

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, June 25, 2008
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

Chair Cappello 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, Senior Planner Chris Riordan and Assistant City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of June 11, 2008.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Kundtz, the Planning Commission minutes of the regular meeting of June 11, 2008, were adopted. (6-0-0-1; Commissioner Hlava abstained)

ORAL COMMUNICATION

Ms. Diane Drewke, Resident on Serra Oaks Court:

- Expressed concerns about the keeping of public records.
- Reported that she has appeared before Council in the past on this same issue.
- Advised that she recently asked for items distributed at a June meeting and staff was unable to find those items.
- Stated that public records are essential to all residents of Saratoga.
- Said that there have even been problems with public records with this Commission.

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 19, 2008.

REPORT OF APPEAL RIGHTS

Chair Cappello 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.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #03-259 (397-01-014) Saint Archangel Michael Serbian Orthodox Church, 18870 Allendale Avenue: The applicant requests approval of a Mitigated Negative Declaration, applications for Design Review and Modification to an existing Conditional Use Permit, as well as a request for a Variation from Standards to construct a new church building on the site totaling approximately 3,994 square feet. The Variation from Standards would allow the project to exceed the maximum allowable site coverage, exceed the maximum allowable building height and reduce the number of required parking spaces. The net lot area is approximately 3.1 acres 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 15-46-020. (Christopher Riordan)

Mr. Chris Riordan, Senior Planner, presented the staff report as follows:

- Distributed a number of items to the Commission including a color board for building colors; copies of lighting cut sheets for bollards and parking lot; copies of correspondence received since the report was sent; and a copy of the mitigation monitoring plan.
- Advised that the applicant is seeking approval of a Mitigated Negative Declaration; Design Review Approval; and Modification to an existing Conditional Use Permit with three Variations from Standards. These requests are necessary to allow the construction of a new church building.
- Explained that the new church building will be located on the north side of the site near Allendale.
- Added that the original Orthodox Byzantine style has been modified into a more western appearing architecture to better fit into the neighborhood. Changes were made per comments received at neighborhood meetings.
- Reported that the dome element is at a 50-foot height and the bell tower is at a 40-foot height. The roof structure itself does not exceed 26 feet in height.
- Described the roof as being reddish-brown slate tiles.
- Outlined the three Variations of Standards as including:
 - The proposed maximum height of 50 feet where 30 is allowed.
 - Exceeding the allowed 35 percent site coverage with the proposed 50.5 percent.
 - Provision of 126 parking spaces where 228 are required.

- Advised that staff believes that the parking proposed is sufficient with the exception of Christmas and Easter services.
- Said that no healthy trees are proposed for removal. Thirty (30) new 24-inch box trees will be planted in the parking lot and near the new church building.
- Pointed out that energy saving measures are outlined in the staff report.
- Stated that the Notice of Intent was posted for 30 days between March 25, 2008, and April 28, 2008. A number of comments were received and staff prepared responses that are contained within the report.
- Recommended the adoption of a resolution adopting the Mitigated Negative Declaration and a resolution granting Design Review Approval and a Modification to an existing Conditional Use Permit with Variations from Standards.

Commissioner Kundtz asked what level of LEED certification was achieved.

Planner Chris Riordan replied the minimum LEED certification.

Commissioner Kundtz asked if Saratoga's standard is Silver.

Director John Livingstone said that the City does not have a specific standard.

Commissioner Kundtz asked what monetary guarantee would be used for the \$95,150 amount required. Would it be a bond? He suggested amending Page 9 on Attachment 2 to be specific.

Planner Chris Riordan said that it is called out in the arborist's report as a bond.

Commissioner Kundtz said it should also be so specified in the conditions.

Director John Livingstone cautioned that the security does not have to be a bond as other measures are also acceptable.

Commissioner Rodgers said something like a security equivalent.

Planner Chris Riordan said things such as a CD, passbook savings account or bond.

Commissioner Kundtz said it should be a bond in this case.

Planner Chris Riordan said it could be one of three methods of security.

Commissioner Kundtz suggested asking the applicant what their intent might be for this security.

Commissioner Nagpal asked if there are specific findings for Variations from Standards within the findings for Conditional Use Permits.

Planner Chris Riordan said that with a Conditional Use Permit an applicant could request Variations from Standards, which in this case are also linked to the Design Review Approval.

Commissioner Nagpal asked for verification that there are no real criteria outlined in the Ordinance.

Planner Chris Riordan replied correct. He added that the Planning Commission determines if Variations from Standards are warranted with review of the project itself.

Commissioner Zhao asked about a list of Variations from Standards for 11 other churches in the community.

Planner Chris Riordan reported that Prince of Peace has Variation of Standards on height and parking. Last year, St. Andrew's was granted Variation of Standards for lot coverage and height. He added that requests for Variation of Standards is a standard type of request for churches. He added that many churches in Saratoga were built in the 1950's before the City was incorporated.

Commissioner Nagpal asked for verification that Prince of Peace has both parking and height Variations from Standards.

Planner Chris Riordan replied yes. The sanctuary was built in the 1950's. In the 1970's an addition at a height of 30.5 feet was added.

Commissioner Nagpal asked if St. Andrew's has Variations from Standards for impervious surface and height.

Planner Chris Riordan replied correct.

Commissioner Nagpal pointed out that the applicant also provided a document summary of other church sites. She asked staff if they have reviewed that document prior to this evening.

Planner Chris Riordan said no. He added that there are inconsistencies in their information as it is based on a variety of sources.

Commissioner Zhao asked the height for Prince of Peace.

Planner Chris Riordan said 31.5 feet. He added that St. Andrew's is 43 feet.

Commissioner Zhao asked the lot coverage for St. Andrew's.

Planner Chris Riordan said he did not have that information available.

Commissioner Nagpal asked the height for Saratoga Presbyterian.

Planner Chris Riordan said he did not have that data.

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

Ms. Jolie Houston, Attorney for St Michael's:

- Stated that she has some documents to submit to the public record tonight.
- Added that they include neighbor letters, photographs of the church site as well as responses to comments, which is not required under CEQA for Mitigated Negative Declarations.

Mr. Paul Benton, Project Architect:

- Reported that St Archangel Michael Serbian Orthodox Church has been at this location for 40 years now.
- Explained that there are many fundamentals required which have been tradition for thousands of years that include the footprint of the church being in the shape of a cross.
- Said that this church has been designed for program requirements that includes having vertical elements dominate horizontal elements.
- Advised that the site is set back from Allendale Avenue. The area between the church and social hall creates a synergy. The orientation is angled facing east, which is an integral part of the design.
- Explained that the seating capacity will be 254. Features include a narthrax, a dome over the nave and frescos.
- Informed that they have brought a Serbian Priest to the meeting this evening who is also an Orthodox Architect.
- Reminded that their early design was a Byzantine design that was changed into a more western architecture to integrate into the neighborhood.
- Said that traditional Orthodox architecture steps up toward heaven.
- Stated that this building is intended to last for years. It will be timeless and built of lasting materials. It will be an important piece of architecture for Saratoga.
- Said that they conducted a study of surrounding churches.
- Added that churches in residential areas have different needs than residences.
- Said that while the primary portion of the church meets the 26-foot maximum height standard the dome is at 50 feet.
- Read off a list of heights for nearby churches.
- Stated that that this project has been underway for five years now.
- Added that a lot of mediation has been done with the neighbors and a tremendous amount of outreach. The result was significant changes.
- Advised that the church agrees with the staff report and accepts its conditions.

Commissioner Nagpal said she had questions on the traffic study letter.

Commissioner Hlava asked what the term "spline" means. What is it?

Mr. Paul Benton explained that it is the peak of the major part of the church, such as the top of gable.

Commissioner Zhao asked how the measurements were taken of other churches by the architectural firm.

An associate to Architect Paul Benton advised that they used a laser measurement tool.

Commissioner Nagpal pointed out that their height measurements differ from staff's.

The associate said they did the best of their ability.

Commissioner Zhao said that it is off by quite a bit.

Mr. Donald Randolph, Resident on Montpere Way:

- Said that it is a pleasure to speak this evening. It is a tremendous opportunity for this serious matter for Saratoga.
- Explained that he is a 23-year resident.
- Recounted how he taught his young son to ride a bike on the church property with the gracious allowance of the priest who saw them on site.
- Advised that he looked at the drawing and feels this will be a gorgeous place.
- Added that he is a member of Sacred Heart but thinks this will be a wonderful place to worship.
- Stated that this neighborhood is ethnically and culturally diverse. Everyone gets along.
- Said that he has no problem being associated, neighbors or friends of this church.
- Pointed out that they have done everything they can to fit in.

Mr. Robert Barr, Resident on Camino Barco:

- Said that some questions are not answered in the staff report.
- Said he is concerned with the provision of only 127 spaces when 228 are required.
- Stated that the new church will likely attract more members so parking is going to be very inadequate and cause problems in the neighborhood.
- Pointed out that there is no place for drop off and no place for trucks to leave materials.
- Reminded that Christmas brings 400 people to this church.
- Stressed the importance to consider parking.
- Said that the cupola has windows all around and lights from it will impact neighbors' homes.
- Reported that meetings go beyond 10 p.m. and 11 p.m. on weekends.
- Stresses that these conditions impact their quality of life.

Commissioner Kumar pointed out that the capacity level now is 300 and it will go down to 226 with the new church. He added that it is understood that the church and hall are not used simultaneously. He asked Mr. Robert Barr if there are traffic problems currently.

Mr. Robert Barr said that there are times when there is parking on the street and advised he has pictures that document that situation. He added that when the social hall is used there are more people on site. He agreed that it will be a nice church and suggested that more people will want to come to it.

Commissioner Kumar reminded that there is a requirement for an overflow parking plan as a condition of this approval. He asked Mr. Robert Barr if he has looked at that requirement and does it satisfy his concerns.

Mr. Robert Barr replied that if he felt that the City would enforce its ordinances, yes. He added that so far there are problems in the area of enforcement.

Mr. Shih-Wuu Lee, Resident on Allendale Avenue:

- Said that he would like to see a win-win situation for all.
- Stated his concern over the Variations from Standards.
- Said he would like to see those variations toned down, in particular, the height
- Reminded that while the maximum height is 30 feet, they are requesting a maximum height of 50 feet.
- Pointed out that the measurements of other churches provided by the architect are inconsistent.
- Reported that he looked at an official Orthodox website and didn't find requirements for their church buildings. The website showed Serbian churches from other parts of the country.

Mr. Danny Wong, Resident on Allendale:

- Thanked the Commissioners for their site visit.
- Said that he questions going forward when the mediation process is still under way.
- Requested a continuance until mediation is complete.
- Said that approving prior to completion of mediation is a waste of nine months' time.
- Reported that his house is next to the church.
- Reiterated that he is trying to seek a win-win situation.
- Stated that he wants this church to have a nice church building.
- Advised that there have been three incidents beyond the 11 p.m. curfew between January and March.
- Asked that a sound wall be mandated if this project is to be approved so he can move back.

Ms. Diane Drewke, Resident on Serra Oaks Court:

- Thanked the Commissioners for their site visit as well as the work being done.
- Provided photographs that depict views.
- Reported that neighbors are concerned over lost views.
- Said that most in the neighborhood are still not aware of this project.
- Advised that there are truly beautiful views from Allendale.
- Asked for verification that there would be no ringing bells from the bell tower.
- Reported that this church has not met its curfews since the 1970's.
- Added that Saratoga does not enforce its codes. There is no enforcement and "we know it"
- Said that the use of alcohol on site causes her to worry about her son's safety.
- Added that she is also worried about Vasona Creek.
- Pointed out that the impervious coverage numbers are incorrect in regards to the other churches.
- Advised that those churches were built in the late 1960's and not the 1950's and they have Conditional Use Permits.

Mr. Steve Schwartzkopt, Resident on Camino Barco:

- Said that fairness is important.
- Agreed that this congregation needs its facility.
- Said that complications arise between the City's General Plan and its zoning requirements.
- Added that from the neighbors' perspective, fair is meeting the zoning requirements that they have to meet in the same neighborhood.
- Said that the Land Use plan does not apply to churches specifically and that omission does not make sense.
- Recommended that this project go back to committee and make sure that St. Andrew's 2002 approved expansion is reviewed as the template for this one. There are the same issues.
- Stated that the Initial Study is seriously flawed and information is missing on the Conditional Use Permit.
- Said that the opportunity should be taken to review the Land Use element of the General Plan, which can be done four times a year.

Father Iliva Balach, Orthodox Priest/Architect:

- Reported that he is formerly from Saratoga and currently from Seattle.
- Advised that he is an Orthodox Architect.
- Explained that the purpose of a temple is to worship God. The worship of God integrates with the church building. The dome overhead represents the heavens.
- Said that the function of worship is to highlight the truth.
- Said that the style of architecture reinforces the expression of the church that "God is with us."
- Added that the exterior is understood by what occurs in the sanctuary.
- Stated that some Orthodox churches may not have domes but they want them.

Commissioner Hlava said she saw a number of the photographs depicting Orthodox churches without domes. She said that while Father Balach has explained why they have domes could he also explain why some are without a dome.

Father Iliva Balach said that there are a number of circumstances where an Orthodox church might be without a dome. One is the use of temporary quarters or a chapel that is not a church building. Other circumstances cannot be controlled such as use of an existing facility. He assured that the lack of a dome is not by choice. Oftentimes churches add their domes later or build a new building.

Commissioner Nagpal asked if the building is a chapel until it achieves church status.

Father Iliva Balach said that they use a chapel until they can afford to build a proper church building such as St. Michaels. If they can't afford to build, they have to wait until they can. He assured that theology requires the dome.

Commissioner Kundtz asked if the canons of the Orthodox Church are mandates or "nice to haves." He gave as an example the ringing of bells at the reading of the gospel.

Father Iliva Balach:

- Explained that canon is hard to understand from different perspectives.
- Added that in the Orthodox tradition, canons are guidelines for salvation. If you choose, they are a guideline but nothing is mandatory.
- Said that “mandated” is out of context in terms of intent.
- Said that the canons are appropriate in terms of Orthodox worship.

Mr. Laszlo Sipos, Resident on Allendale Avenue:

- Said that his home is across the street from the project.
- Advised that he is a 45-year resident.
- Said that there have been some experiences with the church. Not all were pleasant but over the last several years or decade there has been a tremendous amount of change by the church.
- Stated that the church is trying to work with the neighbors.
- Said that the experience now is they are doing everything possible.
- Informed that he originally objected to the height and they lowered it.
- Said that looking at the plans now, the church should be allowed to pursue their own happiness.
- Added that they own their own property and have the right to build as they wish.
- Reiterated that they have done all that they could.
- Said his property is most affected by the view as the new church will be directly in front of his yard,
- Advised that he has no objection and hopes the Commission will let them go ahead.

Mr. Scott Wheelwright, Resident on Glen Brae Drive:

- Said he is a 15-year resident.
- Said that there is a great opportunity here to build a beautiful structure that will be an asset to the community.
- Stated his support.
- Declared that this is a wonderful community and great people live here.
- Added that he is grateful to be part of this community with different ethnic and cultural backgrounds.
- Encouraged support of this beautiful structure that will be a benefit to the community.

Mr. Eric Grube, Resident on Harleigh Drive:

- Said that he sent a letter last week.
- Pointed out that the church owners were on site 15 years before Camino Barco was created. They moved into this church’s neighborhood.
- Said that he supports this design.
- Questioned complaints about overflow parking on Christmas and Easter, which is when all churches have populations 100 percent larger than normal.
- Explained that the Catholic Church calls those attendees the “C & E’ers.”
- Reminded that Sacred Heart build a new church following years of using their gymnasium.
- Said that there has been 55-months of negotiations here.
- Suggested that the last 40 to 50 people in opposition reflect a small percentage of Saratoga’s population.

- Said it is time to make a decision.
- Said that otherwise, mediators will be here four years from now still mediating, probably mediating the height of the kneelers and whether they are too soft or too hard.
- Quoted Abraham Lincoln, "You can fool some of the people some of the time, some of the people all of the time, but you cannot fool all the people all of the time."
- Offered his own variation, "You can please some of the people some of the time, some of the people all of the time, but you cannot please all of the people all of the time."
- Encouraged the approval for building this church.

Mr. John Ivancovich, Resident on Allendale Avenue:

- Said that he is on the board of the church.
- Explained that they are bringing to Saratoga the full expression of Orthodox Christianity.
- Said that they are diligent to do as God commanded them to do, including love their neighbors and even their enemies.
- Said that this experience has given them the opportunity to meet neighbors and that has been a very positive experience overall. Some have been challenging.
- Reminded that they are building a House of God. This is more than a structure that they are building. It is a community.
- Assured that they have no animosity to those who have expressed objection.
- Suggested that an article in "Again" Magazine be read.
- Reported that they have gone to great expense both in time and money to listen to those few neighbors who criticized their project.
- Stated that they need the church as it is designed.
- Asked that they be allowed to practice their own faith in this regard.

Ms. Lee, Resident on Allendale Avenue:

- Said that she lives across the street from the church.
- Said that the proposed church is beautiful.
- Expressed concern that the City's Code is not fair to her.
- Reported that they originally designed their house at 23 feet and had to reduce it to 21 feet.
- Questioned why the church is being treated differently.
- Asked that there not be discrimination on how different people are treated.
- Stated that the church will be too close to the street.

Mr. Jerry Streb, Representative of the Church of the Ascension:

- Advised that his church wants to offer its support to St. Michaels for their project.
- Reminded that there is tremendous religious diversity in Saratoga and the City is better off with its diversity.
- Said that with diversity things are sometimes different. Things do not have to be cookie cutter.
- Urged support and approval of this request.
- Said that it has taken a long time and this church has done all that it can.
- Stated that now is the time to approve this.

Ms. Ann Warvy:

- Said that she is a 43-year resident and hopes to live out the rest of her life here
- Stated that opposition is good.
- Advised that she is here to thank everyone for making this happen.
- Assured that she is confident that this church will be built with God's help.
- Said "thank you, thank you, thank you and God bless you!"

Mr. Paul Benton, Project Architect:

- Said that the entire project team is here.
- Stated that tremendous energy has been put into this project and tremendous compromises have been made on all sides.
- Assured that this will be a great facility for the community.

Commissioner Kundtz asked about handicapped parking and where it would be located.

Mr. Paul Benton said that there are six ADA parking spaces proposed. Four spaces would be located adjacent to the social hall and two behind.

Commissioner Kundtz asked if there are any ADA-compliance issues.

Mr. Paul Benton replied no, they would be fully ADA compliant.

Commissioner Nagpal asked about the typical attendance with the current provision of 80 seats.

Father Iliva Balach said between 80 and 90.

Commissioner Nagpal asked for some peak hour traffic counts on Sundays and the 2.16 persons per vehicle standard established for the site.

Mr. Liam Tacks, Traffic Engineer, Higgins Associates:

- Said that on September 12, 2004, there were 188 people throughout that Sunday.

Commissioner Nagpal asked if it couldn't be assumed that more people would be associated with more space.

Mr. Liam Tacks said that he couldn't calculate future attendees. He said that he did more counts in 2006 and 2007, including Easter.

Commissioner Nagpal asked if the counts were the same in 2007.

Mr. Liam Tacks said that they were about the same. He said on Easter 2007 he counted both people and cars. The peak time was at 11:45 a.m. He counted 416 people and 181 parked vehicles.

Commissioner Nagpal said she was more concerned with every other day rather than key holidays. She said she is concerned about the basis for the parking provision and whether it is based on current or projected attendance.

Mr. Liam Tacks said that he came up with auto occupancy rates and is using the ratio of 2.2 per car. He said that parking studies are available for specific land uses. Churches have an established standard of 2.3 per car.

Commissioner Nagpal said it seems that more than 126 spaces may be needed.

Mr. Liam Tacks said that using the 2.2 ratio, the site parking can accommodate 277 people on site.

Commissioner Nagpal pointed out that with the 80 seats they have right now they see 110 people. Why would there only be 277 people with 250 seats available.

Mr. Paul Benton said that this is the size of this church. There is no intention to grow. The number 250 is for special occasions. Average attendance is expected to remain at 110.

Commissioner Kundtz asked why the request for bells to ring to call to worship was withdrawn since the canons are guidelines for the operation of this Orthodox faith.

Father Iliva Balach said that he too was personally shocked but said it is important to realize that they don't live in isolation but rather as part of a community. They learn to get along. He said that while it is important to their faith to have bells, it is not a major problem not to have them. He added that bells glorify God and can be rung inside the church confines so as only to be heard inside their church. This is their concession to the community.

Mr. Paul Benton said that every member would love to have bells. He said they are all interested in reaching closure.

Commissioner Zhao mentioned the neighbor's concern about lighting being visible from the residences from the dome. How can this be addressed?

Mr. Paul Benton said that they have operational times in the Conditional Use Permit. There is a condition for automatic shutoff times for lights.

Commissioner Zhao stressed that the dome lights might have a bigger impact.

Mr. Paul Benton said that the services do not go late into the evening and lighting will not spill out of the church building itself. He assured that the church would do everything to not offend its neighbors with lights, etc.

Ms. Jolie Houston, Attorney for St. Michaels, reminded that there is a mitigation measure in place to address this.

Commissioner Kumar asked if the church ever anticipates more than 277 people outside of special events.

Father of St. Michaels Church:

- Said that average attendance is hard to pinpoint.
- Explained that attendance slows down in the summer due to vacations, etc.
- Said that attendance increases in the fall with the school year.
- Attendance might average 80 to 90 during the school year and be less than that during the summer months.
- Assured that there is no way the average will go over 277 although he would be very happy if that were to occur. There is no way except for Christmas and Easter.
- Reported that he is celebrating his eighth year at this church.
- Advised that an overflow parking plan is worked out. A church half a block away will share their parking. Vans could be used to shuttle people from overflow parking areas.
- Added that West Valley College is also being asked for space for overflow parking.

Commissioner Rodgers asked to verify that the days that Christmas and Easter are celebrated by the Orthodox Church are different from the Latter Day Saints Church.

Father agreed and explained that they use the old calendar and their holidays are 13 days different from other religions.

Commissioner Rodgers asked about morning deliveries as well as the neighbor's suggestion for a sound wall.

Mr. Paul Benton said that they prefer to change their delivery method on site to building a sound wall.

Commissioner Nagpal asked if parking is allowed on the street.

Mr. Paul Benton replied yes.

Director John Livingstone said that one side has no parking signs but he cannot recall the other side.

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

Chair Cappello suggested discussing the Mitigated Negative Declaration first and the Design Review afterwards.

Commissioner Hlava:

- Stated her preference to discuss the entire project at once rather than separating the Mitigated Negative Declaration from the Design Review.
- Said that she is not a churchgoer personally but feels it is so important for a community to have its places to worship.
- Stated that the neighbor across the street validated what she is feeling.

- Said that the church's efforts over the last several years show their intent to be a good neighbor.
- Agreed that there have been lots of concessions and/or compromises.
- Said that the church building proposed now is significantly smaller and different in architecture.
- Said that while Design Review looks at houses with the same concepts, churches in residential neighborhoods are quite different.
- Said that this church is compatible and bulk is articulated. The building is on an axis and is not flat as viewed from the street. Therefore, it meets the standards for compatibility and bulk.
- Reminded that the Variations from Standards are not Variances.
- Said that the three variations sought include coverage. That is the easiest to support as they are reducing from their existing 55 percent coverage to having less impervious coverage on site.
- Stated that the second variation for parking assumes that all buildings are used at the same time when that is not really the condition in this situation. Therefore it seems quite logical to her.
- Pointed out that St. Andrew's is five times the size of this church and has 202 parking spaces.
- Stated that the height of the 50-foot tall dome is pretty tall for a residential neighborhood. However, when one looks at the building, it is so beautiful.
- Suggested that people may end up visiting Saratoga to see that church with its frescos.
- Reminded that just the cupolas and dome exceed the height limits and the rest of the roofline is at 26 feet.
- Said that she read the Mitigated Negative Declaration, which is unusual to require for a building this size. The issues can be mitigated and she will support this project.

Commissioner Nagpal:

- Stated her agreement with many things Commissioner Hlava said.
- Expressed appreciation for the enthusiasm and for everyone being here today.
- Said that she drives down Allendale at least six times a day as it is on her route home.
- Agreed that churches are a part of the community.
- Reported that she is an environmental consultant and spent a lot of time looking at the environmental documents for this project and the Mitigated Negative Declaration.
- Said that she thought, for the most part, that it was appropriate
- Reminded that what is proposed here are Variations from Standards and not Variances.
- Stated that a Mitigated Negative Declaration is more than needed but still wholly appropriate.
- Said that the Design Review is for a community facility zoned property.
- Pointed out that the church is proposed at 3,994 square feet and that they have often looked at many homes much larger than this.
- Said that Mr. Laszlo is impacted the most and she appreciated what he had to say.
- Added that large trees and the delivery hour condition offset Mr. Lee's concerns.
- Said that the variety of heights is appropriate. Architectural purity makes it easy to support it. This will be a significant piece of architecture so she will support the variation of heights.

- Added that if smaller, the architecture would look ridiculous and disproportionate.
- Said that the impervious coverage is reduced to 50,5 percent from the current 55 percent.
- Said that this lot is nestled among residences as is the LDS church nearby. Other churches are found on larger roads such as Saratoga Avenue.
- Said that her largest concern is parking and the future occupancy. She said she would support that variation from standards but the church will have to keep a close eye on their occupancy.
- Supported the changes to delivery access.
- Pointed out that some have said that compliance has improved while others say that is not so.
- Said she appreciates the work everyone has done and it is time to move forward including with healing.
- Stated that a reasonable consensus has been reached.

Commissioner Rodgers:

- Expressed agreement with the comments of Commissioners Nagpal and Hlava.
- Disclosed that the basis of her decision is the fact that since 2004 she has participated in every meeting, read every email, done web searches and had informal conversations on the phone and even in the grocery store.
- Reported that she visited the site a couple of times independent of the Commission. On one of the dance nights, she sat outside and listened. At a larger dance event, she said she went inside. One Sunday she was situated between the church and lunch that occurs in the hall.
- Advised that she has lived next to churches including in places where the churches had parking lots and others where they didn't.
- Stated that she is not relying on canon law but rather City and State requirements.
- Said that in relation to the Mitigated Negative Declaration, her main concerns are coverage and parking. Hardscape versus landscape. Having a pervious material under grass is a wonderful solution for this church although she would not approve it for a residence.
- Suggested that people can car pool, walk, use valet parking, etc.
- Lamented that in California people don't walk.
- Said that she is fine with the parking issue and that noise impacts meet statutes.
- Pointed out that the church is being so accommodating including using interior bells over exterior bells.
- Said that the traffic study allows for growth.
- Said that the spline of this church is at a 26-foot height, which is the maximum height for a two-story house. The church is set back and angled from the street.
- Stated that when considering coverage versus parking the site coverage is fine.
- Said that the Variation in Standard for the height of the building can be accepted because it is a church in a residential neighborhood.
- Stated that perception of bulk is addressed by the building's articulation including windows, roofs, setback windows and the height of the cupolas. It is very soothing to look at. She added that it is not appropriate to ask the applicant to take out its dome and cupolas.
- Declared that this is a beautiful building and she wants to encourage beautiful architecture in Saratoga. The materials blend in with the neighborhood.

- Said that as for impact on views, with the building set on an angle it minimizes the impact. She added that the view is in the other direction. Therefore, the interference with views is absolutely minimal.
- Expressed support for the condition to require deliveries to the door at the parking lot side.
- Suggested a condition to require the installation and maintenance of a landscape strip.
- Questioned the requirement for just religious use of the premises. It isn't just defined by spiritual needs but rather can include Boy Scouts and raising money for victims of natural disasters and she does not want to preclude that sort of activity.

Commissioner Kundtz:

- Said that the real winner tonight is Mr. Wong. His noise concerns will be mitigated.
- Concurred that deliveries should be away from the Wong property.
- Expressed support for the Mitigated Negative Declaration.
- Said that he can make the findings for Design Review and can support the Modifications to the Use Permit.
- Agreed that this is an architecturally significant building and will be an asset to the community.

Commissioner Kumar:

- Gave his disclaimer that as the newest member of this Commission, he was not a part of the earlier discussions.
- Added that he has been inundated with a lot of excellent data and has managed to obtain enough information that he can come up with a chain of thought to make a decision.
- Said that he really likes the enhancements of the church with its beautiful architecture. This building could become a tourist attraction in Saratoga. The frescos will be fantastic and the building is oriented to reduce its appearance of bulk.
- Stated that the church is listening and trying to make adjustments in order to be good neighbors based on neighbor concerns.
- Discussed the three Variations from Standards as follows:
 - Said that the height of the dome at 50 feet only represents about five percent of the total square footage that is above the 30-foot limit. This added height is necessary and acceptable.
 - Reminded that the impervious surface is being reduced.
 - Said that the parking spaces can be considered sufficient, as not all buildings will be used at the same time. There are 126 spaces possible and the church's current attendance is 65 to 70. With the overflow attendance at Christmas and Easter, there is a permanent condition to deal with overflow parking and he is satisfied with that solution.
- Reminded that the social hall has had the capacity for 300 for a long time so that is a moot point.
- Advised that he can support the three Variations from Standards and support the Mitigated Negative Declaration.
- Supported the condition requiring delivery access to be from the front side rather than the rear.

Commissioner Zhao:

- Said that when she first looked at this design she was impressed.
- Reported that her major concerns were the height, coverage and parking.
- Said that the 26-foot maximum height for single-family residences has been in place since the 1980's and she believes the Code has to be met. However, having listened to the Father and the Architect, she is convinced that the height is needed for architectural purity and building design.
- Said that she has struggled but believes that Variations from Standards for height are required to achieve this beautiful design. Therefore, she can support the Variation from Standards for height, as the impact is not that severe.
- Said that the site coverage is significantly above the standard. However, the proposed new parking lot and driveway will be using permeable paving and represents a 33.4 percent reduction from what exists on site. That results in a better than existing site coverage.
- Said that parking was also a concern but studying the traffic report has convinced her that with good management and traffic control this is doable with a maximum occupancy of 277 people.
- Reiterated that she has struggled with this proposal but after tonight's testimony she can support all three Variations from Standards, support the Mitigated Negative Declaration and approve the Design Review and Modifications to the Use Permit.

Chair Cappello said that he has nothing to add to the other comments made. He too can make all the findings for the Mitigated Negative Declaration and the Design Review approval.

City Attorney Bill Parkin:

- Advised that the action to be taken should be via two motions. First should be the motion for the Mitigated Negative Declaration, Next should be a motion and vote on the Design Review and Modifications to the Use Permit.
- Offered a couple of housekeeping measures on the resolutions as follows:
 - A typo on page 3, finding B – "... more than one sign..."
 - Page 6 of the conditions – Permanent Conditions of Approval – at the end add the following text, "*Applicant shall direct all truck deliveries to the west side of the social hall.*"
 - Condition 2, "... exterior operable bells."
 - Condition 6, at the end add the text, "*Prior to the new church's occupancy, the social hall and current chapel shall be painted a color similar to the new church building subject to the approval of the Community Development Director.*"

Commissioner Nagpal asked if the church residence should also be included in the requirement for paint match.

Director John Livingstone said this is up to the Planning Commission. However, the residence is set away from the other buildings.

Commissioner Nagpal asked about a landscaping condition for the landscape strip.

City Attorney Bill Parkin said that Condition 35 takes care of that requirement.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Rodgers, the Planning Commission took action to adopt the Mitigated Negative Declaration for the project at Saint Archangel Michael Serbian Orthodox Church on property located at 18870 Allendale Avenue, by the following roll call vote:

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

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Hlava, the Planning Commission granted Design Review and Modification to an existing Conditional Use Permit, including three Variations from Standards, to allow the construction of a new church building for Saint Archangel Michael Serbian Orthodox Church on property located at 18870 Allendale Avenue, with conditions as amended by the City Attorney, by the following roll call vote:

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

DIRECTOR’S ITEMS

There were no Director’s Items.

COMMISSION ITEMS

There were no Commission Items.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, Chair Cappello adjourned the meeting at approximately 9:54 p.m.

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