

MINUTES
SARATOGA PLANNING COMMISSION

DATE: Wednesday, April 26, 2006
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Hunter, Nagpal, Rodgers and Zhao
Absent: Commissioner Kundtz
Staff: Director John Livingstone, Assistant Planner Suzanne Thomas, Contract Planner Deborah Ungo-McCormick and Assistant City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

ELECTION OF NEW CHAIR

Chair Nagpal thanked staff and the members of the Commission for their efforts over the last year during her time as Planning Commission Chair.

Commissioner Hunter told Chair Nagpal that it has been a great year.

Commissioner Cappello told Chair Nagpal that she did a great job as Chair.

Motion: Commissioner Cappello nominated Commissioner Rodgers to serve as Chair for the coming year. (6-0-1; Commissioner Kundtz was absent)

Motion: Commissioner Rodgers nominated Commissioner Cappello to serve as Vice Chair for the coming year. (6-0-1; Commissioner Kundtz was absent)

Chair Nagpal passed the gavel to newly elected Chair Rodgers who assumed leadership for the remainder of the meeting.

Chair Rodgers welcomed newly appointed Planning Commissioners Joyce Hlava and Yan Zhao.

Commissioner Hlava:

- Advised that she had served as a member of Saratoga's Planning Commission for four years in the 1980's.
- Added that she also served as a member of the Saratoga City Council for four years also in the 1980's.
- Stated that she is looking forward to serving on this Commission now that she is retired and has more time to devote to this responsibility.

Commissioner Zhao:

- Said that she is an eight year resident of Saratoga.
- Stated that she likes to contribute where she can.

APPROVAL OF MINUTES – Regular Meeting of April 12, 2006.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hunter, the Planning Commission minutes of the regular meeting of April 12, 2006, were adopted with a correction to pages 4 and 10. (3-0-1-3; Commissioner Kundtz was absent and Commissioners Cappello, Hlava and Zhao 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 April 19, 2006.
- Advised the Commission that staff just discovered about an hour ago that an error occurred with the mailing of notices for tonight's Agenda Items No. 2 and 3. Inadvertently, the notification for Item 2 was sent to the mailing list intended for Item 3 and the notification for Item 3 was sent to the mailing list intended for Item 2.
- Informed that while these two items were properly noticed in the newspaper, they were not properly noticed by mail to the neighbors.
- Stated that to correct that error staff is recommending that those two items be continued this evening to either the next meeting on May 10th or to the subsequent meeting on May 24th.

Chair Rodgers asked the City Attorney for his advice.

Assistant City Attorney Jonathan Wittwer:

- Said that the Commission should continue these items to a date certain to allow the proper mailing notification to be sent.
- Added that doing so means that no additional newspaper advertising is required. Those people who rely on the newspaper notice have duly received that notice and would have appeared this evening to learn of this continuance.
- Suggested that the action to continue each item should take place individually as each item appears on the agenda.

Chair Rodgers asked the City Attorney if the Commission should take testimony from anyone who may be present this evening.

Assistant City Attorney Jonathan Wittwer replied no. He said that allowing testimony this evening would prevent those who were not properly noticed from having the opportunity to hear any commentary directly.

Commissioner Hunter pointed out that story poles have been posted. She inquired whether a site that contains story poles is also posted with the date and time of the pending public hearing. If not, she suggested that staff consider such postings in the future.

Director John Livingstone suggested that the Commission could give staff such a directive later in the meeting.

Commissioner Nagpal asked staff if May 10th or May 24th is the better date.

Commissioner Hunter said that either day is fine as she plans to be at both meetings.

Commissioner Nagpal said that she prefers to see these items continued to May 10th in the interest of making things move along.

Chair Rodgers cautioned that there is already a pretty full agenda for May 10th.

Director John Livingstone said that it appears there is a consensus to continue these two items to the next meeting on May 10th. It sometimes works out that some meetings run longer than others.

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.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #06-266 (503-68-013) ROSSI, 14111 Palomino Way: - The applicant requests Design Review Approval to construct an arbor on an existing deck. The maximum height of the proposed structure is 15 feet above average grade. The lot size is approximately 45,716 square feet and the site is zoned HR. (Suzanne Thomas)

Assistant Planner Suzanne Thomas presented the staff report as follows:

- Stated that the applicant is seeking Design Review Approval to allow the construction of an arbor on an existing deck.
- Provided a photograph of the proposed location for this arbor.

- Explained that the house rises above the deck.
- Reported that accessory structures may not be more than 12 feet above grade without Planning Commission approval. If that standard were applied in this case, this arbor would only be allowed at 4.5 feet in height.
- Added that the Planning Commission can elect to extend that allowed height up to 15 feet with the findings that to do so helps retain architectural compatibility as well as compatibility with the surrounding neighborhood.
- Said that as proposed, this arbor would be approximately 7.5 feet higher than the deck or 15 feet above average grade. It is 16.5 feet wide and will be located behind and below the existing residence with minimal impacts on viewscape and no grading required.
- Advised that the neighbors have been notified within 500 feet and that no negative correspondence was received.
- Assured that the rural atmosphere is protected.
- Described the proposed arbor as consisting of weathered wood and it will be vine covered. It is consistent with the house and surroundings.
- Stated that the two required findings to support this request are that the height up to 15 feet is necessary to maintain architectural integrity and that the proposed accessory structure is compatible with the neighborhood.
- Informed that staff finds that these required Design Review findings can be made in the affirmative.
- Said that this request is consistent with the General Plan.
- Recommended that the Commission take action to approve this request.

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

Mr. Ron Rossi, Applicant and Property Owner:

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

Commissioner Nagpal expressed her appreciation to Mr. Ron Rossi for the site visit as well as her admiration for Mrs. Rossi's green thumb.

Commissioner Hunter agreed that they have a lovely yard.

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

Commissioner Cappello:

- Said that this design makes perfect sense.
- Expressed his agreement with the staff report.
- Said that this is an appropriate request and that the necessary findings to support it can be made without problem.

Commissioner Nagpal concurred.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission adopted a Resolution granting Design

Review Approval (Application #06-266) to allow the construction of an arbor on an existing deck with a maximum height of 15 feet above average grade on property located at 14111 Palomino Way, by the following roll call vote:

AYES: Cappello, Hlava, Hunter, Nagpal, Rodgers and Zhao

NOES: None

ABSENT: Kundtz

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

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)

Chair Rodgers reiterated that a noticing problem has resulted in a need to continue consideration of this item to allow proper noticing to occur.

Commissioner Cappello said that he is concerned about the full schedule already on that agenda and suggested that perhaps the May 24th meeting might be better.

Chair Rodgers asked staff how long the next meeting is anticipated to run.

Director John Livingstone replied that this is generally up to the Commission. Some meetings take longer than others.

Commissioner Hunter expressed support for fitting these two continued items onto the May 10th agenda.

Commissioner Nagpal agreed and said that she is willing to stay late that evening to handle all items on the May 10th agenda. She added that the applicant has already waited.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Hunter, the Planning Commission continued to its next meeting on May 10, 2006, the consideration of Application #04-210 to allow Design Review Approval for a new residence on property located at 15230 Pepper Lane. (6-0-1; Commissioner Kundtz was absent)

PUBLIC HEARING - ITEM NO. 3

APPLICATION # (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)

Chair Rodgers advised that this item also had a noticing problem and needs to be continued.

Assistant City Attorney Jonathan Wittwer suggested that the applicant be consulted as to a preference between May 10th and 24th.

Chair Rodgers asked that it be noted for the record that the applicant has indicated a preference for May 10th.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission continued to its next meeting on May 10, 2006, the consideration of an Application to allow Design Review Approval for a new residence on property located at 20626 Komina Avenue. (6-0-1; Commissioner Kundtz was absent)

DIRECTOR'S ITEMS

Training for New Planning Commissioners: Director John Livingstone advised that he has spoken with both new Commissioners and this item has been take care of with the possibility for future additional training as needed.

Commissioner Cappello expressed an interest in having the two new Commissioners oriented with the vision and mission recently developed by the Planning Commission.

Director John Livingstone said that the Chair could address the new Commissioners individually.

Chair Rodgers suggested a Study Session to integrate the two newest members and asked for a proposed date.

Commissioner Zhao asked what is the best way to learn about the processes of the Planning Commission. Is there a crash course possible?

Commissioner Hunter said that she would be happy to sit down together with Commissioner Zhao to provide an introduction and answer any procedural questions.

Commissioner Nagpal reminded that there used to be a three-hour training session offered by former Director Tom Sullivan to new Commissioners.

Director John Livingstone advised that there are written materials available and that staff is also available to assist.

Commissioner Rodgers advised that any of the Commissioners would be more than happy to assist Commissioner Zhao.

Commissioner Hlava asked for the date of the joint meeting with Council.

Director John Livingstone replied June 7, 2006, at 5:30 p.m.

Commissioner Rodgers suggested a Study Session on May 24th prior to the regular meeting to prepare for this joint session with Council.

Director John Livingstone advised that staff has a large project to show to the Commission in a Study Session on May 24th. He added that he would discuss scheduling options further with Chair Rodgers. He said that a special Study Session could be scheduled on a night with no regular Planning Commission meeting set or the Study Session on May 24th could begin earlier than usual to accommodate both the joint meeting preparation as well as the large project review.

Demolition of Structures: Director John Livingstone said that the issue of demolition requirements was gone over somewhat during the site visit. He advised that during the Building Permit process there is a list of things to do prior to issuance of a demolition permit. However, there is no public notice or discretionary review. An applicant has the right to remove a house from his land without review.

Commissioner Hunter asked what if the home in question is older than 50 years.

Director John Livingstone said that CEQA requirements then come into play. Staff must ensure that the structure proposed for demolition is not historic. If it is, it must go before the Heritage Preservation Commission.

Commissioner Hunter asked if a neighbor could appeal the demolition of an historic house once approved.

Director John Livingstone replied that if the Heritage Preservation Commission makes a decision, there is the standard 15-day appeal period.

Commissioner Nagpal asked about issues such as abatement of lead-based paint on those structures being demolished.

Director John Livingstone:

- Said that the Building Division has a list of agencies that an applicant must go to for demolition approval sign off before the Building Division approves that demolition.
- Apologized to the Commission again for the noticing error.

Commissioner Hlava asked staff whether the mailing company would do this re-noticing at its own cost since this was their error.

Director John Livingstone replied that he would ask them to do so. He added that he just realized this error less than an hour before the start of tonight's meeting.

COMMISSION ITEMS

Commissioner Hunter:

- Announced that she attended a two-hour Village Ad Hoc meeting last Wednesday with the new Assistant City Manager.
- Advised that subcommittees have been set up for bicycle racks in the Village and newspaper racks.
- Added that the trees in the Village have been pruned and lights are going in this week.
- Said that banners will be in next week and there are about 50 of them. Additionally, there are matching t-shirts that will be available for sale.
- Stated that all these changes are very exciting. There are lots of changes in the Village.

Chair Rodgers said that the trees are an improvement.

Commissioner Hunter:

- Reported that on May 19, 2006, from 5 to 7 p.m., 15 historic Saratogan characters will be walking the Village. These actors' characters are not identified. Rather, visitors are asked to question them to find out just whom they are depicting.

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 7:46 p.m. to the next Regular Planning Commission meeting of **May 10, 2006**, at 7:00 p.m.

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