

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, June 27, 2007  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Cappello, Hlava, Kumar, Nagpal, Rodgers and Zhao  
Absent: Commissioner Kundtz  
Staff: Director John Livingstone, Senior Planner Chris Riordan, Planner Suzanne Thomas and Assistant City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of May 23, 2007.

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission minutes of the regular meeting of May 23, 2007, were adopted as submitted. (6-0-1; Commissioner Kundtz was absent)

**APPROVAL OF MINUTES** – Regular Meeting of June 13, 2007.

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission minutes of the regular meeting of June 13, 2007, were adopted with corrections to pages 6,7,9,28,30,32,33 and 35. (6-0-1; Commissioner Kundtz was absent)

**ORAL COMMUNICATION**

Mr. Don Whetstone, Resident on Vickery Avenue:

- Reported that he sent several emails recently on two topics.
- Explained that in the early 90's rounds of discussions about antennas in the Village were held at which he was involved.
- Said that consensus was reached on the issue but that that consensus appears to have fallen out of the City's institutional memory.
- Added that since 2005, it has been like a brand new day.
- Asked that policy be set and followed on this issue.

Chair Hlava asked whether a discussion should be held or whether staff should be asked to review past policy. She asked staff if there are existing rules in the Code.

Director John Livingstone:

- Advised that the current Zoning Ordinance is very weak on the topic of antennas.
- Added that two Commissioners are very interested in working on a Telecommunications Ordinance.
- Informed that there are a number of ordinances that have to be updated on a more urgent basis. While this issue of antennas is always in the top 10, it has not been ranked on the top of the list yet or made it onto the department's work plan.

Commissioner Nagpal asked if there is a set of guidelines out there for the Village.

Director John Livingstone replied that he is not aware of any written material.

Commissioner Rodgers asked if past databases have or can be searched.

Director John Livingstone said that there are tapes of past meetings if anyone wants to go through them. He added that the composition of Commissions changes and staff follows what the current Planning Commission directs.

Commissioner Cappello added that there are also technical advances that have occurred over the last 10 plus years.

Director John Livingstone agreed and pointed out that last year a new system was processed that didn't require large panels.

Commissioner Kumar suggested that ordinances from other cities be reviewed.

Director John Livingstone said that if staff were directed to create a new Telecommunications Ordinance that is what would be done first to see what other cities have got in place.

Commissioner Nagpal asked if this is not currently on the list of priorities as directed by Council. She pointed out that the Commission several times has put it on the list.

Director John Livingstone reminded that other ordinance updates have been ranked higher on the list.

Chair Hlava said it appears that if the Commission really wants to do something that means that something else is dropped from the work plan because of limited staff resources. She asked if it would be possible to have a Study Session on a Tuesday night where an informal discussion could be held on the topic.

Commissioner Rodgers:

- Said that she takes issue with that.
- Pointed out that this Commission looks at all viewpoints when evaluating antennas.
- Added that in terms of need, there are other ordinances that are more in need of updating.

- Suggested that next year, perhaps this issue will make the priority list and work program.

Chair Hlava said she still believes the Commission could get together at a Study Session to give staff direction.

Commissioner Nagpal said that, while this Study Session might not result in an Ordinance, perhaps procedures could be established that may be helpful. She added that she is happy to re-discuss this topic, as there are now two new members of the Commission.

Commissioner Rodgers pointed out that ideas come and go on how to obscure antenna installations. First there was the tree and later there was the flagpole. She said that the Commission must be open-minded.

Chair Hlava asked Commissioner Rodgers if she is not in favor of a Study Session.

Commissioner Rodgers said she was not against one.

Chair Hlava said that the subject could be let go for right now and in the spring when the City looks at its priorities, perhaps an Antenna Ordinance will be higher on the list.

Commissioner Rodgers reminded that it is already on the list but just not high up on the list.

Chair Hlava asked what is the wish of the Commission.

Commissioner Cappello said that it would be worthwhile to have a Study Session format discussion and pointed to some procedures already established by the Commission that have resulted in the provision of coverage maps, background information on long-range plans by carriers and the introduction of distributed systems.

Chair Hlava said it appears that consensus has been reached.

Commissioner Nagpal added that the Study Session would be open to the public.

Chair Hlava asked staff to make sure that Mr. Whetstone is noticed but cautioned that this Study Session would probably not be set until September or later.

### **REPORT OF POSTING AGENDA**

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on June 21, 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).

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

**Application #07-237 (503-24-079) METRO PCS, 14407 Big Basin Way:** The applicant requests a Conditional Use Permit to install a wireless facility on the roof of the existing office building at the above location. The proposed facility includes panel antennas, a screen for the antennas and an equipment cabinet. (Shweta Bhatt)

Director John Livingstone presented the staff report as follows:

- Explained that the applicant is seeking to place three antennas on a building located at 14407 Big Basin Way. The installation includes equipment housing for the antenna operations.
- Advised that the equipment would not be exposed over the parapet any more than two feet.
- Added that the installation is also located toward the rear or Creek area.
- Reported that a faux chimney was proposed but that the green painted antennas were preferred over the chimney option.
- Said that staff feels that this proposal meets Use Permit findings.
- Informed that a neighbor has provided more information this evening.
- Recommended approval.

Commissioner Cappello asked if the equipment housing is separate from the antenna.

Director John Livingstone replied yes. He said that the antenna is in the corner while the equipment is more in the back. The antenna will stick up above the roofline. He added that the equipment cabinet would also be painted a dark forest green to blend with the trees behind versus being painted to match the structure.

Chair Hlava asked how the City would know if the use of this antenna installation were to be discontinued so that the conditioned removal of the equipment would occur. How is this condition enforceable?

Director John Livingstone said that normally someone lets the City know. He added that the condition simply offers staff the tool needed to require removal.

Commissioner Nagpal asked how staff believes this application meets the objectives of the Zoning designation. Is it seen as a community service?

Director John Livingstone replied correct. He added that it is always somewhat of a compromise. He added that antennas are what they are but they do provide a service to the community.

Commissioner Zhao asked if the proposed antenna is the same height as the existing Nextel antennas and the same diameter.

Director John Livingstone said he does not recall but the applicant may know and be able to answer.

Commissioner Zhao asked about the impacts of two antennas being so close.

Director John Livingstone reported that there must be a 25-foot distance between them or interference results.

Commissioner Nagpal cautioned that this is not a Design Review Approval application but rather a Use Permit. She added that some design elements are looked at.

Commissioner Rodgers asked about other design options considered.

Director John Livingstone suggested that if a faux chimney is used that the chimney matches the building. He said that the Commission could discuss options this evening.

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

Mr. Tom Spaulding, Applicant and MetroPCS Representative:

- Reiterated that what is proposed is a three-panel antenna with one equipment cabinet.
- Added that there are a couple of options.
- Said that they have worked with staff and members of the community, including Mr. Whetstone, and it was decided that painting the panels green was what the community preferred to see.
- Advised that this is a critical site for MetroPCS as it serves an area that has no or poor coverage.
- Pointed out that they are asking for 75 percent less than what others have or three antennas where others have 12.
- Added that the three antennas are mounted on a single pole pointed in three directions.
- Thanked Mr. Whetstone for his involvement.
- Responded to Commissioner Zhao's question and advised that the diameter of their antennas is eight inches while the Nextel antennas are 12-inches in diameter.
- Explained that installing lattice with screening vines won't work, as that would interfere with the signal.
- Assured that they are flexible with the design.

Commissioner Nagpal:

- Said that she understands that this is a crucial site for MetroPCS and for the City.
- Added that she is very concerned.
- Explained that she was on the Commission that approved the other site and is perturbed with how it looks.
- Asked Mr. Tom Spaulding just how crucial it is to have this new installation on the same site.

Mr. Tom Spaulding replied very crucial. He added that they also evaluated installation on the Fire building.

Commissioner Nagpal asked if that was the only other site evaluated.

Mr. Tom Spaulding:

- Said that the setback was not right on Big Basin Way.
- Added that their proposed location is behind two banks.
- Pointed out that other buildings are much more visible.
- Assured that this is a superior and more screened site.
- Added that other sites are more overloaded.
- Reminded that they need height and that a one-story building would not meet their needs.

Commissioner Cappello asked about other technological options.

Mr. Tom Spaulding:

- Agreed that there are lots of options including distributed fiber.
- Explained that a mixture of types of sites is required.
- Stated that this proposed site under discussion this evening is their largest type of installation – a macro site. It consists of three antennas and an equipment cabinet.
- Said that the next type of location is a mini, which is like what is at the Library. That consists of an 8.5-inch diameter flagpole.
- Concluded that a combination of both types of sites is necessary.

Commissioner Cappello said that it seems there is still a lot of uncovered areas on the coverage map.

Mr. Tom Spaulding said that it is the best that they can do right now and will need infill later.

Commissioner Cappello said that it seems like distributed fiber system might work to extend coverage. He added that his concern is that they might have to come back with more.

Mr. Tom Spaulding:

- Said that they did consider their options.
- Added that they build each site as best they can.
- Advised that distributed fiber will not work in this area, as the coverage area needed to serve here is too large.
- Reiterated that they must use a combination of macros, minis and distributed fiber sites.
- Informed that they have to build the network first and work around it.

Commissioner Cappello said it seems they have the network in place and are now filling in the area.

Mr. Tom Spaulding said that they do not have a complete network yet. He added that some of the sites depicted on the coverage map are proposed sites not yet installed. He added that a macro site covers approximately one square mile.

Commissioner Nagpal asked if the macro site could be replaced with two minis.

Mr. Tom Spaulding replied no.

Commissioner Cappello asked when the other sites would be installed.

Mr. Tom Spaulding:

- Reported that Site #1816 was submitted to the City of Saratoga at approximately the same time as this one was submitted.
- Added that he is working with Planner Heather Bradley on #1816.
- Advised that Site #1818 and Site #1819 have already been approved.
- Reiterated that he needs a macro site here.

Commissioner Zhao asked if there are plans to upgrade the current technology in the future.

Mr. Tom Spaulding replied no, there is no plan to upgrade the technology (TDMA) beyond where it is at now.

Commissioner Zhao pointed out that this technology is almost phasing out.

Mr. Tom Spaulding said that it is still being used by some other carriers and added that it allows the provision of low-cost service.

Commissioner Zhao said that it might soon be obsolete technology.

Mr. Tom Spaulding said that this would be a stockholders decision.

Commissioner Zhao said that they are probably the only provider left using TDMA.

Chair Hlava cautioned that this is not the Commission's problem.

Commissioner Zhao cautioned that they would need to come back.

Mr. Tom Spaulding said that if so it would be a like-for-like switch out and they would have to process Use Permits for any changes.

Commissioner Kumar asked if they had considered locating the new antennas at the far back where Sprint and Nextel are located.

Mr. Tom Spaulding said that while they did consider that placement, they must keep a 25-foot separation between the carriers or there would be interference.

Commissioner Rodgers asked if they had considered other buildings including the Whetstone building.

Mr. Tom Spaulding said that other buildings could be considered but a similar design would be required.

Commissioner Rodgers asked about the suggested flagpole. She added that the only potential location for that would be the gas station and that is not permitted.

Mr. Tom Spaulding said that a flagpole is only a micro installation and not macro. He added that they do not do sites at gas stations due to the more extensive environmental review required for such sites.

Commissioner Rodgers said that one carrier proposed three small flagpoles instead of one larger one.

Mr. Tom Spaulding agreed that it is possible to do that but it would not result in anything that is less visible or more advantageous than what is proposed here. He added that he prefers to keep to their proposal.

Chair Hlava said that the intent is to provide coverage for the entire Village area. She pointed out that people lose coverage on Highway 9 beyond the Village.

Mr. Tom Spaulding replied yes the intent is for coverage in the Village. He added that their intended service area targets are urbanized areas.

Mr. Don Whetstone, Resident on Vickery Avenue:

- Said that it has been a pleasure talking with Mr. Tom Spaulding.
- Advised that he has no problems with antennas on buildings in the Village if they blend in and are as small as possible.
- Cautioned the Commission to take care in what it considers its purview in terms of antennas. The purview is just the aesthetics and not the technology used.
- Stressed the need to keep the installations small as they can be and colored to blend in with the surroundings.
- Pointed out that a "pig with lipstick is still a pig."
- Asked that the Commission please approve the little green antennas.

Commissioner Nagpal said she is surprised that the little green antennas are okay. She said that she is struggling with this concept and feels that there is a more appropriate design for the Village. She questions whether this might simply be the lesser of two evils.

Mr. Don Whetstone:

- Said that the City is legally required to allow antennas as they serve a useful community purpose. The more antennas the better so that good reliable communication is a reality.
- Said that this proposal is not that obtrusive.
- Reiterated that antennas are a fact of life in the 21<sup>st</sup> Century.

Ms. Jenni Young Taylor, Resident on Oak Street:

- Said that she has an ignorance regarding engineering concepts but is just offering an emotional reaction.
- Stated that the Village is one of the most unique and lovely downtowns in the Valley.
- Added that it is shameful to have modern equipment in the Village.

- Said that she understands that it is unavoidable but that she wants to be on the record as against this sign being illuminated.

Commissioner Rodgers mentioned that there are different options to the green poles including having the antennas located within a faux chimney. She asked Ms. Jenni Young Taylor if she has a preference.

Ms. Jenni Young Taylor replied no, she would defer to Mr. Don Whetstone who knows more than she about this technology.

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

Commissioner Cappello said that while the City cannot restrict sites, it does have a say in how they get installed. He asked the City Attorney if this assumption is correct.

City Attorney Jonathan Wittwer replied yes.

Commissioner Cappello expressed his curiosity about the upcoming installation #1816 and asked if there is some value in considering the two project sites for this carrier together rather than separately.

Commissioner Rodgers said that in the past the Commission has asked carriers to provide an outline of future plans and this applicant has done so.

Commissioner Nagpal pointed out that there would be different audiences of concern for both locations.

Commissioner Cappello said a question he has is if Site #1816 were to be denied in the near future what is the potential for other choices for use on this site.

Commissioner Nagpal reminded that this is a full site (a macro installation) while the other is a micro site.

Commissioner Cappello:

- Asked whether the other site would become a macro site if this evening's location were denied.
- Questioned whether reviewing the two locations separately might not restrict the City and the applicant in a significant way.
- Said that he has concerns with the Village and how antenna installations are implemented there.
- Added that he does not like to see the Village cluttered with more and more antennas.
- Reiterated his belief that distributed sites are a good option and should be more carefully considered as part of this project.

Commissioner Rodgers pointed out that Crown Castle had made it clear that they were not planning to go down Big Basin Way.

Commissioner Nagpal:

- Said that she is also concerned about the additive effect of antennas in the Village.
- Stated that she did not think that the Commission has to accept this application as the best location with the best design.
- Said that she is not comfortable with this being the final answer and feels that there is a better design and location possible.
- Added that this doesn't feel right.
- Said that she cannot make the finding that this application is meeting the objective of the Zoning Ordinance.

Chair Hlava:

- Reported that she lives downtown and spends a lot of time in the Village.
- Pointed out that she had not previously noticed the antennas there now.
- Added that she is really interested in Mr. Whetstone's comments and feels that this application offers the least obtrusive way to do this installation.
- Stressed the need to come to grips with the fact that this is the technology needed.

Commissioner Nagpal stressed the need to best determine how to make that technology fit into the Village.

Chair Hlava reminded that the building is in the back.

Commissioner Nagpal:

- Said she means that both an alternate design and location might be necessary.
- Suggested that it is time for the City to push a little bit to limit the impacts on how the antennas look.
- Added that the Village is the perfect place to ask for the best design.
- Stated that she wished there were better procedures and guidelines in place.

Commissioner Cappello:

- Said that he tends to agree.
- Stated that he is not certain if this installation specifically has to be located on this site especially when another nearby location for this company is pending future consideration by this Commission.
- Said that as a result, he has a hard time being comfortable with this project.

Commissioner Rodgers:

- Stated that she believes most citizens want to be connected, as cell phones are a part of our lives.
- Said that she needs to be reachable by cell.
- Suggested going the extra step in giving latitude in terms of design that is sensitive to the Village.
- Said that she would like to see a cluster of three flagpoles somewhere.
- Added that the Commission has to rely on the carriers when they say a proposed location is the best possible location.

Commissioner Nagpal said that if all cell companies come in what that practice it would pose a dilemma. She said that she struggles with this.

Commissioner Rodgers:

- Said these types of concerns reflect one reason why Federal law was established mandating local jurisdictions to allow cellular antenna sites.
- Pointed out that allowing some carriers and not others within a community to create their networks it would create a situation with advantaged carriers versus disadvantaged carriers in terms of service they can provide locally.
- Questioned what might look better as seen from the street.
- Stated her belief that the faux chimney would look better than the green painted poles.
- Added that she is not sure where else to suggest they look for a viable site.

Commissioner Zhao:

- Said that she feels slightly different and can make all of the necessary findings to support this application.
- Said that she understands the historic significance of the Village and the need to be sensitive to design.
- Pointed out that this site is so far behind both Big Basin Way and Saratoga-Sunnyvale Road and would not be very intrusive.
- Agreed with Commissioner Rodgers that a faux chimney would look better than the green poles.
- Reminded that people in Saratoga will benefit.
- Added that her only concern is their dated technology.

Commissioner Kumar:

- Expressed thanks to MetroPCS and Mr. Tom Spaulding for working with staff and the City.
- Agreed that there is a tough call here.
- Stated that he hadn't noticed the antennas already in place until the site visit.
- Said that when driving by one does not notice these antennas.
- Stated that MetroPCS has done its due diligence and this is the site that they have come up with.
- Stated his support for the findings made by staff.

Chair Hlava asked Commissioner Kumar if he prefers the faux chimney or the painted poles.

Commissioner Kumar replied the faux chimney.

Chair Hlava:

- Said that she agrees with Mr. Don Whetstone regarding the plan for green-painted poles.
- Added that as she thinks this application should be approved this evening she will support the alternative plan for the faux chimney.
- Asked if the chimney should be painted brown or white.

Commissioner Nagpal said that while she won't support the chimney she felt it would be important to discuss further issues of color and foliage or landscaping.

Commissioner Kumar said that he was thinking that the chimney could be camouflaged with roofing shingles to match the existing roof. However, as he is not sure of the height it is hard to comment right now.

Commissioner Rodgers asked staff for suggestions.

Director John Livingstone:

- Said that staff found that matching the parapet wall was the best alternative.
- Added that the applicant provided chimney designs using different materials.
- Reiterated that with this style of building, the chimney matching the siding is the best option.

Chair Hlava asked if anyone was prepared to make a motion for a chimney design.

Commissioner Cappello questioned the wisdom of going away from the design that was the result of community input to go with the chimney design.

City Attorney Jonathan Wittwer asked that a reference to "Exhibit A" be incorporated into the resolution. He also proposed modifications to the text for Finding B.

**Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Zhao, the Planning Commission granted a Conditional Use Permit (Application #07-237) to install a wireless facility that includes panel antennas, a screen for the antennas and an equipment cabinet on the roof of the existing office building with an amendment to Condition 4 requiring that the antennas be mounted on the rooftop camouflaged as a chimney and painted to match the building's siding, on property located at 14407 Big Basin Way, by the following roll call vote:**  
**AYES: Hlava, Kumar, Rodgers and Zhao**  
**NOES: Cappello and Nagpal**  
**ABSENT: Kundtz**  
**ABSTAIN: None**

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

**APPLICATION #07-281 (393-25-028) Saint Andrews Parish, 13601 Saratoga Avenue:**  
The applicant requests Design Review Approval to install a 36 square foot illuminated monument sign. The proposed sign would be 4.5 feet tall and 8 feet wide and be located near the entry driveway. Zone District: R-1-40,000. (Chris Riordan)

Senior Planner Chris Riordan presented the staff report as follows:

- Distributed the applicant's material sample board for review.
- Advised that the applicant is seeking sign approval for a freestanding illuminated sign for Saint Andrews Episcopal Church and School.

- Said that the proposed sign would be located 20 feet southwest of the entrance driveway.
- Added that the sign would consist of 24 square feet in sign area and be 4.5 feet tall. It would consist of a double-sided aluminum cabinet faced with beige. The text would read "Saint Andrews Episcopal Church and School."
- Stated that this sign would be externally illuminated with two lights located at the base of the sign.
- Recommended approval.

Chair Hlava asked about the Heritage Preservation Commission (HPC) review required as Condition 4 in the resolution.

Planner Chris Riordan:

- Advised that the need for HPC review was determined late in the review process.
- Explained that such review is necessary because the site is on a Heritage Lane.
- Added that with the placement of the Heritage Lane sign further down Saratoga Avenue it was not clear to staff initially where the Heritage Lane designation began. It was determined to include this property.
- Assured that if there are any substantial changes to what the Commission approves by the HPC, this sign would be brought back to the Commission for follow up consideration.

Director John Livingstone explained that the Heritage Lane sign is much further down Saratoga Avenue but it has been determined that everything proposed on the Lane would need to go to HPC.

Commissioner Nagpal asked if the sign would be illuminated all night.

Planner Chris Riordan deferred this question to the applicant.

Commissioner Rodgers asked if the referral to HPC would impact the timing of the appeal period.

City Attorney Jonathan Wittwer advised that the appeal period starts after the Planning Commission decision is made.

Commissioner Nagpal asked when the HPC would get this project.

Planner Chris Riordan said that the next HPC meeting is in July.

Commissioner Nagpal said that the appeal period should not begin until after the HPC review.

City Attorney Jonathan Wittwer said that a provision could be added to the resolution that requires the appeal period to begin after the HPC review is complete.

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

Mr. Scott Sheldon, Saint Andrews Representative:

- Stated that they have worked with staff on the design and location of the sign.

- Said that on the issue of illumination, the parking lot lights are left on overnight and they propose that the lights on the sign also remain on throughout the night.
- Advised that they agree with the imposed conditions.

Commissioner Kumar asked if the older redwood sign would be eliminated.

Mr. Scott Sheldon said that it would be taken out and archived somewhere.

Mr. Don Carr, Resident on Merribrook Court:

- Identified himself as a member at Saint Andrews Church.
- Pointed out that this proposed sign is smaller and more attractive than others in the area.
- Expressed his support.

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

Commissioner Nagpal said that this is an attractive sign and she is prepared to make a motion.

Chair Hlava said that most churches are in residential areas. However, this one is located on a very busy street, which is the reason why the illumination can be supported in this case.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Kumar, the Planning Commission recommended granting Design Review Approval (Application #07-281) to install a 36-square foot illuminated monument sign near the entry driveway on property located at 13601 Saratoga Avenue.**

Commissioner Rodgers suggested adding a provision that the appeal period does not kick in until after the HPC review is complete and successful.

Commissioner Nagpal asked if this means that work on the sign cannot begin until after the appeal period.

City Attorney Jonathan Wittwer replied yes.

Chair Hlava pointed out that that is no one from the public here that is against this sign.

Commissioner Nagpal suggested conditioning the approval so that if the HPC denies the sign it would be brought back to the Planning Commission.

Chair Hlava suggested running the appeal period simultaneously with the HPB review.

Commissioner Nagpal asked if the HPC meeting would be held within the 15-day appeal period.

Planner Chris Riordan replied no.

**Motion:** Upon motion of Commissioner Rodgers, seconded by Commissioner Zhao, the Planning Commission recommending granting Design Review Approval (Application #07-281) to install a 36-square foot illuminated monument sign near the entry driveway on property located at 13601 Saratoga Avenue, with the modification to Condition #4 that the appeal period begins only after HPC reviews and supports the sign or after the PC reviews it a second time if the HPC does not support the sign, by the following roll call vote:

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

The motion failed.

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Kumar, the Planning Commission granted Design Review Approval (Application #07-281) to install a 36-square foot illuminated monument sign near the entry driveway on property located at 13601 Saratoga Avenue, by the following roll call vote:

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

Chair Hlava said that she expects that the Heritage Preservation Commission will review this sign carefully and if there is a problem it will come back to this Commission. She added that it is her hope that the HPC will think the Planning Commission did a wonderful job.

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

**APPLICATION #06-214 (503-24-034) Graff, (Conoco Phillips/Tosco Marketing), 14395 Big Basin Way:** The applicant requests approval to replace the existing signs at the 76 gas station. The project will include an illuminated freestanding gasoline price sign. The site is located in the Commercial Historic (CH-1) zoning district. The project was continued from December 13, 2006. (Susanne Thomas)

Planner Suzanne Thomas presented the staff report as follows:

- Distributed a color and material board that she advised was for both of her items, this one and the one to immediately follow.
- Explained that the applicant is seeking approval for signage for a 76 gas station located at Big Basin Way and Saratoga-Sunnyvale Road.
- Reported that this item was first considered in October 2006 and was continued to a meeting in December 2006. At the December meeting, the matter was continued to a date uncertain so the applicant could revise their proposal.

- Explained that the request is for a single new gasoline price sign and signage along the canopy.
- Said that the one freestanding price sign is proposed to be located eight feet back from the property line at the corner of Big Basin Way and Saratoga-Sunnyvale Road.
- Added that the landscaping there would be extended toward the building to accommodate the sign placement.
- Described the sign as being three feet high and three feet wide.
- Advised that it has been conditioned that the project complies with the Saratoga Village Design Guidelines.
- Said that the sign shall include stained versus painted wood.
- Stated that lighting would be provided via low-wattage and screened floodlights.
- Said that the proposal also replaces two existing rectangular signs on the canopy with smaller signs. Stripes will be painted on the building but the proposed stripes for the front canopy and roof have been removed from the proposal.
- Informed that the findings can be made, that the project is consistent with the Zoning and that property owners within 500 feet were notified and no negative comments were received.
- Advised that Condition #4 has been modified to require that the two portable price signs and LP price sign will be permanently removed.

Commissioner Nagpal asked if the addition approved a year ago was ever built.

Director John Livingstone replied he did not believe so.

Commissioner Nagpal asked what if there is a need for additional or changed signage in the future.

Planner Suzanne Thomas said that the total proposed signage is 20 square feet so they have the potential allowance for an additional 30 square feet in signage area available.

City Attorney Jonathan Wittwer said that they would have to get an amendment to their permit to get that additional square footage in sign area.

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

Mr. Mark Graff, Applicant:

- Said that he is not certain of the status of the addition mentioned.
- Said that he appreciates the time spent over the last year or so.
- Stated that they now want to get this application done and are ready to go.
- Apologized for the fact that some work got started before it was properly permitted and said it resulted from having so many different people involved in different aspects of the project and the communication not being as effective as it should have been.
- Assured that they want to comply with City regulations.

Commissioner Cappello said that he can understand big organizations and communication problems but asked why it took so long to correct problems once they were made aware of them.

Mr. Mark Graff said he is not sure why it took so long to stop work.

Commissioner Cappello said that it is important to offer assurances that this project will be done per the approval.

Mr. Mark Graff agreed and pointed out that they would not be able to obtain their final approval if the project is not correctly built according to the approved plans.

Commissioner Cappello asked who is responsible for construction.

Mr. Mark Graff said that Ms. Sandy Matthews is responsible for construction for this company. He added that it is his job to make sure the plans are drafted to the approval standards and Ms. Matthews is the one to make sure the construction matches the approved plans.

Commissioner Cappello said that it appears that the work that was improperly carried out was done to the original plan. He asked what would prevent this from happening again.

Mr. Mark Graff said that if construction is not to approved plans the City's Building inspectors will not finalize the project.

Commissioner Nagpal cautioned that several Commissioners live near this site.

Commissioner Cappello added that this is a visible corner and the entrance to the Village.

Chair Hlava said that Mr. Graff is lucky that Commissioner Kundtz is not here this evening as he was especially upset by how long it took to stop work.

Ms. Jenni Young Taylor, Resident on Oak Street:

- Stated that this is a very unique Village.
- Pointed out that it had the loveliest Christmas tree this past Christmas as well as lighted street trees.
- Opined that blazingly bright gas price signs are abhorrent.
- Added that she protests this application, as it is obviously a poor idea due to this being an historic district.
- Said that it is a shame this Commission is even considering this proposal and that the time spent on it is absorbing time of both the Commission and staff.

Commissioner Nagpal pointed out that the lighting is not internal illumination.

Planner Suzanne Thomas added that it is screened low-wattage lighting and was taken directly from the Saratoga Village Design Guidelines. It will be lit from dusk to closing.

Ms. Jenni Young Taylor said she does not understand the term "screened" lighting.

Chair Hlava said it is directed lighting to illuminate the gas prices only and not the surrounding area.

Ms. Jenni Young Taylor said that such lighting does not belong in the Village.

Commissioner Nagpal explained to Ms. Jenni Young Taylor that the gas price sign has to be visible to the public by State law. She asked for any suggestions to improve the situation.

Ms. Jenni Young Taylor said perhaps landscaping. She added that she is just protesting lighted signs in the Village in general to protect the Village.

Director John Livingstone said that the Business & Professions Code is a State requirement. Gas price signs have to be visible from the roadway so some kind of light is required. This light would be off when the station closes at 10 p.m.

Chair Hlava asked how to be sure it gets turned off at closing.

Director John Livingstone suggested by the use of a timer.

Commissioner Cappello asked what wattage would be used.

Director John Livingstone said it would be to the discretion of staff.

Mr. Darvin Awe, Account Representative, Conoco/Phillips, explained that the approval last year for the coffee kiosk fell through and is a dead issue at this point.

Commissioner Kumar asked if an internally illuminated sign was considered.

Planner Suzanne Thomas reported that the original sign proposed was internally illuminated however the Saratoga Village Design Guidelines do not permit such signs.

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

Commissioner Nagpal:

- Said that a nice conclusion has been reached here with how the Village Design Guidelines are being followed. The sign is now wood-framed and faced. It has external illumination through low-wattage floodlights and the canopy is not illuminated.
- Added that the City and this applicant have worked hard to get to this point and she wanted to make note of that fact.

**Motion:** Upon motion of Commissioner Zhao, seconded by Commissioner Nagpal, the Planning Commission approved the replacement of the existing signs (Application #06-214) at the 76 gas station on property located at 14395 Big Basin Way, as modified:

- Amend Condition #4 to require permanent removal of the portable sign.

- Amend Condition #5 to read, "... lights shall be on a timer to go off when the station is not open."
- Amend Condition #7 to require white numerals on the stained-wood background,

by the following roll call vote:

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

**NOES:** None

**ABSENT:** Kundtz

**ABSTAIN:** None

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#### **PUBLIC HEARING - ITEM NO. 4**

**APPLICATION #06-216 (366-22-023) Graff, (Conoco Phillips/Tosco Marketing), 12015 Saratoga-Sunnyvale Road:** The applicant requests approval to replace the existing signs at the 76 gas station. The project will include a variance for two illuminated freestanding gasoline price signs. The site is located in the Commercial-Neighborhood (CN) zoning district. (Suzanne Thomas)

Planner Suzanne Thomas presented the staff report as follows:

- Explained that the applicant is seeking approval for signs at the 76 gas station located at Prospect Avenue and Saratoga-Sunnyvale Road.
- Described the proposed signs as including two new gasoline price signs and two canopy signs. The freestanding price signs would be located four feet from the property line and would be three feet by three feet in size. They are double-sided signs that will be internally illuminated. The sign faces are white with red numerals. The cabinet is a silver matte finish with a stone veneer base that matches the City's gateway entrance.
- Said that the applicant proposes to replace two existing canopy signs with smaller signs.
- Reminded that the Business & Professions Code requires clearly visible gasoline price signs. If a gas station is located on a corner, the signs must be visible from both streets.
- Explained that two Variances are requested. One Variance is to move the freestanding sign placement forward into the front setback on Saratoga-Sunnyvale Road to improve visibility. This results in a four-foot setback distance. The other Variance is to allow a second freestanding sign along Prospect to comply with State Code requirement for gas price signs.
- Advised that the required findings can be made and no special privilege is extended as a result of the Variances.
- Said that the existing diesel price sign could be retained, replaced and/or reduced and changed in color. The existing portable sign and monument sign would be permanently removed.
- Informed that no negative comments were received.
- Recommended approval with the amendment to Condition #4 that requires the permanent removal of the existing signs.

Chair Hlava asked if the condition to allow a diesel fuel price sign still falls within the allowable maximum sign area square footage.

Planner Suzanne Thomas replied yes.

Commissioner Rodgers asked if the calculation includes the Lotto signs.

Planner Suzanne Thomas said the area calculated includes the identification and price signs.

Commissioner Nagpal said that while this is not the Village, it is an entrance into Saratoga. She asked if any consideration had been given to not having this sign self-illuminated.

Planner Suzanne Thomas replied no. She pointed out that there are two other gas stations at two of this intersection's corners with internally illuminated signs. She added that the monument and canopy signs would be illuminated at this location.

Commissioner Nagpal replied that she was just curious.

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

Mr. Mark Graff, Project Applicant:

- Stated his agreement with the staff resolution.
- Said that they had some concern over the growth of the flowers there right now as they tend to obscure the prices.
- Reiterated the need to have these signs internally illuminated.
- Said he is available for questions and again apologized for the work done on site prior to approvals being obtained.

Commissioner Nagpal said that since Variances are being sought here, would this business be interested in pursuing signs that are not internally illuminated.

Mr. Mark Graff pointed out that one reason that the Variance is required for placement of the freestanding price sign on Saratoga-Sunnyvale Road within the setback is because this property owner allowed the City to place its gateway wall on his property, which reduces visibility of his signs.

Commissioner Nagpal asked Mr. Mark Graff if they are amiable to the low-wattage flood light option at this location. She suggested that it would be a unique opportunity for both this City and this applicant to set a high standard at this entrance point to the City.

Chair Hlava asked who plants the flowers in front of the gateway wall.

Mr. Mark Graff replied the City.

Planner Suzanne Thomas added that the flowers are within a City easement and it is her understanding the Public Works staff does the maintenance of the landscaping there.

Chair Hlava:

- Agreed that what is planted there may be a bit tall and that perhaps something with shorter foliage might be planted there.
- Said that the lack of visibility creates a disadvantage for this station owner over his nearby neighbor stations.
- Asked about the diesel sign and whether a bigger monument sign might be utilized in order to include the diesel price on the monument price sign too instead of using the ugly orange price sign located on the building with diesel pricing.

Mr. Mark Graff said that this is one option to consider. A taller sign would allow the fourth price to be included on the monument. Or a new sign diesel price sign could be created for placement on the building.

Chair Hlava sought clarification that it would require an additional six to eight-inches in height to accommodate a fourth price.

Mr. Mark Graff replied correct.

Mr. Darvin Awe said that they are not in control of the foliage that obstructs their existing signs as well as their proposed signs. He reminded that they must be able to meet State signage visibility requirements.

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

Commissioner Zhao asked how many additional inches taller the sign needs to be for inclusion of the fourth (diesel) price.

Commissioner Nagpal asked if this would result in exceeding the sign area allowed.

Planner Suzanne Thomas said that the required triangle of visibility for a corner becomes a factor with a taller sign.

Commissioner Nagpal suggested a smaller simpler sign on site with the diesel price.

Commissioner Rodgers pointed out that if the sign height is raised to accommodate a fourth price (diesel), the prices of the three main types of gasoline would become more visible as they would be higher off the ground.

Chair Hlava reminded that this station provides sales and gasoline taxes for the City of Saratoga while the stations at the other two corners do not as they are outside Saratoga's city limits. She didn't want to see this station at a disadvantage over the other two stations.

Commissioner Nagpal said in her opinion it would be preferable to have this sign look more like the sign that was approved for the Village location. She stated that there is an opportunity here to create an advantage.

Commissioner Zhao said she does not have a strong opinion one way or the other. The applicant can consider matching the Village sign if it wants to do so.

Commissioner Cappello said that the sign as proposed for this location is nice and clean looking. He said that he is pleased with what is being proposed by the applicant.

Commissioner Rodgers said she is happy with the signs either being internally illuminated or externally illuminated. She said that the sign on the kiosk worries her more as it is more offensive than having an internally illuminated sign. She said there is a need to find a way to get the fourth price posted.

Commissioner Kumar said he likes the idea of a freestanding sign that includes all four prices.

Chair Hlava said there appears to be some interest in raising the maximum height of the sign and asked staff if there is a problem with doing that.

Director John Livingstone said that a 10-foot by 10-foot visibility area is necessary and they have a 16-foot by 18-foot area available here. This additional sign height will not create a safety problem in this situation.

Commissioner Zhao asked if a Variance for sign area would be required.

Planner Suzanne Thomas said that the extra eight square feet of signage would come from the site signage allowance and no Variance would be required as far as sign area.

Chair Hlava said it appears it is no problem adding an additional 8-inches in sign area on each sign face.

Commissioner Nagpal said it appears the solution is having all four prices posted on the freestanding price signs.

Chair Hlava asked how this is accomplished. She suggested amending Condition #2 so that it reads that the height shall not exceed four feet and the sign area not exceed 12 square feet.

Commissioner Nagpal stressed the importance of conditioning the removal of the existing diesel price sign.

Chair Hlava agreed that the diesel price sign as well as existing price signs must be removed.

Commissioner Rodgers said that the sign on the kiosk should not be replaced with anything else.

Commissioner Nagpal said the language in the conditions calling for "permanent" removal would take care of that concern.

Chair Hlava agreed and pointed out that the Commission is not approving anything to replace that removed diesel wall sign.

Commissioner Kumar suggested that the existing neon diesel sign also be removed from the kiosk as a part of this condition.

City Attorney Jonathan Wittwer said that Condition #1 needs to be revised to refer to Exhibit A as modified by the Planning Commission.

Chair Hlava:

- Restated the proposed Commission recommendations:
  - Signs as shown on Exhibit A as revised to comply with the Planning Commission decision.
  - Height not to exceed four feet and sign area not to exceed 12 square feet.
  - The existing portable signs, two diesel signs from the kiosk (wall and neon signs) and the price sign on Saratoga-Sunnyvale Road shall be permanently removed prior to issuance of permits.

**Motion:** Upon motion of Chair Hlava seconded by Commissioner Kumar, the Planning Commission approved the replacement of the existing signs (Application #06-216) at the 76 gas station on property located at 12015 Saratoga-Sunnyvale Road, with the amendments as follows:

- Signs as shown on Exhibit A as revised to comply with the Planning Commission decision;
- Height not to exceed four feet and sign area not to exceed 12 square feet;
- The existing portable signs, two diesel signs from the kiosk (wall and neon signs) and the price sign on Saratoga-Sunnyvale Road shall be permanently removed prior to issuance of permits,

by the following roll call vote:

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

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### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

Chair Nagpal asked if there have been any appeals of Commission items.

Director John Livingstone advised that the Zambetti project was appealed and will be heard by Council on July 18<sup>th</sup>.

Chair Hlava:

- Advised that Council wants to set a joint session some time in August with the Planning Commission to discuss proposals for the North Campus.
- Announced her attendance at a Green Building Seminar that she found to be very interesting and informative.
- Described a website called builditgreen.com and offered to email information to the other Commissioners on what she learned and how to access this website.

### **COMMUNICATIONS**

There were no Communications Items.

### **ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Rodgers, seconded by Commissioner Cappello, Chair Hlava adjourned the meeting at approximately 10:10 p.m. to a Study Session on July 10<sup>th</sup> and subsequently to the next Regular Planning Commission meeting of **July 11, 2007**, at 7:00 p.m.

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