned to be subject to the approval of the Community Development Director to allow staff the opportunity to work with the concerned neighbor.

Commissioner Kumar said he was okay with either the blue or beige awnings.

Acting Chair Kundtz said that he prefers the beige awnings, as the corporate blue is a bit much. He said that the more subtle tone works better.

**Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Kumar, the Planning Commission granted Design Review Approval (Application #07-311) to allow an external automated teller machine (ATM) and a night drop to an existing commercial building on property located at 13000 Saratoga-Sunnyvale Road, amending Condition 4 to require that the final landscape and lighting plans are subject to approval by the Community Development Director, by the following roll call vote:**

**AYES: Cappello, Kumar, Kundtz, Nagpal, Rodgers and Zhao**

**NOES: None**

**ABSENT: None**

**ABSTAIN: Hlava**

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Chair Hlava returned to the Chambers.

### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

Commissioner Rodgers reminded about the June 6<sup>th</sup> joint Study Session with Council.

Director John Livingstone said that the agenda is on "green" issues.

Commissioner Zhao asked how long the Study Session would be.

Director John Livingstone said he is not yet certain and cannot confirm this evening.

Commissioner Nagpal said that Study Sessions tend to run an hour.

Commissioner Rodgers added that on June 6<sup>th</sup>, Council would consider the Update to the General Plan.

**COMMUNICATIONS**

There were no Communications Items.

**ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Kundtz, seconded by Commissioner Cappello, Chair Hlava adjourned the meeting at approximately 9:15 p.m. to the next Regular Planning Commission meeting of **June 13, 2007**, at 7:00 p.m.

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