

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, February 13, 2008
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Hlava, Kumar, Kundtz, Rodgers and Zhao
Absent: Commissioners Cappello and Nagpal
Staff: Director John Livingstone, Senior Planner Chris Riordan, Planner Shweta Bhatt and Assistant City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of January 23, 2008.

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Zhao, the Planning Commission minutes of the regular meeting of January 23, 2008, were adopted as submitted. (5-0-2; Commissioners Cappello and Nagpal were absent)

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 February 7, 2008.

REPORT OF APPEAL RIGHTS

Chair Hlava announced that appeals are possible for any decision made on this Agenda by filing an Appeal Application with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15-90.050(b).

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #MOD07-0001 (510-03-012) Labio, 15211 Bellecourt Drive: The applicant requests a Modification to a previously approved Design Review application. The modification is for a 110 square foot addition to a 6,008 square foot house approved by the Planning Commissioner on July 11, 2007. The proposal includes demolition of the existing 2,364 square foot residence. The maximum proposed impervious coverage is 35 percent of the site. The maximum height of the proposed building is 26 feet. The lot size is 45,784 square feet and the site is zoned R-1-40,000. (Heather Bradley)

Mr. John Livingstone, Community Development Director, presented the staff report as follows:

- Explained that the applicant is seeking approval for an additional 110 square feet to a previously approved Design Review approval for an approximately 6,000 square foot house.
- Described the site as being a little more than an acre at 45,784 square feet.
- Reminded that the original approval was for the demolition of an existing house, guesthouse and pool and the construction of a new house with basement and four-car garage.
- Stated that this Modification request increases the basement slightly as well as the first floor, slightly expanding the breakfast nook, family room and garage.
- Said that there are no other changes to the project's contemporary Mediterranean architectural style.
- Said that the project is consistent with both Design Review and General Plan requirements.
- Reported that neighbors have provided three letters of support.
- Recommended approval.

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

Ms. Amira Sofer, Project Designer:

- Said that this request is for an addition of 110 square feet to the original approval.
- Reported that they have also received a letter of support from the closest neighbor.

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

Commissioner Kundtz:

- Said that he liked this project before and still likes it.
- Added that he appreciates the support provided by the nearest neighbors who most likely could be impacted.
- Stated that he could make the findings and supports this proposal.

Commissioner Rodgers added that if those neighbors ever decide to construct a second story they can position windows in offset locations from those on this residence.

City Attorney Bill Parkin suggested added text to the end of Condition 5 to read, "...and will be subject to approval by the Community Development Director."

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, the Planning Commission approved a Modification (Application #MOD08-0001) to a previously approved Design Review approval to allow an additional 110 square feet for a new home to be constructed on property located at 14211 Bellecourt Drive, with the modified condition, by the following roll call vote:

AYES: Hlava, Kumar, Kundtz, Rodgers and Zhao

NOES: None

ABSENT: Cappello and Nagpal

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

Commissioner Zhao reported that she must recuse herself from Item No. 2 due to her husband's previous professional relationship with the project architect. She left the dais and chambers.

APPLICATION #MOD07-0003, CUP08-0001 (517-22-072) Arimilli, 15400 Peach Hill Road:

The applicant requests a Conditional Use Permit for the construction of an eight foot tall, 97 square foot Cabana within the rear yard setback and modifications to an approved Design Review application. Modifications include 1) altering the layout of the driveway near the front entrance to avoid conflict with existing water meters; 2) proposed rear yard landscaping to include concrete patios, swimming pool and pond; 3) construction of the cabana; and 4) the removal of five trees (including three oak trees) to accommodate the revised driveway location and the removal of one Eucalyptus tree for the construction of the cabana. The property is zoned R-1-40,000. (Chris Riordan)

Senior Planner Chris Riordan presented the staff report as follows:

- Reported that the applicant is seeking a Conditional Use Permit and Modification to a previously approved Design Review approval that was approved on October 10, 2007.
- Reminded that the original approval was for a new two-story single-family residence.
- Explained that the modifications include altering the driveway; the landscaping of the rear yard to include pool, patio and pond; and construction of a cabana.
- Added that the cabana requires a Conditional Use Permit as it needs to be located within the setback area.
- Said that there is also need to removal four Oak trees and one Eucalyptus tree. Two of the Oaks have Oak Beetle disease. One 48-inch box Oak tree will be replanted.
- Recommended approval of the Conditional Use Permit and Modification to the previous Design Review approval.

Commissioner Rodgers asked if there is a materials board.

Planner Chris Riordan replied yes and passed it around.

Chair Hlava asked where the Oak would be replanted in the center of the drive. Is it within the planter area.

Planner Chris Riordan replied yes.

Commissioner Rodgers asked what material the pillars are made of. Are they natural or artificial?

Planner Chris Riordan said he believes they are manufactured stone but would defer that question to the applicant.

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

Mr. Raul Arimilli, Applicant:

- Said he is seeking approval of his landscape plan that was developed by a Landscape Architect and Solar Power Engineer after the original approval was granted.
- Said that he must remove three trees in front and one in back and located the cabana next to the pool.
- Reported that the photovoltaic panels need to face the south and will be located on the cabana roof.
- Apologized for any inconvenience cause by this return for modifications.
- Stated that it was his mistake not to concentrate more on the landscape prior to this.

Commissioner Rodgers asked if the fireplace in the cabana would be gas.

Mr. Raul Arimilli replied yes.

Chair Hlava asked for further details on the columns from the project architect.

Mr. Marty Oakley, Project Architect:

- Explained that the columns on the cabana would be pre-cast and identical to the house. They are made of pre-cast canterra stone.
- Added that they are not concrete but are real stone.

Commissioner Rodgers asked if they are fire resistant.

Mr. Marty Oakley said that they are natural stone, like a rock.

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

Chair Hlava asked where the requirement for the replacement 48-inch box Oak tree should be added in the resolution.

City Attorney Bill Parkin suggested adding it to Condition 5, Front Yard Landscaping to read, "and would include a 48-inch box Oak."

Commissioner Rodgers asked the City Attorney if the language for the geotechnical condition should also be edited.

City Attorney Bill Parkin replied yes and suggested adding the text, "...and subject to approval of the Community Development Director."

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Kundtz, the Planning Commission approved a Modification (Application #MOD-07-0003) and Conditional Use Permit (Application #08-0001) for modifications to an approved Design Review application to include placement of a cabana within the rear side yard setback, alteration of the driveway, rear yard landscaping including pool, patio and pond and removal of four trees on property located at 15400 Peach Hill Road, by the following roll call vote:

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

Commissioner Zhao returned to the meeting at the conclusion of Item No. 2.

PUBLIC HEARING - ITEM NO. 3

APPLICATION #ADR07-0022 (393-38-007) Bijan/Sangam, 13574 Howen Drive: The applicant requests Design Review approval to demolish the existing second floor of the approximately 3,217 square foot residence and construct a new second floor. The existing second floor is approximately 457 square feet and the proposed second floor is approximately 498 square feet. Changes to windows, siding and a new roof are also proposed. The lot size is approximately 11,270 square feet and the site is located in the R-1-10,000 zoning district. Design Review approval is required pursuant to Saratoga Municipal Code Section 15-45.060. (Shweta Bhatt)

Ms. Shweta Bhatt, Planner, presented the staff report as follows:

- Distributed a materials board.
- Explained that the applicant is seeking approval for a new 498 square foot second story on an existing two-story residence, which is slightly larger than the existing second story.
- Reported that adding 42 square feet to the garage and a bay window in the dining room would modestly enlarge the first floor.
- Said that the proposed colors are earth tones including beige siding and a carriage style garage door.
- Added that the maximum height is 22 feet where 26 is allowed.
- Advised that several neighbor templates have been received and no additional comments have been received.
- Said that the project is Categorically Exempt under CEQA.

- Stated that staff can make all the Design Review findings in the affirmative and recommends approval.

Commissioner Kundtz asked about the garage door.

Planner Shweta Bhatt said that they are proposing a new carriage style garage door.

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

Ms. Layla Bijan, Project Designer:

- Said that the existing second story is non-conforming and their proposed second story meets required setbacks.
- Reported that there are no new windows facing the neighbors but rather all windows would be located back in their original placements on the new second story.
- Pointed out that they have minimized the height and bulk so that they are well below the allowed maximum.
- Stated that this particular neighborhood has a mixture of both one and two-story homes and this house is consistent. The proposed natural colors blend in.

Chair Hlava asked for clarification that the front rooms of the house would also come out by two feet as the garage is proposed to do.

Ms. Layla Bijan said that is correct.

Chair Hlava expressed appreciation to Ms. Layla Bijan for taking the time to create a model of this home.

Commissioner Rodgers added that the Commission also appreciations the inclusion of the carriage style garage door.

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

Motion: Upon motion of Commissioner Zhao, seconded by Commissioner Rodgers, the Planning Commission granted Design Review approval to allow the demolition and reconstruction of an approximately 498 square foot second story on property located at 13574 Howen Drive, by the following roll call vote:

AYES: Hlava, Kumar, Kundtz, Rodgers and Zhao

NOES: None

ABSENT: Cappello and Nagpal

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 4

APPLICATION #CUP07-0001 (386-14-016) Metro PCS, 12768 Saratoga Avenue: The applicant is requesting Conditional Use Permit approval to locate a wireless facility at the Presbyterian Church near the intersection of Cox Avenue and Saratoga Avenue. The project consists of a new cross structure with concealed antennas and a new equipment cabinet enclosed in a shed. The lot size is approximately 3.74 acres and the site is zoned R-1-10,000. (Shweta Bhatt)

Ms. Shweta Bhatt, Planner, presented the staff report as follows:

- Reported that the applicant seeks Conditional Use Permit approval to install a wireless facility at the Presbyterian Church located at the intersection of Cox and Saratoga Avenues.
- Said that the provider is Metro PCS, who have six other installations within the city. Two additional applications were approved in June and December.
- Said that the proposal is to remove an existing cross and mount a new cross that is one foot, four inches taller than the existing cross.
- Advised that a bond would be required as well as protective fencing for six trees.
- Said that 97 pieces of mail went out and 19 were returned. Most did not list concerns. There were questions about height but no additional comments.
- Stated that there is a condition to paint the shed to match the church and for landscaping to screen that shed. Additionally, a Noise Assessment Study will be required.
- Recommended that the Planning Commission approve this project.

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

Ms. Kelly Pepper, Representative for MetroPCS:

- Said that they are seeking to achieve improved and increased coverage with this installation.
- Advised that they have agreed to the staff request for curb stops instead of bollards.
- Said that on the issue of prohibiting excavation, they will actually require six inches of excavation to install the concrete pad to build a foundation for the relocated shed. This is required to meet Building Code.
- Reminded that there is a \$42,000 bond that will be in place on the trees.

Commissioner Kundtz suggested amending the condition to read, "...excavation not to exceed six inches in depth." He asked the City Attorney if that was acceptable.

City Attorney Bill Parkin replied certainly.

Chair Hlava pointed out that there are duplicate conditions (No. 7 and No. 15). She suggested eliminating Condition 7 and leaving Condition 15. She asked Ms. Pepper to verify that the shed is already there and will simply be relocated.

Ms. Kelly Pepper said yes.

Commissioner Kumar asked about a small pocket west of Saratoga and south of Cox that does not have coverage. He asked why.

Ms. Kelly Pepper said she is not the technical person but could report that there are often small holes in the coverage that occur due to issues such as topography, trees or tall buildings.

Commissioner Rodgers asked if the church's adjacent property would clean up its landscaping debris, including a dried out Christmas tree.

Ms. Kelly Pepper said that she could relay that concern to the church.

Commissioner Rodgers asked for verification that there would be no interference with radios, televisions, etc., as a result of this installation.

Ms. Kelly Pepper replied no.

Chair Hlava sought assurance that the equipment was not loud.

Ms. Kelly Pepper replied no.

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

City Attorney Bill Parkin made edits to two conditions as follows:

- Condition 13 - add the text, "... and subject to approval by the Community Development Director."
- Condition 17 - add the text, "... and subject to approval by the City Arborist."

Commissioner Kundtz:

- Said that this represents a vast improvement, as the existing cross looks more like an antenna.
- Added that the new cross is a better marker or symbol for this church.

Commissioner Rodgers reported that the church is in favor of this change.

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Zhao, the Planning Commission approved a Conditional Use Permit to locate a wireless facility within a new cross structure with concealed antennas and a new equipment cabinet enclosed in a shed on property located at 12768 Saratoga Avenue, as modified, by the following roll call vote:

AYES: Hlava, Kumar, Kundtz, Rodgers and Zhao

NOES: None

ABSENT: Cappello and Nagpal

ABSTAIN: None

DIRECTOR'S ITEMS

Director John Livingstone:

- Advised that the City Council would be having a joint meeting with the Planning Commission on March 19, 2008, and suggested that the Commissioners start thinking about topics.
- Added that he would be out of the office until February 25th.

COMMISSION ITEMS

Commissioner Rodgers reported that the second reading was taken on the Neglected Properties Ordinance. She asked if Commissioners or City have received any comments on the Fence Ordinance.

Director John Livingstone replied that he is not aware of any comments received.

Commissioner Zhao asked staff if there are any new proposals for the North Campus.

Director John Livingstone replied no.

Commissioner Zhao asked how long the joint session with the Council would last.

Director John Livingstone said he would have a better idea closer to the date. It would likely begin some time between 5:30 and 6 p.m.

Commissioner Rodgers suggested a meeting to prepare.

Chair Hlava suggested perhaps a Study Session.

Director John Livingstone said the Commission was welcome to do so.

Chair Hlava asked if this Study Session could be held at 5:30 p.m. prior to the March 12th meeting.

Director John Livingstone replied yes.

Commissioner Rodgers also suggested following the site visits on March 11th.

Commissioner Kundtz said he had a conflict on the evening of March 11th.

Chair Hlava said that in addition to passing the Neglected Properties Ordinance, Council also approved issuance of an RFP for the Housing Element.

Director John Livingstone said that he has received direction from Council to have staff work on both the Non-Conforming Use Ordinance and Sign Ordinance.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, Chair Hlava adjourned the meeting at approximately 8:00 p.m.

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