

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, March 12, 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 Cappello, Hlava, Kumar, Kundtz, Nagpal, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Associate Planner Shweta Bhatt and Assistant City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of February 27, 2008.

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, the Planning Commission minutes of the regular meeting of February 27, 2008, were adopted with edits to pages 3 and 9. (6-0-0-1; Commissioner Nagpal 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 March 6, 2008.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION ZOA07-0001 (City-Wide): The Planning Commission will consider a draft ordinance that will update existing regulations regarding fences, walls and hedges. The draft ordinance proposes to 1) establish an exception process that would allow property owners to exceed the maximum permitted fence height; 2) add fence height limitations around driveway aprons; and 3) clarify ambiguous language and areas of the code that are currently difficult to enforce. Other related topics, such as regulations regarding chain link fencing, an initial study and negative declaration for the project will also be reviewed and discussed.

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

- Reported that the Commission is being asked to review proposed changes to the draft ordinance that pertains to fences, walls and hedges.
- Stated that topics of interest include chain link fences, which are currently prohibited in the Hillside District but not elsewhere in the City. Proposed changes would make the Code consistent by prohibiting chain link fences throughout the City.
- Added that a letter in opposition of this recommendation was received and included in the packet.
- Said that the Planning Commission discussed eliminating height restrictions for hedges and directed staff to include language in the Code to this effect.
- Stated that letters from the public were received that suggested that hedges have a height limitation. The most recent was emailed to the Planning Commission and distributed this evening.
- Said that language is proposed that fences be measured from the higher property where two properties differ in elevation.
- Said that staff received feedback from the public regarding this topic suggesting that it be measured from the lower property to avoid exceptionally tall fences and walls on the lower side.
- Added that feedback was also received this afternoon regarding a concern about the proposed language about triangles of visibility particularly how they impact smaller lots.
- Advised that an exception process has been added to the proposed language and four findings are proposed to help evaluate exceptions.
- Informed that members of the public are present this evening to speak on the issues and provide comments.

Commissioner Nagpal asked if chain link fencing would be prohibited all over Saratoga. Chain link fencing is allowed in rear yards right now. Would chain link fencing continue to be allowed in backyards?

Planner Shweta Bhatt said that throughout the City, chain link fencing would not be allowed under the proposed amended ordinance. Right now, chain link fencing is only allowed for sports courts.

Commissioner Cappello asked if chain link fencing would be prohibited for sports courts with the ordinance amendment.

Planner Shweta Bhatt replied that chain link fencing would still be allowed for sports courts.

Commissioner Zhao asked how legal non-conforming fences would be dealt with. How are they determined as legal? What about pre-existing fencing?

Director John Livingstone said that pre-existing fencing would be subject to Community Development Director review. In the past, old photographs were used to substantiate the age of fencing. There are different ways to prove when a fence was installed. He added that fences don't typically require a building permit. It might take some work to determine legal non-conforming fencing.

Chair Hlava pointed out that when non-conforming houses burn down, they cannot be rebuilt to the non-conforming standard but would rather have to conform to current code requirements. She pointed out that while a non-conforming wood fence would eventually rot and have to be rebuilt to code standards, fences in materials such as wrought iron could last forever. The result is that they seem to be treated differently.

Director John Livingstone agreed that wood fences last less time than do other types of fences.

Commissioner Rodgers reminded that Hillside zoning is limited to a 4,000 square foot enclosed area. Swimming pools must be enclosed and are permitted a 10-foot area to be enclosed around the swimming pool.

Planner Shweta Bhatt said that the 10-foot enclosure area around a pool applies when there is already an enclosed fence area of 4,000 square feet on a Hillside zoned property. If a separate fence is required to enclose a pool elsewhere on a Hillside zoned property that is outside of the 4,000 square foot fenced in area, that pool fence must follow the contours of the pool by a maximum of 10-feet.

Director John Livingstone reiterated that per code, pools must be enclosed. There must be a fence around a pool. In the Hillside district, if that property already has the maximum allowed 4,000 square foot fence-enclosed area, pool fencing is limited to a 10-foot distance around the pool contours. On other residential zoning district properties, pools are generally located within an enclosed backyard on a typical smaller lot.

Commissioner Rodgers asked why a fence exemption for pools is required.

Director John Livingstone gave the example of a 10-acre lot with a 4,000 square foot enclosed fence area on one side of a property. A pool is located on the other side of the property. If there are large trees on each side of a pool, the fencing might not best be limited to the 10-foot contour so the exception is available for consideration to retain said trees and allow them to be located within the enclosure if necessary to retain them.

Commissioner Rodgers said that this exception is not intended to allow expansion above the allowed 4,000 square foot fence enclosure area.

Director John Livingstone replied no and said that the exception would be a difficult process.

Commissioner Zhao asked about when the amount of allowable enclosure area above 4,000 square feet might be permitted in the Hillside district.

Director John Livingstone said that more fencing could be installed on a Hillside zoned property if there are periodic 30-foot wide gaps in sections of the fence to allow natural access for wildlife to pass through.

Chair Hlava said that one issue up for discussion on chain link fencing is whether black or some other color should be required to best blend into the landscape.

Commissioner Nagpal said that there had been some discussion of allowing chain link fencing on certain sized residential lots with some mention of color to obscure visibility.

Chair Hlava agreed that it must be something other than silver.

Commissioner Rodgers said that chain link fencing in districts other than Hillside should only be allowed for recreational courts.

Commissioner Nagpal again said that she had thought there was discussion to allow chain link fencing for larger lots.

Director John Livingstone said that there was no direct instruction to that effect so staff started with no chain link fences anywhere in the community except for sports courts to start the discussion.

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

Mr. Bruce La Fountain, Resident on Pierce Road:

- Said that he wrote a letter regarding use of chain link fencing.
- Added that he is available for questions regarding his comments and pictures.

Chair Hlava asked Mr. Bruce La Fountain if he is in favor of chain link fencing on Hillside district properties.

Mr. Bruce La Fountain:

- Explained that he owns five adjacent properties, three of which are large. On all of his properties there is chain link fencing, none of which is visible from the road.
- Added that he took great pains to create a trail through all of his properties that allows wildlife to pass through.
- Reported that he toured the whole community and found lots of chain link fencing out there. It is a prevalent material.
- Advised that he was surprised when Code Enforcement contacted him about his fencing.
- Expressed concern about the uniformity of enforcement.
- Reiterated that there is chain link fencing everywhere in every kind of application.
- Pointed out that in a large open area, one really cannot see it and it looks acceptable.

- Added that it is a high quality product and is the product of choice for the Forest Service.

Commissioner Rodgers asked what color is his chain link fencing.

Mr. Bruce La Fountain said that he bought sections in brown, green and black and chose black as the most invisible.

Chair Hlava reported her understanding that the Hillside Initiative of 1980 created a prohibition of chain link fencing on the hillside. This restriction may not be able to be changed.

Mr. Bruce La Fountain asked the reason for the size of spacing for the wire to be four inches. Is it because of birds?

Chair Hlava said that it is for birds, rabbits and field mice to clear. She added that it is not to keep deer from eating people's gardens.

Mr. Bruce La Fountain said he was less concern about deer than he was about coyotes eating cats.

Commissioner Rodgers said that cats should be kept indoors any way.

Chair Hlava said that some properties have barn cats to provide rodent control.

Mr. Bill Breck, Resident on Saratoga-Los Gatos Road:

- Said that he is concerned about the change in hedge heights.
- Thanked staff, particularly Shweta Bhatt and John Livingstone, as well as the Planning Commission for their efforts.
- Said that this amendment is creating way too many changes at once and it would be better to take smaller bites.
- Reported that he has an historic house and has for about 10 years.
- Stressed that he is against the proposed three-foot hedge height limitation at the front of his property, as it would result in a loss of privacy on his property.
- Stated that there are three driveways onto his property, two his and another belongs to his neighbor.
- Asked for some data that proves this requirement increases public safety.
- Said that this is a very big change and that 70 to 80 percent of properties have hedges to get front yard privacy.
- Opined that this is starting to feel like a gated community.
- Pointed out that codes are only enforced if a neighbor complains and the community cannot have that as a policy. It is not good for neighbor relationships.
- Cautioned that next, there will be dictating on acceptable car colors.
- Reiterated his request for data on safety. Have there been lots of accidents documented?
- Said he would like to see more justification.
- Suggested that smaller lots have different standards, as the hedge is the only tool these owners have.

Chair Hlava asked Mr. Bill Breck if he owns the Young's house.

Mr. Bill Breck replied yes.

Commissioner Nagpal suggested that there are alternative ways of viewing traffic such as mirrors.

Mr. Bill Breck:

- Agreed and said he has no problem with something like that as an alternative. That is very reasonable.
- Questioned whether there was going to be any grandfathering of pre-existing conditions.
- Cautioned that this requirement could change the character of many neighborhoods.
- Added that lots of changes would have to be undergone to comply with this provision.

Mr. Drew Perkins, Resident on Vista Arroyo Court:

- Said that he has lived in the Parker Ranch neighborhood of Saratoga since about 2000.
- Said that these hilltop properties overlook the valley and hills.
- Expressed concern if hedges are not restricted in height in some way.
- Added that he is not concerned with cutting them back to three-foot heights as much as he is concerned with them growing to 75 feet or more. A 75-foot high hedge will obscure views of mountains and scenery.
- Suggested that hedges be regulated like walls are regulated.
- Questioned why hedges should not be regulated.

Commissioner Nagpal said that she believes in use of green fences. She asked if some language is added that deals with impacts to views would that help alleviate Mr. Breck's concerns.

Mr. Drew Perkins questioned what that might actually mean.

Commissioner Nagpal said that it takes years for hedges to grow. They can be restricted to an upper height limit, perhaps to no more than 75 feet.

Mr. Drew Perkins said that it depends upon context and application. In his case, 75 feet is better than 100. He added that 25 is even better than 75.

Ms. Holly Davies, Resident on Oak Place:

- Expressed her happiness with the concept of legalizing the use of lattice on six-foot tall fences to help increase privacy.
- Suggested that there be no height limitation on hedges.
- Advised that in her neighborhood, these hedges are needed. She said that she needs her high hedge to shield her property, as they must deal with high visitor traffic on smaller lots. Federated Church was a medium-sized church when she first moved into her home 32 years ago. Now it is a mega-church. There is also the Foothill Club. Celebrate Saratoga leaves her neighborhood full of happy drunks. While the event is a part of the culture of

this town, it is intense and she needs the hedge as a shield from all this activity in the street.

- Added that she objects to the proposal to limit the number of garden elements in the front yard. She needs them, including trellises, to create interest in her garden.
- Informed that she is a rosarian. She has a collection of roses, some of which are rare, and she needs trellises for climbing roses.
- Said that this proposed limitation is an intrusion into the life of citizens.
- Suggested that it be left to each family to decide their landscaping.
- Expressed her opposition to the vision triangle.
- Added that not uniformly enforcing except through complaint creates conflicts between neighbors.
- Said that adding the triangle to the code could result in a rise in insurance rates as liability might increase.
- Asked if the vision triangle is needed for every driveway in the city.
- Said that vision triangles are okay for those properties on busy public streets and/or on corner lots.

Chair Hlava thanked all speakers and closed the public hearing for Agenda Item No. 1.

Chair Hlava:

- Suggested discussing the issues raised by the public including the use of chain link fencing on Hillside zoned properties.
- Reiterated her belief that this issue was included on the Hillside Initiative.

Commissioner Nagpal reminded that issues previously discussed included the impacts of not allowing chain link fencing on hillside properties as well as consideration of allowing use of chain link fencing on lots larger than 40,000 square feet.

Commissioner Rodgers added that properties in the flatlands were also raised including smaller lots.

Commissioner Nagpal:

- Said that one question to consider is just how prevalent are chain link fences.
- Said that use of colors other than silver could help enhance the invisibility of chain link fencing.
- Stressed the need to minimize the impact from the public street and to keep chain link fencing at the back with something grown on it to hide it.
- Questioned whether chain link fencing should be allowed throughout Saratoga.
- Recounted that in her neighborhood there is a lot of existing chain link fencing.

Commissioner Cappello questioned the use of chain link fencing around the perimeter of a hillside property.

Commissioner Nagpal reminded of the restrictions within the Hillside zoning that allows only 4,000 square feet of enclosed fencing.

Commissioner Cappello asked how some of the existing chain link fencing is being used in the hillside in violation of the 4,000 square foot limitation.

Chair Hlava:

- Reminded that if there are periodic openings (30 foot gaps) left to allow wildlife passage through, there is no limitation.
- Suggested that the Commission focus on flatland now rather than Hillside zoning.
- She said that one sees chain link fencing more on large lots while small lots tend to use wood fences to create privacy.

Director John Livingstone:

- Suggested that the Commission take a straw vote, limiting it to the consideration of the Hillside zoning district first. If the Commission is in favor of allowing chain link fencing in the Hillside zoning district, staff can do the necessary research. If the Commission were not interested, staff would not have to do the research.
- Added that following the straw vote as it pertains to Hillside residential, the Commission would work its way down to the flatlands.

Commissioner Nagpal asked Commissioners Kundtz and Rodgers what they thought about this issue of chain link on the hillside.

Commissioner Rodgers said that on lower properties and in farm country, she has no problem with the use of chain link fencing. In a residential area and visible from the public street, she does not find chain link fencing to be attractive or appropriate. They are fine in an enclosed garden. If allowed on a hillside property, green is pretty visible and black would be the best, as she has seen.

Commissioner Kundtz:

- Agreed, saying they should require a permit and to be black chain link fencing.
- Added that he finds black chain link fencing to be totally invisible.
- Stated that for 40,000 square foot lots and in the lower flatlands, this issue is more sensitive.
- Said that wrought iron fencing is more attractive than chain link fencing.

Commissioner Nagpal said it appears that chain link fencing could be supported on Hillside zoned properties with color that blends into its environment (i.e. black).

Commissioner Rodgers stressed that chain link fencing should not be visible from the public street.

Commissioner Nagpal asked which area should allow chain link fencing, hillside versus lower flatland areas.

Chair Hlava suggested that all zoning districts should be called out where such fencing would be permitted. She asked if the intent is to allow unlimited use.

Commissioner Nagpal said within 4,000 square feet in fencing area should remain the standard in the Hillside district.

Commissioner Kundtz reminded that there is the provision to have more use of chain link on the hillside if the chain link fence is broken up by 30-foot wide openings.

Chair Hlava asked what about 40,000 square foot lots and those properties in the flatland areas of Saratoga. Should such fencing be allowed in the back yards?

Commissioner Nagpal pointed out that chain link fencing is nicer than a wood fence for back yard properties that back onto a creek.

Chair Hlava expressed support for allowing chain link fencing in back yards as long as not visible from the street.

Director John Livingstone said it appears that three of four of the Commissioners support allowing chain link fences on the Hillside zoning district if they are black clad. As one moves down the hill it appears that chain link fencing is okay. He asked if it can be said that chain link fencing is acceptable citywide?

Commissioner Nagpal said she could support it on 40,000 square foot lots.

Chair Hlava agreed not citywide but okay on 40,000 square foot lots.

Commissioner Kundtz asked how curb appeal can be addressed going uphill. He pointed out that there are two or three houses with wrought iron fences. Up further, in a more rural area, the fencing changes to chain link.

Commissioner Nagpal agreed that this is the hard part. If chain link is found to be acceptable it must be a color that minimizes the impact on the public as seen from the right-of-way.

Chair Hlava pointed out that chain link fencing within a back yard on a flatland property is not visible to the public. However, on a hillside property, everyone can see it. That issue is worth some research.

Commissioner Nagpal said that this is a good starting point and will likely have to come back to this Commission. She asked about how to deal with existing non-conforming situations.

Director John Livingstone said that right now chain link fencing is not allowed.

Chair Hlava said that this issue would need to be looked into.

Commissioner Nagpal said that she must say that there are lots of chain link fences on the hillside.

Director John Livingstone said that this issue might end up as an election level item and go onto a ballot. Right now, in general terms, chain link fencing could be allowed on the top of the hillside and go from there.

Commissioner Nagpal said she supports looking into it but where to start.
Commissioner Rodgers replied with the Hillside Residential zoning district.

Chair Hlava agreed.

Commissioner Cappello said he could support this with caveats including use of color and the restriction of not being visible from the street. In rural areas there should be an exception provision.

Commissioner Kumar said he supports the concept of staff researching these issues further.

Chair Hlava asked if chain link is currently not allowed in the Hillside district.

Director John Livingstone replied that under current Code it is allowed.

Chair Hlava said she personally could only support use of chain link fencing in properties that are a minimum of 40,000 square feet. However, it may end up being best to leave it as it is.

Commissioner Nagpal said that the issue of color that enhances the invisibility from the public street must be considered.

Commissioner Rodgers pointed out that some people install wood slats into a chain link fence.

Commissioner Cappello asked if vines cover a chain link fence, does it become a green fence.

Commissioner Nagpal said that is a good question. She added that it used to be so considered.

Director John Livingstone advised that the description of a hedge is one that can stand up on its own.

Commissioner Cappello said he still has more of a problem with fences on the flatlands than he does on the hillsides.

Commissioner Nagpal asked Commissioner Cappello if he thinks chain link fencing should not be allowed.

Commissioner Cappello pointed out that one does not hear of issues, complaints or problems that result from the use of chain link fencing.

Chair Hlava said that she does not feel this prohibition is enforceable, especially as fence installations do not require a building permit.

Commissioner Nagpal said that allowing a three-foot high chain link fencing in a front yard could be allowed under current code. She added that she would be concerned if that was installed.

Chair Hlava said why mess with this if it hasn't been an issue.

Commissioner Rodgers asked the City Attorney whether discussion by this Planning Commission of the concept about banning a type of fencing but does not result in being prohibited, does it allow people to ask for such fencing in the future.

City Attorney Bill Parkin said that any provisions ultimately adopted in the ordinance would mandate what will be allowed or not.

Commissioner Rodgers said that if there is no specific prohibition of chain link fencing that is visible from the street, it would be allowed.

Commissioner Zhao said that she would like to keep the regulations as they are currently for the flatland areas. This is for smaller lots up to 40,000 square foot lots. If not, she said she believes it results in discrimination against smaller lots.

Commissioner Nagpal asked staff asked if there have been a lot of complaints about chain link fencing.

Director John Livingstone replied no, especially since no permit is required for installation.

Commissioner Nagpal said she might be okay with leaving it as it is.

Chair Hlava said that is her thought too.

Commissioner Cappello:

- Stated that if his neighbor would install chain link fencing in his front yard, he would have an issue with that.
- Advised that he simply does not like chain link fencing.
- Added that if it is invisible from view, it becomes a moot point although he would like to see chain link fencing prohibited.

Commissioner Kumar said that there are not a lot of chain link fences in the neighborhood he lives in that is not in the hills. He said he too personally does not like them. He added that he is leaning toward changing the ordinance and creating enforcement on chain link fencing.

Director John Livingstone restated his understanding of the Commission's feelings to this point. They support chain link fencing in the Hillside district but want to leave the requirements for the flatland area as it is. Chain link fencing would be allowed throughout the community with specific requirements including being invisible from the street.

Chair Hlava suggested not allowing chain link fencing in front yards.

Commissioner Nagpal said that the right use of color would help this fencing blend into the environment so as to be invisible.

Chair Hlava again said she does not think this is enforceable.

Commissioner Nagpal said that there would have to be some mechanism in the ordinance to enforce it.

Commissioner Zhao said that the idea of such a fence once covered in vines must be taken into consideration.

City Attorney Bill Parkin said that visibility is a subjective issue and would require an exception process. He said that specific standards, such as not be allowed in the front yard and/or use of specific colors, are more easily enforced.

Chair Hlava restated the Commissioner's recommendations for use of black chain link fencing and prohibiting its use in front yards.

City Attorney Bill Parkin said corner lots oftentimes front a street. He reiterated that the more subjective the regulation, the more design review is necessary.

Chair Hlava:

- Agreed that objective standards are necessary.
- Suggested moving on to other issues including hedge heights and green fences; view triangles for private driveways; and use of garden elements.

City Attorney Bill Parkin explained that the proposed restrictions are for side and rear setback areas. Outside of that, higher hedges are not regulated by this ordinance. He said the Commission might want to consider if it wants hedge height restrictions only at lot lines, within interior areas and/or within 15 feet of a lot line?

Commissioner Nagpal said that hedges are not fences in the ordinance right now and that use of a row of Italian Cypress is not regulated today.

City Attorney Bill Parkin replied correct.

Commissioner Nagpal said that she would hate to see all the existing Italian Cypress chopped down. She said she is open to discussion, including possibly a discussion of view impact.

Chair Hlava said that under the amended ordinance, fences anywhere on a lot could only be 6 feet tall. Right now, only the side yard and back fence heights are limited.

Commissioner Nagpal asked if the provisions for accessory structures would come into play.

Director John Livingstone said that there is no definition of when a fence becomes an accessory structure. It is easier for staff to enforce to keep the ordinance as it is and refer applicability to the entire lot.

Chair Hlava said she often sees tall hedges in the middle point of some back yards.

Commissioner Nagpal said it could take 25 years for trees to get to that point. She suggested looking at this from a view impacts perspective. She said she wants to see an allowance for a green hedge and not get around to treating them like a fence.

Commissioner Cappello agreed that hedges offer some privacy. He suggested a view shed type of standard.

City Attorney Bill Parkin:

- Suggested that the Commission stay away from views as it creates an issue for enforcement.
- Reminded that the City has its Tree Ordinance and the Commission does not want to conflict with that.
- Cautioned that view sheds would be a nightmare for staff to deal with, as views are a very subjective issue.
- Stated that restrictions on hedges need to be well thought out.

Commissioner Cappello reminded that the Design Review process considers interference with views.

Director John Livingstone said that there is a difference as Design Review deals with a permanent structure. Here you would be trying to regulate growth. The City does not regulate the planting of trees so this would be hard to enforce.

Commissioner Rodgers agreed that it would be difficult to restrict what people plant. She added that most trees could not be topped to reduce their height.

Director John Livingstone agreed that many species of trees should not be topped.

Chair Hlava said that the ordinance as currently written sets no limit on hedge heights either in front or rear yards. Now the definition of a hedge is a green fence.

Commissioner Nagpal said that these hedges offer a buffer and can be found all over. She said that she could not imagine asking people to cut down their hedges because they don't match the new ordinance.

Director John Livingstone clarify that the only change that pertains to hedges are those that might be located where a triangle view area might be required.

Chair Hlava said that she does not see the requirement to cut down existing hedges. She suggested moving to the subject of garden elements. As proposed, only three garden elements would be permitted within a front yard setback. That includes arbors and trellises.

Commissioner Nagpal said that she appreciates gardeners so much as she did not inherit a green thumb. She said that the ordinance should not be restrictive.

Chair Hlava said that this limit does not include garden gnomes and wrought iron benches, etc.

Planner Shweta Bhatt clarified that the current version does not limit the number but rather just the height limit and depth.

Chair Hlava said that since there is no limit in number, just size, the Commission could turn to the subject of triangle of visibility.

Director John Livingstone said that there is sometimes a problem with visibility for reverse lots and/or flag lots. He added that he is not sure if there have been accidents or injuries but the visibility issue has come up. If there is a six-foot fence at the edge of a driveway, a driver cannot see clearly to exit.

Commissioner Rodgers asked if there have been accidents with injuries. She stated that there are alternative ways of dealing with visibility, including use of mirrors. She added that it might be helpful to post signs reading "Blind Driveway." She stated that she is not a fan of cutting down hedges to a three-foot height.

Commissioner Nagpal asked if this provision is only at public intersections or is it intended for every person's driveway? She asked how other cities regulate this.

Director John Livingstone:

- Explained that it is not uncommon to have regulations to leave a view triangle.
- Said that one city had a 10-foot standard. At one Study Session a 15-foot standard was discussed. Right now the proposal is down to 12-feet.
- Said that with the solution for flag lot fencing, said fencing can create visibility problems.

Commissioner Kundtz asked how to pick between no less than 10 and/or no more than 15 feet?

Commissioner Rodgers said it should be the traffic speed of the road on which the property is located.

Commissioner Kundtz said that this represents many variables.

Commissioner Nagpal asked if there is still a traffic safety committee.

Director John Livingstone replied yes, and said that the Public Works Department staffs it. He pointed out that 80 percent of the City is single-family residential. The majority of property owners who pull out onto a major arterial road (such as Saratoga-Los Gatos Road) typically control that view triangle for their own safety.

Commissioner Nagpal asked if there is sufficient time to forward this issue to the Public Safety Commission.

Director John Livingstone replied yes.

Chair Hlava said she was concerned with the concept of having big established hedges that are more than 20 years old cut down. She said she would support other visibility assistance. Commissioner Nagpal agreed that mirrors or some other electronic gadgetry might give people some options. She said they should not require permits but rather owners should just be allowed to install them.

Commissioner Kumar said that requiring a view triangle for every single driveway in Saratoga is excessive.

Chair Hlava agreed and said it makes more sense for arterial streets.

Commissioner Kumar agreed and added perhaps for curvy streets.

Director John Livingstone cautioned that mirrors help drivers but not pedestrians. He added that a mirror does not help a child on a bike while a view triangle benefits both pedestrian and driver.

Commissioner Kumar said that drivers tend to back out carefully.

Director John Livingstone said that staff is taking the direction from the Commission that requiring a view triangle should be an exception on busy roads but not be required citywide.

Chair Hlava said that new construction should be required to have a triangle of visibility.

Commissioner Rodgers said she would defer to the Traffic Safety Commission.

Chair Hlava asked if that still existed.

City Attorney Bill Parkin said yes.

Chair Hlava asked how it is referred to them.

Director John Livingstone said this issue would be taken to their meeting. They meet twice a month.

Chair Hlava said that staff would be asked to refer this matter to the Safety Commission to discuss applicability and or necessity to impose a triangle of visibility for driveways citywide versus only for those located on arterial streets.

Commissioner Cappello added that providing alternatives that would suffice would also be helpful.

Chair Hlava asked if this item would come back to this Commission for additional public hearing.

Commissioner Nagpal suggested that anyone listening should comment as they wish on these proposals.

Chair Hlava asked if the continuance should be to a date uncertain.

Director John Livingstone said a date certain with a buffer of time to get the Traffic Safety Commission review would be fine.

Chair Hlava suggested April 23rd meeting since two Commissioners will be absent from the first meeting in April.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Kundtz, the Planning Commission continued consideration of proposed amendments to the Fencing, Walls and Hedges Ordinance to its meeting of April 23, 2008. (7-0)

DIRECTOR'S ITEMS

There were no Director's Items.

COMMISSION ITEMS

Commissioner Rodgers listed upcoming meeting dates including a Green Building Workshop on March 17th.

Chair Hlava mentioned the joint session with Council set for March 19th. She also mentioned her attendance at a workshop sponsored by City of San Jose and San Jose State University on updating Housing Elements. It was a very interesting session and Saratoga is ahead of other cities in its process.

Commissioner Nagpal announced that she, Commissioner Rodgers and Chair Hlava helped select the consultant, RBF Consulting, for Saratoga's Housing Element Update.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

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

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