MINUTES
SARATOGA PLANNING COMMISSION

DATE: Wednesday, October 10, 2007
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

ORAL COMMUNICATION

Mr. Dave Kramer, Resident on Montreal Street:

- Said that his street is located behind Gene's Market where he has lived for 17.5 years.
- Explained that there had been a specific custom wooden garage door depicted on his remodel plans but they had installed a steel door instead.
- Pointed out that of 38 homes in the area only one has a wooden garage door.
- Said the reason for installing the steel door was for maintenance as well as fit within the neighborhood.
- Reported that he has obtained signatures from 10 neighbors in support of keeping his steel garage door.
- Advised that he had spoken with Chuck Page who urged him to pursue this.
- Stated that he understands he made a mistake in changing the garage door from what was on the approved plans without notifying the City. They had considered the change in garage door to be minor.
- Explained that they had to put up a $500 bond in order to gain occupancy quickly, which was necessary because his wife had become ill.
- Informed that he was told that to apply for a change to this garage door, he would have to pay a $500 filing fee to process a Modification request with the warning from staff in advance that it would be denied. An appeal of this action to the Planning Commission would require another $500 in fees.
- Said that it is difficult to understand why they can't do this.
- Thanked the Commission for its time.

Commissioner Nagpal asked staff if the original approval was handled under an administrative process.

Director John Livingstone replied yes. He advised that when the project was inspected for final occupancy it was discovered that a lesser garage door was installed. Staff didn't want to make a decision to change the approved door and the appeal time had passed. The best

option is to file for a Modification to the approval, which staff would deny. Thereafter, they can appeal to the Planning Commission.

Commissioner Zhao asked if there is any exemption from these fees, as they appear high.

Commissioner Cappello explained that the fees are in place to cover staff cost. If these fees are waived for this applicant, taxpayers cover the cost as a whole.

Director John Livingstone cautioned that staff couldn't waive fees. Council generally does not waive fees. He added that the request for Modification followed by an appeal to the Commission is the best way staff could come up with to get this item to the Planning Commission.

Commissioner Nagpal said that this owner didn't meet the plans that were approved but needs to obtain occupancy.

Director John Livingstone clarified that the applicant posted a bond and has occupancy.

APPROVAL OF MINUTES – Regular Meeting of September 26, 2007.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Rodgers, the Planning Commission minutes of the regular meeting of September 26, 2007, were adopted with corrections to pages 3 and 9. (6-0-1; Chair Hlava was absent)**

REPORT OF POSTING AGENDA

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on October 4, 2007.

REPORT OF APPEAL RIGHTS

Acting Chair Kundtz 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 items.

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PUBLIC HEARING - ITEM NO. 1

Application ADR07-002 (389-26-022) Sripadanna, 18524 Montpere Way (Continued to the October 24, 2007, meeting): Appeal of an Administrative Design Review approval for a remodel with partial demolition and addition to the existing one-story home located at 18524 Montpere Way. The proposal would enlarge the home by approximately 1,096 square feet (which includes a carport conversion to enclosed garage). Total proposed floor area, including garage, would be 2730 square feet. The maximum height of the proposed structure will not exceed 18 feet. The maximum impervious coverage would not exceed the allowable 60 percent of the net site area. The lot size is 8,520 square feet and the property is located in the R-1-10,000 zoning district. (Heather Bradley)

Acting Chair Kundtz advised that Item No. 1 would be continued to the meeting of October 24, 2007.

Acting Chair Kundtz opened the public hearing for Agenda Item No. 1.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Rodgers, the Planning Commission continued consideration of the appeal of an Administrative Design Review approval on property located at 18524 Montpere Way to its October 24, 2007, meeting. (6-0-1; Chair Hlava was absent)**

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Acting Chair Kundtz advised that Agenda Item No. 2 and Agenda Item No. 3 would be heard in reverse order as Commissioner Zhao will have to recuse herself from participating on the hearing for Item No. 2 due to a conflict of interest.

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PUBLIC HEARING - ITEM NO. 3

Application #07-126/PSP07-0002 (385-35-069) Church of the Ascension, 12033 Miller Avenue/19550 Prospect Road: The applicant requests Design Review for an illuminated freestanding sign in the R-10-10 district. The high-density urethane architectural foam sign will be mounted on a stone block base and painted beige with brown lettering, which will match the colors on the adjacent church building. The combined sign and base will be approximately five-feet high and eight-feet wide. The text will spell out “Church of the Ascension Roman Catholic” and will include he times of masses. (Suzanne Thomas)

Assistant Planner Suzanne Thomas presented the staff report as follows:

- Advised that the applicant is seeking approval for a freestanding illuminated sign for the Church of the Ascension.
- Explained that Code allows for an illuminated sign with Planning Commission approval.
- Said that this freestanding sign is needed to identify the church to passing traffic. The size and placement are crucial since the church is located on a busy road.

- Added that if the sign were to be placed beyond the required setback, it would be located 25 feet back from the road. Instead the applicant seeks approval of a Variation of Standards so that the sign can be placed within the required setback.
- Described the proposed sign as being five-feet high and eight-feet wide. It will utilize florescent lighting that will be shielded by vegetation. The proposed sign material is architectural foam that is known for its longevity and durability. The face will consist of brown lettering on a Navajo-white background. The sign rests on a stone block base.
- Reported that the applicant has made many modifications to its proposal on issues of lighting, sign content and materials.
- Said that one neighbor originally had some concerns but those concerns have since been resolved. Eighteen letters of support have been provided. A 500-foot notice was sent and no negative comments were received.
- Stated that this applicant is compliant with Sign criteria with the approval of a Variation of Standards.
- Advised that the existing freestanding sign would be removed.
- Said that this new sign would assist vehicles in finding and entering this destination before passing by on this busy road.
- Provided proposed minor changes to the draft Resolution:
  - Finding D should read, "The proposed project will not adversely affect existing or anticipated uses in the immediate neighborhood nor will it adversely affect surrounding properties or the occupants thereof. The lighting will be directed away from nearby residences and vehicular traffic. The sign will be situated outside the triangle of visibility for the property driveway and the colors and materials will not detract from the neighborhood in that they will match those of the existing building.'
  - Condition 1 should replace the text "~~with the exception of~~" with "subject to," to read: "The sign shall be located and constructed as shown on Exhibit A, incorporated by reference, subject to the following conditions."
  - Condition 5 should read, "The placement of the sign as to distance from the trees shall be subject to the approval of the Community Development Director."
  - Condition 7 should read, "The applicant will replace and restore any damaged landscape surrounding the proposed sign in a matter satisfactory to the Community Development Direct prior to final inspection."
- Said that staff is recommending that the Planning Commission approval this request.

Commissioner Nagpal asked staff to verify that the illumination is via indirect light.

Planner Suzanne Thomas said that the lighting is florescent and consists of only 64 watts as opposed to the allowance of up to 200 watts. The lighting is shielded both by the fixture itself and by the surrounding vegetation. The light is aimed directly at the sign.

Commissioner Nagpal asked if the sign would be facing Prospect.

Commissioner Rodgers said that it is located directly across from houses but those houses don't appear to have any windows facing the street. She asked if the foam sample that was at the site visit is available this evening.

Planner Suzanne Thomas said that she had left the office without it.

Commissioner Rodgers said she thought the foam sample was crumbling and asked if it would be somehow treated to avoid crumbing.

Commissioner Cappello said he had thought the same thing about potential for crumbing. However, he tried to carve into the sample piece using his fingernail and was unable to make a dent. It was very dense and hard. It is a very interesting material.

Commissioner Kumar asked if maintaining the vegetation might hasten the deterioration of this foam material. He added his hope that landscaping would be properly maintained.

Commissioner Nagpal pointed out that landscaping maintenance has been conditioned.

Planner Suzanne Thomas advised that there is an irrigation system in place.

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

Mr. Jerry Streib, Representative for the Church of the Ascension:

- Said that Planner Suzanne Thomas gave an excellent summary and background of this project.
- Suggested that this sign would be an asset to Ascension as well as to the neighborhood.
- Said that numerous discussions were held on the issues of location and type of sign. They have spoken with a number of design shops.
- Explained that they visited every nearby house and discussed this sign. One neighbor had suggestions, which were accommodated. Therefore, there is agreement from all neighbors. They are pleased.
- Stated his hope for approval this evening and said he was available for any questions.

Commissioner Rodgers said she noticed some flaking of the foam when she handled it. She asked Mr. Jerry Streib if he had tried to scratch the foam.

Mr. Jerry Streib:

- Replied no.
- Added that the foam sign would also be painted.
- Explained that the reason they went with the foam material was due to the durability of HDU (High Density Urethane).
- Advised that it is the same material used on the Alaska pipeline for insulation over the last 35 to 45 years.
- Assured that there are no indications of a problem with this material. There is a 12-year-old sign in Saratoga that is made of this material and it is in excellent condition without any deterioration.

Commissioner Rodgers asked Mr. Jerry Streib if they had considered a wood sign at any time.

Mr. Jerry Streib said that was the original starting point because the current sign was already wood. However, the sign shops they consulted with recommended the HDU as a better alternative. He advised that their current wooden sign is splitting though it is an old sign.

Commissioner Rodgers agreed that the splitting on the existing wood sign is unattractive and makes it difficult to read.

Mr. Jerry Streib agreed.

Commissioner Rodgers asked Mr. Jerry Streib if he had looked at other signs along Prospect.

Mr. Jerry Streib said that the closest sign is next door at Beth David. It is a two-foot by 12-foot wooden sign attached on two poles. It is five-feet high with lighting above using a gooseneck light fixture looking down. The only other sign nearby is the North Campus, which is further west and is a painted sign.

Commissioner Rodgers asked if the North Campus sign is wood.

Mr. Jerry Streib said he does not know.

Commissioner Rodgers said that she has a problem with use of foam instead of wood for this sign.

Commissioner Cappello asked Mr. Jerry Streib if the irrigation is functioning.

Mr. Jerry Streib said he checked and it is there and functioning. He assured that this church has a vested interest in maintaining the landscaping.

Pastor Mark Brady, Resident on Prospect:

- Advised that his residence is located directly across Prospect from this church site.
- Stated that he is against this proposed sign.
- Informed that he is the Senior Pastor at the Union Christian Church located in Cupertino.
- Said that he loves the Church of the Ascension including its architecture and statues, which are visible from his home.
- Said that the eyesore of a sign in the center of the landscaping would have a negative impact on what he sees from his property.
- Recounted that he is from New England and had experience living near lighted signs. The illumination never goes away so it acts much like a night light on adjacent residences.
- Said that he took a drive around the community and identified 10 churches. He only noticed small non-illuminated signs. Saratoga Presbyterian has a stone sign. Sacred Heart has no freestanding sign on the road just lettering on the building. None of them have a sign as is proposed here.
- Suggested that there are ample opportunities for visitors to find access to this site. The location is easy to find.
- Questioned whether there are even any illuminated business signs in Saratoga.
- Reiterated that he is against this proposed sign as it is detrimental to his living situation.

Commissioner Nagpal clarified with Pastor Mark Brady that his home is across the street from the church.

Pastor Mark Brady said yes, his home is across Prospect, directly across from where this sign is proposed.

Commissioner Nagpal asked Pastor Mark Brady if there are bedrooms in his home facing Prospect.

Pastor Mark Brady replied yes. There is a sunroom at the front of the house that would bring any light from this sign into his residence.

Commissioner Zhao asked Pastor Mark Brady if he had reviewed the neighbor notification form.

Pastor Mark Brady admitted that someone from the church came by his house. He told that person that he didn't support an illuminated sign in this location. He added that he also received notice of this hearing.

Commissioner Kumar asked Pastor Mark Brady if his chief concern is lighting as might be viewed from his bedroom.

Pastor Mark Brady said that he is concerned with a lighted sign shining all night long directly across the street from his bedroom. He added that the church itself is beautiful and quite scenic. This sign would denigrate that beauty.

Commissioner Kumar asked if passing cars were not already a problem.

Pastor Mark Brady explained that at night Prospect is not that busy. The issue here is sustained lighting.

Commissioner Kumar asked staff if the sign would be lighted all night long.

Director John Livingstone said that Condition 5 points out that this sign would be hooked into the same lighting circuit that is used for the church's parking lot. The wattage is no more than used there.

Mr. Ray Muzzy, Resident on Erik Drive:

- Stated that this application represents a good example of a church cooperating with its neighbors.
- Added that they have done a good job. This sign blends in well with the community and is in a good location.
- Said that as this light is only using 64 watts, it is less intense than lighting that is already in the area.
- Opined that as for blending in with other churches' signs, this one blends very well using good materials that will be long lasting and uses minimal text.
- Reminded that the existing sign would be removed.
- Pointed out that neighbors were involved in this process early on here.
- Stated that this is a well-thought-out plan and asset to the neighborhood and church.

Mr. Jerry Streib:

- Said that they had visited all the neighbors and left copies of the plans, the notification form and contact information.
- Added that he never got any adverse feedback from Pastor Brady prior to this evening's comments.
- Stated that they are keeping the lighting for this sign on the same circuit as the parking lot lighting. At 64 watts, it is much less intense than the maximum allowed wattage of 200.
- Said that florescent lighting is less glaring and more uniform.
- Stated that they tried to do everything possible to make this an asset.
- Added that he is disappointed to get a negative comment at this late date.

Commissioner Kumar asked if the reason for relocating the placement of this sign is because people miss turns onto the site. Is it more central and aimed at avoiding traffic spillover into the residential neighborhood?

Mr. Jerry Streib said that this is one reason. The existing sign is not visible from one direction. They propose to move it down so it is more on Prospect and visible. They felt that moving it west was a better location. He reminded that they are restricted to a 50-foot distance from the driveway.

Commissioner Nagpal asked about the hours for illumination of this sign.

Mr. Jerry Streib said that the parking lot lights go on at sundown and off between 10 or 11 p.m. Perhaps on weekends they are on a bit longer. However, they are not on all night long.

Commissioner Nagpal asked if conditioning the sign illumination to be turned off by 11 p.m. is supportable by the church.

Mr. Jerry Streib said it might need to be later when special services occur.

Commissioner Nagpal said that the concern is that the sign not be illuminated all night. She asked if setting a limit is acceptable.

Mr. Jerry Streib reiterated that the sign is not left on all night long.

Commissioner Nagpal asked if the lights are on a timer.

Mr. Jerry Streib replied yes.

Commissioner Rodgers asked Mr. Jerry Streib if they had considered lighting other than florescent. She advised that she is not a fan of florescent lighting although she understands they use less energy.

Mr. Jerry Streib said that incandescent lighting is spotty. You can achieve more uniformity with florescent so it seemed the best alternative, offering a nice, uniform illumination across the intended area.

Commissioner Rodgers asked if the sign could be made perpendicular to the road.

Mr. Jerry Streib said that they had considered that but felt parallel was better. If it were to be perpendicular it would require more lighting on both sides. A two-sided sign also drives up the cost considerably. A parallel placement is considered the best option. In looking at most other churches, their signs are mostly parallel.

Acting Chair Kundtz advised that a recently approved sign for Saint Andrews is located perpendicular to the street.

Commissioner Zhao asked how big the light fixture is.

Mr. Jerry Streib said it is eight feet (96-inches) and uses two 48-inch florescent lights that run the entire length of the fixture. It is located in front of the sign.

Commissioner Rodgers asked Mr. Jerry Streib if they have received lots of comments from people who say this church is hard to find.

Mr. Jerry Streib said that it is not difficult for regulars but is for people attending weddings and funerals who are not familiar with the site.

Commissioner Cappello asked Mr. Jerry Streib what time restriction for illumination of the sign the church could live with.

Mr. Jerry Streib said 10 to 11 p.m. is acceptable as long as exceptions can be made for those times where there is a midnight mass or later Easter masses.

Commissioner Cappello asked what would be the latest conclusion time.

Mr. Jerry Streib said 2 a.m.

Commissioner Cappello asked how often.

Mr. Jerry Streib replied Christmas and Easter. If there is an event in the hall, it may go beyond 11 p.m. so they would need lighting when that occurs.

Acting Chair Kundtz closed the Public Hearing for Agenda Item No. 3.

Director John Livingstone:

- Advised that there is a diagram of the fixture on the attachment that also demonstrates the next-door sign and other church signs in the community.
- Said that he is somewhat concerned with restricting lighting without the church having its calendar to consider.
- Pointed out that he is not aware of any complaints regarding the parking lot lights.
- Added that lights in a parking lot can also serve as a deterrent to having people hang out in the lot at night.

Commissioner Nagpal asked how many church signs are illuminated.

Commissioner Cappello said that the Presbyterian Church's rock sign has two rather large spots demonstrating floodlights.

Commissioner Nagpal asked if the sign lighting could be conditioned separately from the parking lot lighting.

Director John Livingstone said certainly.

Commissioner Cappello:
- Stated that this is a nice-looking sign and is a dramatic improvement over the current sign.
- Explained that the illumination was not a concern during the site visit but he can see it might be a nuisance to the neighbor if it were to be left on all night.
- Suggested that timing the sign illumination with the parking lot lighting makes sense.
- Said that he is also open to conditioning timing for the sign alone. It would represent a minor cost issue to have it on a separate circuit.
- Stated his support for this request.

Commissioner Kumar:
- Stated his agreement with Commissioner Cappello.
- Said this is a good sign and its colors are fitting. It was well thought out using low wattage light.
- Expressed support for conditioning the timing of the sign's illumination.
- Stated that he had some initial concerns about the foam material but it seems good.

Commissioner Rodgers:
- Said that different materials and illumination levels are allowed in different areas of the City.
- Stated that she would like to see natural materials used in this sign and not foam.
- Added that she is not a fan of florescent lighting.
- Admitted that she usually has to turn around once or twice when searching for a new location along Prospect but it is not that hard to find where you are going.
- Suggested that a natural, low-impact sign is more in Saratoga's character.
- Agreed that this sign would block views of the church.
- Said that she would rather see a lower height sign.
- Announced that she would not support this request but suggested that if others do they should condition the hours it can remain illuminated separately from the hours of the parking lot.

Commissioner Zhao:
- Said that she is okay with the proposed sign and material.
- Added that it is better than the existing sign.
- Suggested conditioning hours of illumination giving the church some exceptions for special services.

- Said that she can make the findings to support a Variation to Standards and support this sign request.

Commissioner Nagpal:
- Expressed appreciation to the church for their efforts in neighborhood involvement.
- Said that she too was initially concerned with the proposed foam material but it is non-reflective and durable and has a wood-like appearance.
- Stated that the sign's design seems similar to other churches.
- Said that the concern from the neighbor that this might serve as an "all night nightlight" resonated with her. However, that neighbor has not raised an issue over parking lot illumination, which has the same wattage.
- Advised that she believes the church has a right to have a sign in front of their location.
- Suggested conditioning the illumination of the sign to 11 p.m. with the exception of Christmas and Easter.
- Stated her support of this request with conditions.
- Said that the florescent light that is indirect and within vegetation is okay especially as it consists of only 64 watt lighting.

Commissioner Rodgers asked if there is another form of energy-efficient lighting that is not florescent.

Commissioner Nagpal said she does not have the answer to that question.

Acting Chair Kundtz:
- Expressed agreement with Commissioner Nagpal's comments.
- Admitted that he wished he had been involved earlier on in the process, as he would have recommended use of a perpendicular sign placement.
- Added that he is, however, also sensitive to a church's budget so he can support this application with conditions.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission granted Design Review approval (Application #07-126/PSP07-0002) to allow an illuminated freestanding sign at 12033 Miller Avenue/19550 Prospect Road, as modified by staff as well as the modification to Condition 6 to require that the sign illumination be limited from sundown to 11 p.m. with exceptions for Christmas and Easter ceremonies, by the following roll call vote:**
AYES: Cappello, Kumar, Kundtz, Nagpal and Zhao
NOES: Rodgers
ABSENT: Hlava
ABSTAIN: None

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Commissioner Zhao recused herself from participation on the next item due to a conflict of interest. She is excused for the remainder of the meeting and left the dais and chambers.

PUBLIC HEARING - ITEM NO. 2

Application #07-396 (517-22-075) Arimilli, 15400 Peach Hill Road (Continued from the August 8, 2007, meeting) The applicant requests Design Review approval to construct a new two-story single-family residence, including a basement and an attached secondary dwelling unit. The total floor area of the proposed residence and garage will be approximately 6,699 square feet. The net lot size is approximately 1.6 acres and the site is zoned R-1-40,000. (Chris Riordan)

Senior Planner Chris Riordan presented the staff report as follows:

- Distributed a revised materials board.
- Reminded that this item was originally considered by the Commission on August 8th and continued. At the time, the applicant was seeking a Conditional Use Permit to allow a maximum height of 29.5 feet for a new 6,700 square foot residence.
- Said that the Commission recommended the reduction in height to a maximum of 26 feet.
- Reported that this evening's design reflects revisions that include a maximum height of 26 feet so the Conditional Use Permit is no longer required.
- Described the architectural style as Tuscan that incorporates features such as a stucco and stone exterior, finished covered porches flanked by columns, shutters, wrought iron railings, recessed front entry and a hipped barrel-tile roof. There is also a basement and four-car garage as well as a deed-restricted secondary dwelling unit.
- Recommended Design Review approval.

Commissioner Rodgers asked about the duel piece roof tile.

Planner Chris Riordan deferred to the applicant.

Commissioner Rodgers thanked staff for working with the applicant in revising their plans. She asked about green design features.

Planner Chris Riordan said that they are outlined on Page 6 of the staff report under Energy Efficiency. The green features are the same as originally proposed.

Commissioner Rodgers asked about the landscaping plan.

Planner Chris Riordan said that it is Page 8 of the plan set. It doesn't show details but a detailed plan is due prior to final.

Commissioner Nagpal asked about the entrance and roundabout.

Planner Chris Riordan said that it represents a turnaround for Fire access.

Acting Chair Kundtz opened the Public Hearing for Agenda Item No. 2.

Mr. R. Arimilli, Applicant and Property Owner:

- Said he is here this evening with his wife, family friend and architect, Marty Oakley.
- Said that the previous maximum height of 29.5 feet has been reduced to 26 feet. The percentage of the roof at that 26-foot maximum is less than five percent.
- Advised that to deal with the perception of excessive bulk, they reduced the height of the roof and the width of the house (down by 15 percent). Therefore the roof structure is reduced by 40 percent.
- Said that there had been a concern raised about the access to the second unit so a separate entrance was added from the back.
- Explained that his neighbor, Dr. Connelly, had a concern that has been alleviated so he signed off on the consent form.
- Assured that the revised design has been presented to the neighbors.

Commissioner Nagpal asked about the driveway.

Mr. R. Arimilli said that it is a Fire turnaround requirement.

Commissioner Rodgers asked about the gate on the driveway.

Mr. R. Arimilli said that there is a small gate for people who need access to the property such as to read the meters.

Commissioner Rodgers asked how many cars could be stacked in the driveway in front of the gate.

Mr. R. Arimilli said three.

Commissioner Rodgers asked if the semi-circular area at the front also represented a driveway.

Mr. R. Arimilli said it was a driveway.

Commissioner Rodgers extended thanks to Mr. R. Arimilli for his letter dated September 5th.

Mr. R. Arimilli said he was able to address each issue raised at the previous meeting thanks to his architect, Marty Oakley.

Commissioner Cappello asked if the garage holds four cars.

Mr. R. Arimilli replied yes.

Commissioner Cappello asked about the garage door.

Mr. R. Arimilli said that it is a single-car garage door. A single car can turn in the garage but the rest have to be stacked.

Acting Chair Kundtz thanked Mr. R. Arimilli for the changes made as a result of Planning Commission recommendations. He said the Commission appreciates the time taken and the creative alternative design reached.

Acting Chair Kundtz opened the Public Hearing for Agenda Item No. 2.

Commissioner Nagpal:
- Extended her compliments to the architect and property owner for this difficult application.
- Expressed appreciation for the work done and the accomplished reduction in mass.
- Said this represented a complete redesign.
- Stated she is ready to approve this application.

Commissioner Rodgers:
- Expressed her agreement.
- Stated that a reduction in width from 170 feet to 146 feet resulted in much less bulk.
- Said she appreciates the fact that the applicant listened to the comments of the Commission.
- Said that use of natural materials is important to her.
- Stated that she too is ready to approve this design.

Commissioner Cappello said ditto. He said that there are unique design aspects here and he can make the findings to support this request.

Commissioner Kumar agreed and said he too can make the findings to support.

City Attorney Jonathan Wittwer said that Condition 12 requiring a deed restriction for the second dwelling unit should become a permanent condition of approval. He suggested reorganizing the text by bringing the last sentence to the front, "Prior to Building permit issuance…"

Commissioner Nagpal thanked Senior Planner Chris Riordan for his work.

Acting Chair Kundtz said that the Commission often takes staff for granted.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission granted Design Review Approval (Application #07-396) to allow a new two-story single-family residence with basement and attached secondary dwelling unit on property located at 15400 Peach Hill Road, with the added requirement that Condition 12 be made permanent, by the following roll call vote:**
AYES: Cappello, Kumar, Kundtz, Nagpal and Rodgers
NOES: None
ABSENT: Hlava
ABSTAIN: Zhao

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DIRECTOR'S ITEMS

Director John Livingstone asked for an update on how email is functioning.

Commissioner Nagpal said she continues to have trouble getting it set up.

Commissioner Kundtz said he still has problems.

Commissioner Rodgers asked that only her Saratoga account be used.

Commissioner Kumar said the same for him.

Commissioner Nagpal said she would notify staff when they can switch to just the Saratoga account.

City Attorney Jonathan Wittwer advised that a recent challenge in Superior Court of a Planning Commission action (Bird Project on Sunset Drive) was rendered. The Superior Court upheld the Design Review and Annexation.

COMMISSION ITEMS

Commissioner Nagpal reported that she attended an APA meeting last week where all cities were well represented. The event was well attended and Norm Minetta provided the keynote address. The green agenda sessions were standing room only.

Commissioner Rodgers reminded that a joint Study Session with Council would occur on October 16th. She asked staff when the staff report might be available.

Director John Livingstone said that it would be made available electronically as soon as possible.

Commissioner Rodgers advised that on October 24th there would be a Planning Commission Study Session on Blight. After that, there are five items on the regular meeting agenda. She suggested that a scheduled break be planned for such a large agenda.

Acting Chair Kundtz said he would forward that recommendation to Chair Hlava and assured that he supported the idea of such a break.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Rodgers, seconded by Commissioner Cappello, Acting Chair Kundtz adjourned the meeting at approximately 8:40 p.m.

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