MINUTES
SARATOGA PLANNING COMMISSION

DATE: Wednesday, May 10, 2006
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Contract Planner Deborah Ungo-McCormick, Assistant Planner Shweta Bhatt, Associate Planner Therese Schmidt, Associate Planner Lata Vasudevan and Assistant City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of April 26, 2006.

Motion: Upon motion of Commissioner Hunter, seconded by Commissioner Nagpal, the Planning Commission minutes of the regular meeting of April 26, 2006, were adopted with a correction to page 8. (6-0-0-1; Commissioner Kundtz abstained)

ORAL COMMUNICATION

There were no Oral Communications.

REPORT OF POSTING AGENDA

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on May 4, 2006.

REPORT OF APPEAL RIGHTS

Chair Rodgers announced that appeals are possible for any decision made on this Agenda by filing an Appeal Application with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15.90.050(b).

CONSENT CALENDAR

There were no Consent Calendar Items.

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PUBLIC HEARING - ITEM NO. 1

APPLICATION #04-210 (510-03-004) MICHAELS, 15230 Pepper Lane: - The applicant requests Design Review Approval to construct a two-story, single-family residence with an attached garage and a basement, and a secondary unit. The project includes demolition of an existing residence. The total floor area of the proposed residence, basement and garage is 6,260 square feet and the total floor area of the secondary unit is 626 square feet square feet. The maximum height of the proposed residence is 26 feet. The lot size is approximately 52,453 square feet and the site is zoned R-1 40,000. (Deborah Ungo-McCormick)

Contract Planner Deborah Ungo-McCormick presented the staff report as follows:

- Reminded that this Design Review application was continued from the meeting of April 26, 2006, due to a noticing error.
- Explained that the staff report is the same as that of the last meeting with no changes.
- Described the proposal for a two-story, single-family residence including basement and 626 square foot secondary dwelling unit. The main residence consists of 6,260 square feet including a portion of the garage that is at the same level as the basement but for which the square footage is counted.
- Said that the maximum height is 26 feet, 19 feet for the second unit.
- Advised that the lot consists of 52,453 square feet.
- Said that the existing two-story residence, detached garage and two small sheds are all to be demolished.
- Reported that the original design submitted had bulk and mass issues. Staff worked with the applicant who came back with a more compatible design.
- Explained that this home consists of a terraced design that incorporates French eclectic architecture.
- Described the area as consisting of custom single and two-story homes.
- Said that the second unit is compatible in style and material to the primary residence. The applicant is receiving a one-time 10 percent increase in square footage with the deed restriction that designates this unit as a low-income unit.
- Reported that there are 38 Ordinance protected trees, 26 of them on adjacent properties that must be protected from construction impacts. The Arborist prepared a report and eight trees were deemed as appropriate for removal. The landscape plan includes front yard landscaping that must be installed prior to final occupancy.
- Reiterated that this neighborhood consists of a mix of one and two-story homes and that this proposal is compatible with the neighborhood and results in minimal interference with views and/or privacy. There are no windows on the second story facing the side neighbors. Although there is a balcony, there is mature landscaping that offers screening.
- Advised that the applicant provided notification forms to the neighbors and that no concerns or opposition was received.
- Stated that geotechnical clearance was granted.
- Recommended approval and distributed a color rendering and color board.

Commissioner Cappello asked Planner Deborah Ungo-McCormick what trees specifically would be removed as identified by number.

Planner Deborah Ungo-McCormick replied Trees 3, 11, 12, 13, 31 and 7. While the Arborist approved Tree 42 (Cypress) for removal, the applicant wants to retain that tree.

Commissioner Hunter questioned the proposed blue tile roof.

Planner Deborah Ungo-McCormick said that the applicant could better discuss their proposed roofing material.

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

Mr. Chris Spaulding, Project Architect:

- Explained that he is the second architect on this project, a project that started in 2003.
- Said that the house was completely redesigned and that the second story is hidden from the street.
- Assured that the roofing is not blue but rather a dark grey slate.

Commissioner Nagpal questioned the colors depicted on the color board.

Planner Deborah Ungo-McCormick distributed a revised color board.

Mr. Chris Spaulding said that he was available for any questions.

Commissioner Kundtz said that the colors depicted seem extremely bold and asked how toned down they might be. He said that the slate roof does look blue and that the window trim looks gold instead of tan.

Mr. Chris Spaulding said that the roofing is not intended to be blue nor is the trim intended to be gold but rather tan.

Commissioner Nagpal pointed out the wrought iron railings that are depicted on page 5 of the plans but not included on the color elevation.

Mr. Chris Spaulding said that the railings are used near the French doors as well as for the light well for the basement.

Commissioner Zhao pointed out that the second dwelling unit does not have the same curve as the main structure as depicted on plan sheets 6 and 8.

Mr. Chris Spaulding replied that the second unit is much lower and does not include the arches. He assured that he is happy to modify colors with staff as necessary.

Commissioner Kundtz explained that it is difficult to tell actual colors proposed with this color board but that the Commission can rely on the narrative versus the color board.

Ms. Julie Michaels, Property Owner and Applicant:
- Described the main body color as being a neutral cement color.
- Said that the trim color is lighter than cement.
- Added that the roof is dark charcoal.

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

Commissioner Nagpal:
- Advised that her initial big concern was color but that the applicant has adequately addressed that concern.
- Said that she appreciates the differences between the original design submittal and the current design.
- Stated that staff can oversee the final color choices.

Commissioner Cappello:
- Agreed with Commissioner Nagpal.
- Said that all the findings can be made.
- Said that he originally had concerns about trees but can now support this project.

Director John Livingstone advised that the project plans state the specific colors.

Commissioner Nagpal asked Director Livingstone whether staff enforces final colors against color boards or plans.

Director John Livingstone replied color chips.

City Attorney Jonathan Wittwer pointed out that the Resolution specifies Exhibit A, which are the plans.

Chair Rodgers pointed out that the date of the plans is different than indicated in the Resolution, which should be corrected.

Commissioner Hunter said that this is a lovely project and wished the applicant good luck.

Commissioner Kundtz said that he had nothing more to add and said that Mrs. Michael has assured him that colors would be carefully selected.

Commissioner Hlava agreed.

Commissioner Zhao said that she supports this project and likes this house design.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Hunter, the Planning Commission adopted a Resolution granting Design Review Approval (Application #04-210) to allow the construction of a two-story, single-family residence with an attached garage, a basement and a secondary unit, on property located at 15230 Pepper Lane, with the**

correction to depict approved plans dated April 12, 2006, by the following roll call vote:
AYES: Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

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PUBLIC HEARING - ITEM NO. 2

APPLICATION #05-035 (517-08-026) BARATTA-LORTON, 20626 Komina Avenue: - The applicant requests Design Review Approval to construct a two-story, single-family residence, including a basement and attached garage. The existing house was damaged by fire and will be demolished. The total floor area of the proposed residence and garage is 2,706 square feet. The maximum height of the proposed residence is 26 feet. The lot size is approximately 7,817.6 square feet and the site is zoned R-1-10,000. (Deborah Ungo-McCormick)

Contract Planner Deborah Ungo-McCormick presented the staff report as follows:

- Stated that this item was also continued from the April 26th meeting to allow proper mail notification.
- Said that the applicant is seeking Design Review Approval to allow the construction of a two-story single-family residence with basement and attached garage. The total square footage is 2,705.9 not counting the basement. The maximum height is 26 feet. The lot is 7,818 square feet.
- Reported that the previous two-story residence was demolished on April 3, 2006. It was a circa 1900 structure that was destroyed by fire in 2004.
- Advised that a Historic Evaluation Report was required after a first fire. Then a second fire struck.
- Stated that the Heritage Preservation Commission reviewed this Historic Evaluation Report on January 14, 2006. The HPC recommended the adoption of the report and approved the demolition of the structure. The home was subsequently demolished.
- Informed that there are four Ordinance-protected trees on this property. One off-site 52-inch diameter Oak tree has its drip line on this site.
- Described the proposed architectural style as eclectic Colonial Revival and Tudor. The dominant style is Tudor including cross gables, hipped roof and use of stucco.
- Said that the project's compatibility with the adjacent homes needs to be looked at. This residential area is near the Downtown. The area consists of varied architectural styles and ages of structures. Some homes are early 20th century and some are newer construction. Adjacent homes include some two-story.
- Explained that this is a corner lot with two different eras of construction on each street, Komina and Oak. It is a narrow lot.
- Reported that corner lots have greater setbacks required under the Zoning Ordinance. The original house encroached on the current Code setbacks. The replacement home must comply with current standards.

- Added that there is a formula to determine the setbacks on this non-conforming lot, which results in constraints in the design of the house. This is a tall, skinny, narrow house with most of its frontage on Komina. While 26 feet is the maximum height, it tapers down to a single-story element on Komina.
- Said that a color rendering has been prepared.
- Advised that several Oak trees are to be retained.
- Said that there is minimal interference with views and/or privacy of adjacent owners.
- Explained that the design has varied rooflines, different planes and elements along walls to break up that elevation and to minimize bulk and mass.
- Said that some letters from the public have been included in the staff report, others were provided at the site visit and still more tonight. There is opposition to the project due to bulk issues and historic significance.
- Said that a Geotechnical report was required and clearance was granted.
- Advised that staff finds this project to be consistent with Design Review findings.

Commissioner Hlava asked Planner Deborah Ungo-McCormick if she knows what the original square footage of the house was compared to what is proposed.

Planner Deborah Ungo-McCormick replied no.

Commissioner Hlava said that the applicant could likely provide that information.

Commissioner Nagpal asked staff for clarification that the Design Review guidelines are the only thing this project is being evaluated against not anything about being located within an historic neighborhood.

City Attorney Jonathan Wittwer:
- Advised that there is a distinction between a designated historic resource and what we have here, which is not a designated historic resource.
- Said that what is before the Commission tonight is a Design Review application. There are specific Design Review findings that must be addressed by the Planning Commission. There is no language in those findings regarding historic preservation.
- Stated that the Commission should focus the design decision on Design Review findings.
- Said that the Heritage Preservation Commission did consider the demolition request and approved it in January with the conclusion that this home was not historic. That decision was not appealed and the home was subsequently demolished. A professional historic evaluation was done that was focused on the house and again it was found not to be an historic resource.
- Added that evidence of a historic neighborhood cannot be taken into consideration in this house that was deemed not to be historic.
- Reiterated that the Commission must apply the standard Design Review findings.

Commissioner Nagpal questioned the eclectic architectural design. She pointed out that the side backs on Oak Street and questioned whether any effort had been made to change that façade.

Planner Deborah Ungo-McCormick said that she first saw elements of Tudor architecture and then Colonial Revival. Features included leaded glass windows and louvered shutters. On the other hand, she does not see any elements of a Mediterranean architectural style here.

Chair Rodgers reminded that the resource book cited by staff is also cited in the Code itself as the appropriate architectural reference resource.

Commissioner Hunter said that there is no inkling from the report that this home is located within an historic area. She asked staff if this is not, in fact, an historic area? She added that the Heritage Preservation Commission only looked at the demolition of the old structure and did not look at the proposed new structure.

Director John Livingstone said that she is correct. The City does have a generic designation as an historic area. Also, the Heritage Preservation Commission did not act Design Review on the new house, as it was not within their purview to do so. HPB was charged with evaluating only the historic value of the original structure.

Commissioner Hunter said that in the past when an historic home was to be torn down it was rebuilt in the original architectural style, such as Victorian, etc. She pointed out that there are no Tudor homes nearby.

Director John Livingstone said that he was not aware of a policy of that nature.

Commissioner Hunter said that she knows that from being involved in the community for so long now.

Commissioner Nagpal asked how Landmark #435 translates to the homes in this area. It appears staff is saying it does not but rather this project simply falls under the standard Design Review criteria.

City Attorney Jonathan Wittwer:

- Reminded that the house was evaluated to see if it should be designated historic. It was found not to be historic and demolition of the structure was allowed.
- Advised that if the house had been designated historic, it would have had to be replaced in historic style.
- Added that demolition of designated historic structures is usually discouraged.

Commissioner Nagpal asked what Landmark #435 designation means. Is it an area? This street?

Director John Livingstone replied that staff researched it and found nothing specific. It simply identifies Saratoga as a historic landmark. He reiterated that the review of this particular application must be based upon issues such as bulk, privacy and the Design Review guidelines.

Commissioner Cappello sought clarification that this historic designation is not specific but more so general of Saratoga overall.

Director John Livingstone replied that the focus is mainly the Downtown area and not specific for just a street or just the Village.

Commissioner Cappello restated that the bottom line appears to be that the Design Review findings are what the Commission has to use to evaluate this project and that this proposal is nothing different from the previous project.

Director John Livingstone reiterated that issues of privacy, appearance and compatibility could be considered.

Commissioner Hlava:

- Pointed out the numerous letters expressing concern over this project and its historic impact.
- Added that lots of people are saying that a mistake was made in not including this house on the Historic Resources Inventory.
- Reported that she called a friend who was the former chair of the Heritage Preservation Commission who was involved in the original inventory. That friend advised her that this house had so changed over the years that it didn't have historic significance.
- Advised that her friend assured her that it was not an oversight that this house was not included on the Inventory.

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

Ms. Cindy Brozicevic, Project Designer:

- Stated that she is very familiar with this neighborhood and area.
- Described it as a traditional neighborhood.
- Listed three key issues with this proposal, Zoning, bulk and compatibility. The questions she worked through included how to retain the existing structure, how to meet her client's needs and how to meet the Zoning Ordinance.
- Reported that the original structure was non-conforming and required a more than fifty percent rebuild.
- Said that reduction of bulk was considered.
- Added that the context of being on this prominent corner in Saratoga was also important.
- Pointed out that there are apartments nearby as well as a school and several stucco homes.
- Said that one means of reducing appearance of bulk was setting the 80-foot long elevation back 43 feet. This elevation includes the 22-foot long garage. The original structure was 58 feet. While the overall feeling changes the frontage did not actually change too much.
- Advised that the original house was 1,300 square feet and what is proposed is 2,700 square feet.
- Added that the setbacks have been exceeded. On the first floor, where 15 feet is required, their setback averages at 20 feet.

- Said that while the maximum height of the building is at 26 feet, the second half steps down to 24 and then to 15-foot heights.
- Addressing the issue of compatibility, she pointed out that this corner property is at the entrance to two streets with different character. With the original house, it was not clear where the front door was. The new house will have an obvious front entrance on Komina.
- Questioned the statement that this home has any Mediterranean influences. A lot of people seem to feel that a stucco home with any arches is automatically categorized as being a Mediterranean style.
- Added that this design has a lot of elements from Traditional, Colonial and Tudor architecture.
- Opined that tall, thin structures do not equate well with the Mediterranean architectural style.
- Said she is available for any questions.

Commissioner Hlava asked for further comparisons between the old and proposed homes. The original home had no garage and had a 1,300 square foot footprint. It was also a two-story home.

Ms. Cindy Brozicevic said that the new home is 2,700 square feet with garage and is also a two-story.

Commissioner Hlava asked Ms. Cindy Brozicevic how tall the old house was.

Ms. Cindy Brozicevic said that it was close to the maximum and was built high off of the ground.

Commissioner Hunter said that a substantial basement is planned and there are huge Oak trees nearby. She asked what steps would be in place for digging so as not to damage tree roots.

Ms. Cindy Brozicevic reported that they relocated the building two feet to meet the Arborist's report requirements. Assured that it is very important for them to keep all trees on the lot.

Commissioner Hunter asked if the basement would be hand dug.

Ms. Cindy Brozicevic said that any portions where it is required would be hand dug. She added that Kate Bear has also reviewed the Arborists report although she did not prepare it originally.

Chair Rodgers asked City Attorney Jonathan Wittwer if he wanted to say anything.

City Attorney Jonathan Wittwer cautioned that any comments made from those in the audience must be made from the podium in order to be included in the record.

Commissioner Nagpal asked if any attempt to reduce the mass at the Oak Street side had been made.

Ms. Cindy Brozicevic reminded that the setback is further than required and that any additional reduction causes loss of square footage in the upstairs bedroom. She advised that the plate height is only seven feet high on the second floor with vaulted ceilings to conceal that from inside while also serving to minimize the appearance of height from outside.

Commissioner Zhao said that the elevation on Oak Street seems to be big and overpowering of the porch area. The columns seem skinny.

Ms. Cindy Brozicevic said that they felt these columns were appropriate as they don't want to obstruct the view from the porch with too large of columns. However, this feature could be modified if the Planning Commission wishes.

Commissioner Zhao pointed out an area on the elevation that does not appear on the plans.

Ms. Cindy Brozicevic said that this is non-habitable storage space that is accessible only from the garage. This space is there to create a gradual step down from the garage.

Commissioner Zhao asked if this square footage is counted against the total allowed.

Ms. Cindy Brozicevic replied no. It is not habitable space as it is only five feet tall and a person cannot comfortably stand in it.

Chair Rodgers asked Ms. Cindy Brozicevic if they had considered squaring off the arches.

Ms. Cindy Brozicevic said that the arches are used to soften lines of the house. It is the best solution and helps minimize the appearance of bulk and helps tie in the first and second floors.

Commissioner Nagpal asked to see the color board.

Planner Deborah Ungo-McCormick distributed the project color board.

Mr. Bill Brown, Oak Street Resident:

- Stated he is a 30-year resident who has watched this neighborhood change quite a bit.
- Advised of a neighborhood meeting that was held recently at which approximately 20 people participated.
- Spoke to the historic aspect of this subject property and assured that this house was historic albeit pretty ugly for years because it was ill kept.
- Stated that he had hoped to see this house replicated with a wraparound porch.
- Expressed concern that this was one of the last vestiges of real historic value in town and for the erosion in the historic feel of Downtown.

- Assured that he is all for this house happening and has no problem with its proposed size.
- Added that he does have a problem with the architecture that appears like a tract house.
- Described this proposed home as being a miss-mash of styles including Mission and Tudor.
- Said that the original design was more Victorian but this owner did not like that style.
- Urged the Commission to reject this design outright or continue this process to allow neighbor input.

Commissioner Nagpal asked Mr. Bill Brown what understated stucco means.

Mr. Bill Brown said the rooflines are brought down lower. This house right now has big high walls. Questioned where the big arched windows came from.

Commissioner Hunter reminded that Mr. Bill Brown appeared before the Commission before. He elected to put in a basement and lifted his entire house above that new basement.

Mr. Bill Brown said that this was a great way to get additional square footage.

Ms. Lynne Gurley, Oak Street:
- Said that she has been a resident of the area for 37 years.
- Stated that this corner house serves as the gateway to our historic section of Oak Street.
- Advised that there are many historic homes on this street (Oak) and that it is a special and valued place.
- Said that she does not understand the architecture of eclectic Tudor.
- Pointed out that there are many charming smaller wooden homes including Craftsman and Victorian architecture.
- Cautioned that this home would be an imposing addition to this neighborhood.
- Stated her opposition to the proposed size of the new structure.

Mr. John Teeter, Oak Street:
- Identified himself as a 28-year resident of the area.
- Stated that he has compatibility and bulk concerns with this proposal.
- Agreed that this is a prominent corner in the neighborhood that serves as the gateway to Oak Street.
- Said that what is proposed consists of a very large vertical wall from Oak Street that will not fit in with the subtlety of the other homes in the neighborhood and will change the nature of this street.

Mr. John Holt, Oak Street:
- Said that he is not concerned with the size of this proposed home but is with the exterior style.

- Stated he does not think this home fits into this neighborhood and will not improve the neighborhood at all.
- Said that he would like to see a style that blends with the rest of the homes in this neighborhood.

Ms. Jenni Young Taylor, Oak Street:
- Said that she lives in a 136-year-old house that has been in her family for 42 years.
- Gave an overview of the history of the area and this subject house.
- Said that this home had a lovely and historic past before its recent neglect.
- Said that the porch is probably from the 1920's with the brick perhaps being newer than that.
- Stated that Oak Street in its entirety is historic.
- Called this proposal an overbearing design that is a gaudy and out of place mansion that is a disgrace.
- Opined that the historic review performed was based upon inadequate and erroneous information and that a failure occurred here.
- Suggested this request be denied and that the applicant be demanded to provide an historically correct design.
- Urged the Commission to think of the consequences and to stop this outrageous ostentatious folly.

Commissioner Cappello asked Ms. Jenni Young Taylor for more information on the historic nature of this home and porch.

Ms. Jenni Young Taylor:
- Reported that the home was part of Saratoga's first church community, the Congregational Church. The house was moved from its original location to this site. The home was owned and lived in by an important pioneer.
- Said that this house burned twice.
- Pointed out that the 1993 Inventory left out lots of important things. It has lots of mistakes and needs to be corrected and updated.
- Stated that the porch was original when the house was built or soon thereafter. The World War II part is simply the brick veneer added to the porch at that time.
- Reiterated that this house was built as a farmer's farmhouse and later moved on this property.

Chair Rodgers thanked Ms. Jenni Young Taylor for her historic overview.

Mr. Ray Persico, 6th Street:
- Stated his concern that this proposed home does not fit in and/or does not compliment the character of this neighborhood.
- Said that it would appear like a massive piece on Oak that is out of character,
- Expressed his hope that this request not be approved tonight so that more work can be done on the design so that all will be happy with the final design.

Ms. Sue Persico, 6th Street:

- Advised that she too is opposed to this proposed design as it is not in keeping with this neighborhood.
- Added that lots of homes on Oak have wood siding.
- Asked that changes be required before approving this project.

Mr. John Hollingsworth, Oak Street:
- Stated that he is happy that this house is being replaced as it was an eyesore.
- Said that he does not feel that this new design meets the design guidelines but rather represents a miss-mash of architectural styles.
- Asked that this project be continued so that the design can be redone to be more consistent with the neighborhood.

Chair Rodgers asked Mr. John Hollingsworth if he thinks this home should match materials with Oak or Komina.

Mr. John Hollingsworth replied both but particularly Oak Street since there are more different styles on Komina.

Ms. Gay Crawford, Aloha:
- Advised that she is a 38-year resident of Saratoga.
- Thanked Planner Deborah Ungo-McCormick and the Planning Commission for their work.
- Agreed that this project might meet lots of the criteria.
- Recounted that she has walked past this house for many years when it was blight. The neighborhood has had hardship with this house for many years. When it burned down, neighbors begged Council to have the rest removed as it was too sad for the school and neighborhood to live with the burned out shell.
- Stated her disappointment that neither this applicant nor his architect made the effort to attend the recent neighborhood meeting.
- Said that it is everyone's desire to make this house the best it can be for that corner.
- Added that some people felt that this structure was historic.
- Said that this proposal is too massive and that this is an important corner for this City and that the home should be made to appear less massive.

Mr. David Katz, Lomita Avenue:
- Stated this his issue is compatibility.
- Said that while this house may technically be located on Komina Avenue, it is geographically located on Oak Street, which consists of turn-of-the-century or earlier houses.
- Informed that he is a 12-year resident of the area and when he remodeled he made every effort to keep his home compatible with the area.
- Stated that he came before the Commission two years ago when he built his Victorian home.
- Said that compatibility is part of the ambiance of this area and that this proposed design does not keep up.

- Added that while this proposal may meet the guidelines it does not when looked at from the community perspective.

Commissioner Hunter asked Mr. David Katz whether his neighbors attended his hearing when he brought his home to the Commission for review.

Mr. David Katz replied yes, they came to support him. He added that he took his design plans to his neighbors early in the planning stages.

Ms. Megan van Krieken, Lomita Ave:
- Advised that she is a 12 to 13-year resident of the area.
- Said that she came to this area because of its charm and community feeling.
- Added that there has been a renaissance in this neighborhood with a lot of building and investment. However, people take into account the character of the neighborhood when planning improvements.
- Said that this site is truly a gateway corner lot. Both sides of this proposed house will be visible from the street.
- Asked that this fact be considered when making decisions.
- Suggested the importance of considering the historic perspective versus the letter of the law and help preserve the unique character of this area.
- Recommended that a design be developed that better fits into this neighborhood and that is not so bulky.
- Stressed that what is proposed does not fit.

Commissioner Cappello told Ms. Megan van Krieken that he agrees with her assessment of the unique charm and character of this neighborhood. In pointing out the stucco apartment development across the street, he asked her how this project can be called incompatible while that apartment building is not.

Ms. Megan van Krieken replied that it is an issue of critical mass. They need to downplay that and reinforce the better character of this neighborhood.

Mr. Jeff Barco, Komina Avenue:
- Informed that his home is located four houses from this corner.
- Stressed that this neighborhood is an amazing place.
- Pointed out that this is a visible corner where between 200 and 300 cars pass each day as children are brought to the nearby school.
- Said that he wants to maintain the charm of this neighborhood and this proposal just does not work.
- Said that he wants to reach out and work with this applicant.
- Reported that last Thursday (May 4th) he tried to facilitate a meeting between this applicant and the neighbors at an evening meeting at his home. Twenty-five people showed up but neither the applicant nor his architect did.
- Stated that this is a showpiece location.
- Delivered a petition that has been signed by 52 neighbors asking for more time, perhaps 60 days.

- Said that they collectively are asking that this design not be allowed to happen. Take time to pause and think. There is no reason to be rash. Let's do it right.
- Assured that this petition is not intended to be a legal document but rather reflects the spirit of 52 people who care.

Commissioner Hlava asked Mr. Jeff Barco what the intention is in a 60-day waiting period. Do they want to talk to the owner and ask for redesign? Do all 52 petitioners want input on the redesign?

Mr. Jeff Barco replied all of the above. They want the City to pull back and give everyone 60 days to find a way to make this work. More time is needed. A decision is not needed tonight. He said that this is a reasonable request.

Commissioner Nagpal questioned the impacts of a delay on permit streamlining requirements.

City Attorney Jonathan Wittwer:
- Reminded that this evening is a noticed public hearing.
- Added that the Planning Commission should be making a decision as a Commission and not taking a time out.
- Advised that the Permit Streamlining Act requires the processing of permits in a reasonable time.
- Informed that the Commission can consider requiring design modifications if it has concerns with design, bulk and/or privacy impacts.
- Said that the request for a 60-day delay is not what is before this Commission.

Commissioner Hunter pointed out that recently two projects came back before the Commission that had been sent back to the drawing board for redesign.

City Attorney Jonathan Wittwer said that the Commission needs to make any requirement for modification based upon the Commission's Design Review concerns.

Chair Rodgers restated that from what the City Attorney is advising this project should be evaluated by this Commission in order to make some sort of decision. It is up to the Commission to say yes or no to the proposed design.

City Attorney Jonathan Wittwer said that the Commission could elect to ask for redesign if it finds problems with the proposed design. Thereafter, it is up to the applicant to decide if they want to redesign or request a decision for denial that can subsequently be appealed to Council.

Mr. Jeff Barco asked if the petition has become a part of the public record.

Chair Rodgers replied yes, any item provided to the Commission at public hearing becomes a part of the public record.

Mr. Bob Baratta-Lorton, Applicant:

- Informed that he had originally been told that the neighborhood meeting was set for May 11th.
- Said that he is a 35-year resident of Saratoga.
- Reported that his godsons lived in this house before it burned.
- Advised that he interviewed four experienced Saratoga architects before he selected Cindy to design this home for them.
- Said that he considers this to be a Komina Avenue property and Komina homes are about 80 percent stucco.
- Stated that he loves this design.
- Said that this property serves as a gateway to Komina, not to Oak Street.
- Reiterated that this is a beautiful home that he is looking forward to living in together with his godsons.

Commissioner Kundtz asked Mr. Bob Baratta-Lorton about his efforts to discuss his project with his neighbors.

Mr. Bob Baratta-Lorton said that he hand-carried the notification to each house and provided contact information and an invitation to come see the plans.

Commissioner Kundtz asked Mr. Bob Baratta-Lorton if he implemented any of the suggestions made by neighbors.

Mr. Bob Baratta-Lorton said that only one neighbor came and he tried to meet her requests.

Commissioner Nagpal expressed concern about the 40-foot length of the home that is at the maximum allowed 26-foot height. She asked if there is not an opportunity to reduce that height.

Mr. Bob Baratta-Lorton said that height reductions would impact the interior living space and would lose two bedrooms behind that wall.

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

Chair Rodgers suggested that the Commission discuss this proposal using the Design Review criteria and design guidelines.

Commissioner Hlava:
- Said that two things said disturb her.
- Agreed that she too does not want to see a mistake on this corner and can appreciate that concern.
- Said that on the other hand, it seems as if the neighbors are saying that this project should be evaluated by the historic flavor of this neighborhood and to retroactively apply those constraints.
- Reminded that it is not easy to get houses through the Design Review process to public hearing.

- Added that consideration of historic implications for a non-designated house is not a part of the legal structure of the Design Review process.
- Said that this issue might need further discussion with Council to set up additional Design Review findings to accommodate historic implications. She would be more than happy to see that happen but when this applicant applied, that didn't exist.
- Said that the Commission must go back to the basic findings required under Design Review.
- Stated that given the size of house, size of lot and shape of this corner lot, it would not be economically feasible to put something smaller on this lot.
- Said that she likes the Oak Street façade as it has a friendly look.
- Reminded that the school and most houses on Komina are stucco.
- Stated that she can make the necessary findings to support this application.

Commissioner Kundtz:
- Said that while this is not a historic neighborhood, the emphasis in Design Review is the concept of compatibility and character.
- Stated that he is sensitive to the passion expressed by the neighbors.
- Said not much neighbor input appears to have been sought by the applicant.
- Opined that this design creates excessive bulk and is not compatible to the neighborhood.
- Said he would vote against this design but is open to a delay of the vote.

Commissioner Hunter:
- Pointed out that she is a former member of the Heritage Preservation Commission who continues to receive the meeting agendas and attend their meetings.
- Said that she feels very strongly about this area.
- Said that over the past four to five years there has been discussion about making Oak Street a Heritage Lane and stated that Oak Street is very historic.
- Urged the neighbors to get together to work on obtaining Historic Lane designation like Austin Lane and Saratoga Avenue.
- Advised that this is her sixth year on the Planning Commission as she is in her second term.
- Stated that she has never experienced so many neighbors coming to a hearing to protest a house. Usually two or three show up asking for minor changes.
- Expressed appreciation that 52 people cared enough to sign a petition and said that this Commission needs to reflect those neighbors.
- Agreed that this is a unique neighborhood. Signing that petition means they care about Saratoga and their neighborhood.
- Stated that this proposal either needs to go back to the drawing board or needs to be appealed to Council. It is not appropriate or compatible with its neighborhood.

Commissioner Nagpal:
- Recounted that she comes to every meeting wanting to support staff's recommendations.
- Explained that she too came before the Commission as an applicant in the past. A lot of people attended her hearing saying they didn't like her initial proposal. They went back to the drawing board and redesigned their home.

- Stated that she wants to be able to make the findings to support but cannot make Findings D or E in the affirmative.
- Said that it is not a size issue but she does have trouble with the 80-foot long frontage on Komina with 40 feet of that at the maximum 26-foot height. This creates excessive bulk.
- Said that she cannot support this design as it stands.
- Said that there is an historic aspect to this neighborhood and that compatibility is an issue.
- Added that it is not fair to compare this house to the school and apartment.
- Assured that she has no problem using stucco. However, something can be built of stucco that is more compatible.
- Reiterated that this home appears bulky from Oak Street.

Commissioner Zhao:
- Agreed that this home does not fit into this neighborhood.
- Pointed out that the Oak Street elevation lacks architectural details. The top portion is big. It is too much and overpowers the porch area.
- Stated that she too cannot make Findings D and E or support this project as designed.

Commissioner Cappello:
- Said that his key issue is bulk and the maximum height roofline that runs the length.
- Said that this is a home that will have a major contribution to the homes on Oak Street.
- Stated that if redesigned, it should be more consistent with the neighborhood.
- Said that the architect has done a good job blending architectural styles from two very different streets.
- Pointed out that the applicant will have to live next to these neighbors. If they are not happy, he won't be happy either.
- Stated that he cannot make Finding D.

Chair Rodgers:
- Advised that she has lived in neighborhoods with historic characteristics where ways were found to commemorate historic significance.
- Said that there is some appropriate way to work with the Oak Street façade too fit in better.
- Added that this issue of historic district recognition may be discussed with Council at an upcoming joint meeting.
- Said that she shares concerns with other Commissioners.
- Stated that this is a unique neighborhood that is charming and interesting. There are historic homes of many different styles.
- Added that there is a lot of discord here regarding fitting into this neighborhood. While several features proposed do meet styles in the area, we want to keep the character and charm of this historic part of Saratoga intact.
- Said that there is a bulk issue. The roofline is long and unaltered along Komina.
- Said that she would vote no based upon the neighborhood compatibility and bulk issues as well as an inability to make Findings D and E.

Commissioner Cappello asked if the recommendation is to continue consideration or reject this design.

Chair Rodgers said that there are options. The applicant can be consulted as to whether he wants an up or down vote tonight. He could subsequently appeal that decision to Council. Otherwise, this application can be continued to allow redesign and return with revised plans to this Commission. She asked Mr. Bob Baratta-Lorton for his preference amongst those options.

Mr. Bob Baratta-Lorton said his preference is for specific guidelines from the Commission as to what he must do to get a design approved.

Commissioner Nagpal sought clarification from Mr. Bob Baratta-Lorton. Does he support a continuance with a request for additional guidance from the Commission?

Mr. Bob Baratta-Lorton:
- Expressed frustration that he followed the City's established guidelines but still his project was found not to be acceptable.
- Said he simply wants clear and specific guidelines on what he needs to do in order to move forward.
- Said that he can see that any vote would be for denial.
- Added that he does not want to have to build his home based upon a committee of neighbors.

Commissioner Hlava said it appears Mr. Bob Baratta-Lorton does not clearly understand his options. If the project is turned down, he can appeal that decision to Council.

Chair Rodgers reiterated that a denial could go to Council on appeal.

Mr. Bob Baratta-Lorton asked if he is being asked for a complete redesign.

Commissioner Cappello:
- Said it appears that Mr. Bob Baratta-Lorton may not be interested in a continuance.
- Gave suggestions for improvements that include reduction in bulk by finding ways to articulate the roofline and reduce its expanse.
- Stated that all required findings are met except for bulk.
- Suggested that the project be designed to be more aesthetically compatible to Oak Street.
- Said that this is a large structure for the property itself.

Commissioner Zhao:
- Suggested the use of some sort of wainscoting, stone or brick veneer along the Komina Avenue elevation as the wall is kind of plain of architectural details.
- Said that the Oak Street elevation has compatibility, bulk and height issues. It also needs architectural details to make it more interesting.

Commissioner Nagpal agreed that the Oak Street elevation is short on architectural details.

City Attorney Jonathan Wittwer advised that compatibility is a finding that can be discussed.

Commissioner Nagpal said that it is not one style or another.

Commissioner Hlava:
- Pointed out that the neighbors are most concerned on the issue of architectural style.
- Said that while people should be able to pick the architectural style of the home they want to live in, most take the area they are in into consideration when selecting an architectural style.
- Said this design needs a more old-fashioned look and a break up of the stucco wall.

Commissioner Kundtz said that bulk and compatibility are his two sensitivities. The home should reflect a more rural character.

Commissioner Hunter:
- Agreed that compatibility and bulk are also her chief concerns with this design.
- Said that the problem with the Oak Street elevation is that it is very imposing.
- Urged the applicant to do something other than Mediterranean or Tudor, perhaps more of a farmhouse feel.

Chair Rodgers:
- Said that she has a problem with an eclectic style.
- Stated that she does not see Tudor in this design.
- Added that the significance of this neighborhood requires a little more sensitivity.
- Said that she likes the porch on the Oak Street side but thinks the Oak Street elevation needs to be blended more with a reduction in the bulk of the long straight roofline.

Commissioner Zhao pointed out that the chimney is out of proportion. It is too skinny in terms of the design and too tall.

Commissioner Hunter agreed with Commissioner Zhao about the chimney.

Chair Rodgers asked Ms. Cindy Brozicevic how she and her client prefer the Commission to proceed this evening.

Ms. Cindy Brozicevic:
- Asked the Commission if it has a preference between wood and stucco.
- Advised that this design cannot be changed easily by simply changing material.
- Said that they chose not to detach the garage as a Use Permit would be required to accommodate a detached garage.
- Explained that a reduced setback would have to be approved by the Commission from the 10-foot setback required to six-foot setback that could be provided with a detached garage.

Director John Livingstone cautioned the Commission to simply provide general direction rather than such a specific issue.

Commissioner Hlava said that the material does not have to be wood. Stucco with trims and things are reflected in the area.

Commissioner Kundtz said that use of wood, stucco or a combination is not the solution. What is required is a redesign.

Commissioner Hunter said that she thought use of wood was important. She added that stone should not be used at all but that she loves shingle houses.

Commissioner Cappello agreed, saying he prefers wood.

Commissioner Zhao said that it does not have to be wood but must fit into the style of this neighborhood.

Commissioner Nagpal stressed that the key is compatibility. She agreed that these changes require a redesign.

Chair Rodgers said that the house does not have to be wood but a design with wood elements is more likely to be supported on the Oak Street side. However, the house does not have to be all wood.

Commissioner Nagpal said that Study Sessions have been utilized in the past for such complex or controversial projects. She stressed that everyone wants to see a good project.

Chair Rodgers said that she is willing to offer a Study Session.

Commissioner Hunter said that she thought a Study Session is in order here and she urged the applicant to consider that option.

Chair Rodgers asked staff for its recommendation on the issue of a Study Session.

Director John Livingstone said that staff could guide the applicant on the redesign to incorporate the Planning Commission's recommendations. Again, the applicant can ask the Commission to take a vote tonight or can accept a continuance.

Ms. Cindy Brozicevic said that they would prefer a vote and redesign.

Chair Rodgers said that they could withdraw this application.

Director John Livingstone said that the project could also be denied without prejudice that allows the applicant to bring back the redesigned home. Additionally, a Study Session could be set.

Commissioner Hlava pointed out that if the project is denied, the applicant must pay fees again. If it is continued, the applicant deals with staff and the fees paid are still good.

Ms. Cindy Brozicevic asked the Commission to continue consideration to allow redesign.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission CONTINUED TO A DATE UNCERTAIN consideration of Design Review (Application #05-035) for the construction of a two-story, single-family residence on property located at 20626 Komina Avenue to allow for redesign of the proposed residence. (7-0)**

Director John Livingstone advised that staff would renotice the neighbors of the next hearing or Study Session date once scheduled.

Chair Rodgers called for a break at 10:00 p.m.

Chair Rodgers reconvened the meeting at 10:10 p.m.

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PUBLIC HEARING - ITEM NO. 3

APPLICATION #UP-06-282 (APN 386-60-001) BALASUBRAMANIAN, 12280 Saratoga-Sunnyvale Road: - The applicant requests approval of a Conditional Use Permit to establish a dental office in an approximately 1,400 square-foot tenant space in the existing office building located at 12280 Saratoga-Sunnyvale Road (Saratoga Square). The site has a Commercial-Visitor (CV) zoning designation. (Shweta Bhatt)

Assistant Planner Shweta Bhatt presented the staff report as follows:

- Advised that the applicant is seeking approval of a Conditional Use Permit to allow the establishment of a dental office in an existing office building.
- Informed that a Use Permit is required to establish a medical use in a commercial zoning district.
- Described the tenant space as consisting of 1,400 square feet. The space will accommodate four patient areas, a waiting room and office.
- Said that staff finds the application appropriate for this location.
- Advised that there are three parking areas serving this building. Staff made several site visits and it appears that parking is adequate to serve this use.
- Recommended approval.

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

Mr. Vijay Balasubramanian, Applicant:

- Advised that he has nothing to add to the staff report but he is available for any questions.

- Informed that his wife, Dr. Arathi R. Tiruvur, is the dentist who will occupy this new dental office.

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

Commissioner Nagpal expressed appreciation to the applicants for still being here at 10:15 p.m. She said she had no comments about this Use Permit.

Commissioner Zhao said she had no comments.

Commissioner Cappello said this is an appropriate location.

Commissioner Kundtz pointed out that there is already another dental practice in this building.

Chair Rodgers said this is a fine location and wished the applicant good luck.

Motion: **Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission adopted a Resolution approving a Conditional Use Permit to allow the establishment of a dental office in an existing office building located at 12280 Saratoga-Sunnyvale Road, by the following roll call vote:**
AYES: Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

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PUBLIC HEARING - ITEM NO. 4

APPLICATION #06-309 (510-06-047) BELL, 19234 Citrus Lane: - The applicant requests Design Review Approval to demolish a single-story single-family residence and construct a single-story residence with an attached three-car garage and secondary dwelling unit. A swimming pool is also proposed. The total floor area of the proposed residence will be 6,598 square- feet including the attached garage and secondary dwelling unit. The maximum height of the proposed residence will not be higher than 25-feet. The net lot size is 40,205 square-feet and the site is zoned R-1-40,000. (Therese Schmidt)

Associate Planner Therese Schmidt presented the staff report as follows:

- Stated that the applicant is seeking Design Review Approval to allow the demolition of an existing single-story residence and the construction of a new single-story residence with detached garage and secondary dwelling unit.
- Explained that Design Review Approval is required for single-story structures over 18 feet in height as well as when a structure totals more than 6,000 square feet.
- Explained that this single-story home would reach a maximum height of 25 feet and consists of 6,598 square feet.

- Described the architectural style as French Farmhouse. It includes muted earth tones such as dark beige stucco, cream trim and darker brown shutters.
- Advised that neighbors were notified and six neighbor responses were received with no concerns raised.
- Said that there are eight protected trees of which none are proposed for removal.
- Informed that the applicant redesigned the driveway to meet the Arborist request in order to protect a tree.
- Added that there is attic space over the garage with 11-foot high ceilings that will be used for storage. A deed restriction will be recorded prohibiting this space from becoming habitable space in the future as to do so would exceed the maximum square footage allowed on a parcel of this size.
- Said that the accessory dwelling unit will be deed restricted as a low-income unit if ever rented.
- Said that a new driveway path includes a hammerhead turnaround. Landscaping will be installed to block any potential headlight impacts on the adjacent neighbor.
- Recommended approval.

Commissioner Hunter pointed out that the color board depicts both brick and stone.

Planner Therese Schmidt said that a mixture of both materials would be used and the applicant has a rendering to demonstrate how.

Chair Rodgers asked what would happen to the deed restriction on use of the over-garage attic space in the event that Code changes allow additional square footage on this lot in the future.

City Attorney Jonathan Wittwer replied that this deed restriction stays in effect unless it is modified or amended.

Chair Rodgers opened the Public Hearing for Agenda Item No. 4.

Mr. Tom Sloan, Project Architect:
- Thanked Planner Therese Schmidt for her presentation.
- Advised that they had met with neighbors and all surrounding neighbors are thrilled with this project.
- Said he spoke with the neighbor whose home abuts the garage. She has no issues.
- Explained that most neighbors are original owners with over 35 years in this neighborhood. Newcomers have been here 23 years.
- Stated he was available for questions.

Commissioner Hunter asked Mr. Tom Sloan to explain the use of both brick and stone accents.

Mr. Tom Sloan said that they want this house to look historic. They will use a brush and slush installation process for the stone. It is not a neat and precise installation. The brick trim will be used above the upper portions.

Commissioner Hunter asked about green construction given that this is a very large home. Will solar be used at all?

Mr. Tom Sloan said that the driveway incorporates pavers. However, no solar is proposed. Not too much credit is given to use of solar. He assured that lots of recycled lumber would be used.

Mr. Warren Bell, Property Owner:
- Said that this is his first time participating in such a process.
- Expressed appreciation for the time spent by the Commission.
- Reported that at the advice of his architect, he approached his neighbors early in the process.
- Stated he was happy to receive his neighbors' support.
- Explained that this house has been the "eyesore" on the street for 35 years.
- Thanked the Commission for its consideration.

Chair Rodgers closed the Public Hearing for Agenda Item No. 4.

Commissioner Cappello:
- Said he loved the design. It is beautiful and maintains the trees on the property. He likes the old style look incorporating stone and brick.
- Pointed out that they are tearing everything out except for the tennis court. As a tennis lover, he can appreciate retention of this court.
- Wished the owners good luck.

Mr. Warren Bell advised that he has been told that this tennis court was the first one constructed in Saratoga.

Commissioner Zhao agreed that this is a nice design that will represent a great addition to this neighborhood.

Commissioner Nagpal agreed.

Commissioner Hunter said it is a lovely design.

Commissioner Kundtz said he values the sensitivity demonstrated to the neighbors.

Commissioner Hlava said this is a big, elegant house that is a real nice addition to this neighborhood.

Chair Rodgers agreed that this is a wonderful design and an asset to Saratoga.

Motion: **Upon motion of Commissioner Cappello, seconded by Commissioner Hlava, the Planning Commission adopted a Resolution granting Design Review Approval (Application #06-309) to allow the construction of a single-story, single-family residence with an attached garage and a**

secondary dwelling unit on property located at 19234 Citrus Lane, by the following roll call vote:
AYES: Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

Commissioner Nagpal extended congratulations to Planner Therese Schmidt for achieving her AICP certification.

Planner Therese Schmidt thanked the Commission for their good wishes. She explained that this is an advanced certification available for planners who are able to pass a 150-question test.

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PUBLIC HEARING - ITEM NO. 5

APPLICATION #06-235 – The City of Saratoga proposes an amendment to the Saratoga City Code pertaining to Density Bonuses. California State Government Code Section 65915 mandates a local program to provide density bonuses, incentives, concessions, waivers and uniform parking standards for development projects that meet certain requirements concerning the inclusion of very low, low, moderate income housing units or senior housing units. This requirement is included in Program 2.1: Density Bonuses and Affordable Housing Requirement of the City's adopted Housing Element which states that the City will amend the Zoning Code to implement state law. The proposed Density Bonus amendment is an amendment to Chapter 15 Zoning Regulations of the Saratoga City Code specifying how compliance with Government Code 65915 – and its recently adopted amendments – is implemented in the City of Saratoga.

Associate Planner Lata Vasudevan presented the staff report as follows:

- Stated that staff is recommending a Zoning Text Amendment to comply with a Statewide Density Bonus requirement resulting from State Law.
- Said that a density bonus is required for developments providing senior and/or affordable housing units.
- Said that this amendment would add a new article to Chapter 15 of City Code.
- Explained that a density bonus is only available for multiple family developments that provide affordable (very-low-income and low-income) units.
- Said that the highlights of the provision create a range of density bonuses that allow a developer to build additional units than would be allowed under the General Plan Land Use Element.
- Said that the provision requires the City to grant between one and three incentives that could be anything from reduced setbacks to reduced provision of parking, etc. The provision limits off-street parking requirements that the City can impose exclusive of guest or handicapped parking.

- Added that unless the applicant asks for a density bonus, one is not implemented.
- Reminded that Measure G, which was approved in March 1996, requires voters to approve any amendment to the Land Use Element of the General Plan that increases density.
- Reported that an Initial Study was prepared and a Notice of Intent published in February. No public comment was received. It was determined that this amendment would not result in any significant impact on the environment.
- Recommended that the Commission forward to Council a recommendation to approve this Zoning Text Amendment implementing State Law on the issue of density bonuses.
- Assured that any subsequent housing developments would still be subject to environmental review. A density bonus could be denied if it is found that the bonus would create an adverse impact.
- Called out technical corrections to the text in Section 15-81.030 A & B, 15-81.030.D.5.E and 15-81.060.
- Distributed a handout outlining hypothetical examples on the impacts of the density bonus on sample projects.

Director John Livingstone advised that he met with the City Attorney Richard Taylor to review this amendment against Measure G provisions.

City Attorney Jonathan Wittwer:
- Explained that City Attorney Richard Taylor has determined that this Text Amendment is adopting a Zoning Ordinance to meet State Law requiring provision of density bonuses and is not amending the General Plan.

Commissioner Hunter asked if this provision would apply to the large Swenson project pending on Quito.

City Attorney Jonathan Wittwer said that is under discussion between Richard Taylor and the attorney for Swenson. It has not yet been determined if and/or when that item would go to a vote.

Commissioner Hunter asked what impacts this density bonus would have on the Village.

City Attorney Jonathan Wittwer said that new projects with more than five units could avail themselves of the provisions of this density bonus if it provides affordable units.

Director John Livingstone added that this is for multi-family residential projects that have a minimum of five units. This would usually involve fairly large sites.

Planner Lata Vasudevan added that the project must provide a certain number of very-low or low-income units or senior units.

Commissioner Hunter again asked the potential impact on the Village.

Planner Lata Vasudevan cautioned that staff cannot predict development. However, any proposed development would still undergo environmental review and design review. If there

is any finding(s) that the density bonus would be detrimental to a neighborhood, it can be denied.

Director John Livingstone:

- Reviewed a couple of hypothetical examples. A 10-unit development with a 10 percent density bonus would get one more unit for a total of 11. Comparably, a large project consisting of 10 acres could equal a density bonus of 22 units.
- Assured that the impact is not that significant on small lots in the City.
- Added that projects must still meet Design Review and environmental requirements.

Planner Lata Vasudevan pointed out the list of required findings under Section 15-81.040.5 to support a density bonus.

Commissioner Nagpal asked about the impact of the incentives.

Planner Lata Vasudevan said that there are between one and three incentives available to chose from based on a sliding scale, based upon the number of affordable units provided and if these units are very-low or low-income units.

Chair Rodgers reminded the Commission that this is for multi-family residential projects.

Commissioner Hlava asked if developers must apply for a density bonus if they elect not to incorporate affordable units.

Planner Lata Vasudevan replied no.

Commissioner Hlava asked if it is up to the Commission or Council to select from the available list of incentives.

Director John Livingstone replied no, the developer gets to pick from among the available incentives.

City Attorney Jonathan Wittwer added that a project would be evaluated to ensure that no adverse traffic or parking impacts result from the incentives. This gives the City some control. The applicant requests what they want and the City evaluates it for the necessary findings to support.

Commissioner Hlava asked about an overlay in the Village that requires any residential units to be low-income units.

Director John Livingstone said that this is part of the Housing Element. Rental housing can be considered affordable. In commercial areas, mixed-use development would allow rental-housing units to be located over commercial space.

Commissioner Hunter asked if the City is being forced to implement this density bonus.

Director John Livingstone replied basically yes.

Commissioner Hunter said she though the City was four times over its required affordable units.

Director John Livingstone explained that the City is short 50 low-income units but is okay on its moderate units.

Commissioner Hlava asked about the in-house staff available to evaluate financial pro-formas.

Chair Rodgers said that consultants could be obtained at the applicant's cost.

City Attorney Jonathan Wittwer cautioned that the concept of a density bonus is supposed to end up saving the developer money as an incentive for them to provide affordable housing units. Charging for additional consultants may defeat that purpose.

Commissioner Hunter said that there is a huge project pending and asked if it is smart to do this amendment at this time. She asked why move so fast.

City Attorney Jonathan Wittwer replied that cities are required to meet compliance deadlines.

Director John Livingstone advised that Saratoga is already several years behind.

Planner Lata Vasudevan added that the original State Law for density was passed in 1994. Several other cities have already implemented their Ordinance changes to accommodate this requirement.

Commissioner Hunter said that more time should be spent on this. It shouldn't be decided at 11 p.m. at night. She said she would like to delay a recommendation to allow further discussion.

Commissioner Kundtz said he too cannot support taking action without more information and perhaps a Study Session.

City Attorney Jonathan Wittwer reminded that State Law states that cities must provide these bonuses. Saratoga will not gain too much by not having its own Ordinance.

Director John Livingstone added that even without this amendment being adopted into the Code, any savvy developer can use the provisions of this State Law to request density bonuses.

Commissioner Hlava suggested continuing this item to the first meeting in June so that this issue can be taken to the joint session with Council for discussion. She said that while this is State-mandated, the City may as well adopt something that is palatable to us. The Commission can benefit from discussion with Council.

Chair Rodgers reminded that the intent of State Law is there and the process and/or structure that works for Saratoga must be developed to accommodate or implement that State Law.

Commissioner Hunter suggested adding this issue to the Commission's Study Session set for May 24th.

Commissioner Nagpal:
- Asked staff if anything in this text amendment is different from State Law.
- Reminded that the City is still able to make decisions on a case-by-case basis.
- Said that she is not as concerned about this text amendment as the other Commissioners appear to be since it is required by the adoption of that State Law.

Director John Livingstone agreed that there is very little latitude.

Commissioner Cappello said that he is not sure there is a lot we can do that is not already in this amendment.

Commissioner Kundtz said that the model can be studied during a Study Session and options can be evaluated to modify this document to better suit us for decision-making.

Commissioner Nagpal cautioned that any model must be hypothetical.

Commissioner Hunter said that she does not yet feel educated enough on this issue to make a decision tonight at this late hour. If forced to vote, she would vote against this tonight.

Commissioner Cappello said that it would be good to have a Study Session so the Commission is clear what it is voting on.

Commissioner Nagpal asked if another public notice is required.

Director John Livingstone said that Study Sessions don't require public noticing. He suggested that he work further with the City Attorney on this matter.

City Attorney Jonathan Wittwer suggested that the public hearing on this matter be opened this evening.

Chair Rodgers opened the Public Hearing for Agenda Item No. 5.

Chair Rodgers closed the Public Hearing for Agenda Item No. 5.

Director John Livingstone asked that the continuance be to a date uncertain.

Chair Rodgers pointed out that having the City Attorney address both the Planning Commission and Council together would be most helpful.

Motion: **Upon motion of Chair Rodgers, seconded by Commissioner Nagpal, the Planning Commission CONTINUED TO A DATE UNCERTAIN consideration of a proposed amendment to the Saratoga City Code pertaining to Density**

Bonuses to allow time for further study and information and consultation with Council. (7-0)

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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 Hunter, seconded by Commissioner Hlava, Chair Rodgers adjourned the meeting at 11:18 p.m. to the next Regular Planning Commission meeting of **May 24, 2006**, at 7:00 p.m.

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