

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, September 24, 2008
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Kumar, Kundtz, Rodgers and Zhao
Absent: Commissioner Nagpal
Staff: Director John Livingstone, Public Works Director John Cherbone, Associate Planner Shweta Bhatt, Contract Planner Heather Bradley and Planning Intern Rina Shah

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of September 10, 2008.

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, the Planning Commission minutes of the regular meeting of September 10, 2008, were adopted. (6-0-1; Commissioner Nagpal was 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 September 18, 2008.

REPORT OF APPEAL RIGHTS

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

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #GPA08-0002 (City Wide): The proposed general plan amendment would update the Circulation and Scenic Highways Element on the City of Saratoga General Plan to reflect recent findings concerning bicycle safety by removing the bike route classification from Mount Eden Road, Pierce Road and Big Basin Way in Saratoga. (John Cherbone/Richard Taylor)

Mr. John Cherbone, Public Works Director, presented the staff report as follows:

- Reported that Council had asked staff to review the bike route plan to see if there were deficiencies.
- Said that in the light of heavy traffic on Pierce, Mount Eden and Big Basin Way, it was recommended that the City amend its Circulation Element and remove those streets as bicycle routes.
- Added that this does not mean that bicycle riders would not be allowed to use those roads/routes but that the City would not be advocating them as a preferred bike route.
- Continued to say that this also does not mean they might not be added back. At this time these streets are low on the priority-funding list. These projects are so far out into the future, if ever, due to prohibitive cost of environmental review as well as need for the widening of roads to be prudent.
- Said that it is better that they are struck from the Circulation Element at this time.

Director John Livingstone pointed out that a letter from Murray Hartman has been provided this evening.

Commissioner Rodgers mentioned that that the area between Big Basin Way and Pierce Road and between Congress Spring Road is just as dangerous although not a City road.

PW Director John Cherbone said that this was an oversight when the Element was developed. The State of California dictates what is right and/or available for their corridor. That is another reason to remove them.

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

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

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Rodgers, the Planning Commission recommended approval of a General Plan Amendment to update the Circulation and Scenic Highways Element of the City of Saratoga General Plan to remove the bike route classification

from Mount Eden Road, Pierce Road and Big Basin Way in Saratoga, by the following roll call vote:

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

PUBLIC HEARING - ITEM NO. 2

APPLICATION #PDR 08-0020 (397-20-096) DENNERLINE, 14781 Farwell Avenue: The applicant requests Design Review approval to add a 1,559 square foot single-story addition (including garage) to the existing single-story residence. The proposal includes conversion of an approximately 900 square foot garage to a second living unit/guest house. The total proposed floor area would be approximately 6,214 square feet (including garage). The maximum height of the proposed building will not exceed the 26-foot height limit. The maximum impervious coverage will not exceed the allowable 35 percent of the net site area. The lot size is approximately 65,247 net square feet, located in the R-1-40,000 zoning district. Design Review approval is required pursuant to Saratoga Municipal Code Section 15-45.060. (Heather Bradley)

Ms. Heather Bradley, Contract Planner, presented the staff report as follows:

- Reported that the applicant seeks Design Review approval to remodel an existing house and build a single-story addition of approximately 1,560 square feet including a garage, bedroom, laundry and mudroom addition and a basement under the garage.
- Described the property as consisting of 1.5 acres located near Highway 9.
- Explained that Wildcat Creek bisects the property and a bridge provides access to an existing detached garage. This garage is proposed to be converted into a guesthouse with exercise room. The exterior would be remodeled to match the main residence. The proposed guesthouse will technically meet the standards for a secondary dwelling unit and the applicant has the option to record a deed restriction on the unit if they choose.
- Said that no trees are proposed for removal.
- Stated that all required Design Review findings can be made to support this application.
- Recommended that the Planning Commission approve this Design Review application.

Commissioner Rodgers asked if the turnaround material is pervious.

Planner Heather Bradley said that a portion is made of pavers set in sand including within the drip line of some of the larger trees.

Chair Cappello asked if there is a new resolution.

Planner Heather Bradley:

- Said that the City Attorney has made some corrections that are minor not substantive.
- Added that the changes are marked on the new copy.

Chair Cappello opened the public hearing for Agenda Item No. 2.

Ms. Cindy Brozicevic, Project Designer:

- Said that they have created the turnaround on the east side of the creek and added a four-car garage to replace the existing garage that would now become a secondary dwelling unit.

Chair Cappello asked Ms. Cindy Brozicevic if her client supports recording a deed restriction limiting the guesthouse as a low-income unit if it were ever to be rented.

Ms. Cindy Brozicevic said that the owner is considering such a deed restriction without changing the project design or taking advantage of the allowance for additional square footage.

Chair Cappello asked if her client would find it acceptable to have this requirement conditioned in the resolution for approval.

Ms. Cindy Brozicevic said it would be acceptable. She distributed a material sample.

Commissioner Hlava said that with the conversion of the detached garage into a secondary dwelling unit there would probably no longer be cars crossing the bridge. She asked if the turnaround was asphalt or pavers.

Ms. Cindy Brozicevic said that they are all pavers set in sand to satisfy the arborist's concern around the oak.

Commissioner Rodgers asked Ms. Cindy Brozicevic what is the architectural style of this house. Is it Spanish? Contemporary?

Ms. Cindy Brozicevic said that it was Mid-Century Modern originally. This home now has Old World Style with elements of Tuscan design although not a literal interpretation.

Commissioner Rodgers pointed to a discrepancy between the plan sheets A-2 and A-5. One has a door and two windows and the other has three windows on the same portion of the house.

Ms. Cindy Brozicevic said the three windows as depicted on the floor plan are correct.

Commissioner Rodgers said that this correction needs to be made to sheet A-5.

Commissioner Hlava asked Ms. Cindy Brozicevic to point out where the front door would be in relation to the windows in front.

Commissioner Zhao asked what type of screening shrubs are proposed.

Ms. Cindy Brozicevic replied that the landscape architect is working on that but they anticipate evergreen native shrubs with a maximum six-foot high fence as allowed by Code.

Commissioner Rodgers suggested to Ms. Cindy Brozicevic that they consult with the Water District and cautioned that the Fence Ordinance is subject to change soon.

Ms. Barbara Sussman, Resident on Bella Vista:

- Advised that her home is just across the creek from the main house. It is the closest property to this site. During the site visit, the Commission saw how close it is to her property.
- Added that the portion of this project on the Farwell side is of no concern.
- Said that she believes owners should be able to enjoy their homes as long as they don't infringe on others.
- Expressed concern about the conversion of the detached garage into a second dwelling unit.
- Distributed a photograph of recently cut back landscaping that includes redwoods.
- Reported that the former owner of this property together with her father planted 11 redwood trees. Her dad paid for the trees and bushes.
- Stated that the current detached garage was constructed with her father's approval in a hearing process much like tonight's.
- Said that it appears that it is desirable to the Commissioners to designate this proposed secondary dwelling unit as an affordable unit.
- Added that the Dennerlines have said that it is only to be used by a nanny, family and guests and she believes them.
- Asked that restrictions be imposed on future tenancy.

Commissioner Rodgers asked Ms. Barbara Sussman where she would like to see the fence located along the length of the garage. Is it at the property line?

Ms. Barbara Sussman said that she proposes installation of a living willow fence. She also stressed the need for one visibility fence as to be without it would be dangerous.

Commissioner Rodgers asked if she is asking for a higher fence.

Ms. Barbara Sussman said she wants it to run the length of the building and that it be high enough to hide the structure behind it.

Commissioner Kumar asked Ms. Barbara Sussman what she is proposing for noise mitigation.

Ms. Barbara Sussman:

- Replied trees and shrubs.
- Added that the use pattern of the structure will be the noise originator, including activity and lights.
- Suggested that the front door should be facing forward to the main house on the Dennerline property.
- Said that right now she is not sure where the front door is proposed.

Ms. Deborah Brady, Resident on Farwell Avenue:

- Said that she is the neighbor on the left side.

- Reported that she is blindsided by this project and received no notification.
- Said that she had been told of plans for an exercise room and kitchen remodel and is shocked by the extent of this addition/remodel.
- Stated that she is surprised that they are not building on the north side of their property where it is flat. They are required to cut into the slope as proposed.
- Explained that her house, which is on piers, is only five feet from this slope and she is concerned that cutting into the slope would create instability and slippage.
- Said that excavation and cutting into the slope would occur right near her property and advised that Tree #8 is on her property line.
- Stated that she does not understand what engineering will be done and requested that the necessary engineering be done by a licensed civil engineer with sufficient protections so the slope won't come down and damage her property.
- Pointed out that the bore test was done in August in a very dry year.
- Advised that a sump pump will be necessary for the basement likely in use for much of the year.
- Said that this addition is visually intrusive and crowded up to her property.
- Said she joins in the comments made by her neighbor Ms. Barbara Sussman.

Commissioner Rodgers asked Ms. Deborah Brady if she has experience with hillside slippage.

Ms. Deborah Brady said she has 53 years of experience with her property but it has never before been cut into or disrupted.

Ms. Cindy Brozicevic:

- Advised that a geotechnical report has been prepared for the basement excavation work.
- Added that the amount of hillside area with retaining wall is quite low.
- Said that it is not unusual for a soils report to be done in summer. Borings are done all year long.

Commissioner Kundtz pointed out that Ms. Sussman's request is that the front door faces the main residence.

Ms. Cindy Brozicevic explained that the exercise room has one door facing the Sussman property but the front door faces the Dennerline main residence.

Commissioner Rodgers:

- Asked about the use of the sump pump and where and how the water is drained.
- Inquired if any drainage would be directed at the bottom of the hillside.

Ms. Cindy Brozicevic:

- Said that there would be a perimeter drainage system.
- Assured that the sump pump is very quiet and makes no noise when running.
- Stated that the drainage on site is tied into the perimeter drainage system.
- Added that bioswales work very well.

Commissioner Zhao asked for clarification regarding the door and windows on the front elevation, including a double door. Which is the main front door?

Ms. Cindy Brozicevic said that the main entrance is the double door on the creek side.

Chair Cappello closed the public hearing for Agenda Item No. 2.

Commissioner Rodgers asked if there has been a hydrologist report on the bioswales.

Planner Heather Bradley replied that the information is included in the geotechnical report. She said that perforated pipe would be used to funnel water into the drainage system. She added that plan sheet A-6-1 shows the amount of cut into the hillside as approximately two feet.

Commissioner Rodgers:

- Reported that she has a couple of observations.
- Informed that she likes to recognize architecturally significant structures in Saratoga.
- Stated that this is a lovely home albeit 60 years old. It is time for updating.
- Said that the style is not a unified style but that's not a criterion for review.
- Opined that the roof in front seems bulky to her but she can probably live with that.
- Said she can make the findings.

Chair Cappello said that there is still the question of the deed restriction. He added that the mitigation of the noise concern must be decided including whether a landscape plan or fence is preferred.

Commissioner Rodgers said that the deed restriction on the secondary dwelling unit is not required as the applicant is not seeking the bonus square footage.

Chair Cappello said that it still should be included in the resolution as a permanent condition of approval. He asked if other members of the Commission support that or prefer that it not be required.

Commissioner Rodgers:

- Said that it is up to the applicant. If they are willing, she supports that condition.
- Suggested phrasing the fence condition to read "to a height permitted" to take into consideration the proposed changes to the Fence Ordinance.
- Said that a new opaque gate should be installed across the intersection of the two driveways.
- Stated that greenery or latticework between two properties as options to the satisfaction of the adjacent neighbor to mitigate any noise and views impacts.

Commissioner Hlava:

- Said that if the applicant were willing she too would like to see the deed restriction for this second unit.

- Said that she reviewed Ms. Sussman's letter in which she raised a concern over the possibility of a lot split in the future separating this second unit from the main lot.
- Assured Ms. Sussman that this second unit would never become a separate parcel.
- Reminded that the second dwelling unit is the exact same building as exists today.
- Stated her support for fence and plantings to the extent possible.
- Suggested that it might actually be quieter with the conversion of the garage into a second unit. There would be no more cars coming back there.

Commissioner Zhao agreed. She added that she does not see the language about the fence.

Chair Cappello said it is Item 4 under Community Development.

Commissioner Zhao asked if this would run all the way to the creek.

Chair Cappello said that it does not require it to go all the way to the creek but rather just the area near the neighbor's meditation area, which is located near the existing garage.

Commissioner Zhao said that she could make all the findings to support this project and agrees on the concept of the deed restriction on the second unit if the applicant is willing.

Commissioner Kundtz:

- Said that he too can support this project.
- Said that the issues raised by Ms. Sussman have been addressed or accommodated.
- Added that his only concern with the property is the road coming in to it.
- Stated he could support this request.

Commissioner Kumar said that he could make all findings including geotechnical aspects and noise and privacy mitigations handled through fencing and plantings.

Chair Cappello said he too can make the findings and asked staff if there is language in the draft resolution relating to the deed restriction.

Planner Heather Bradley:

- Replied yes.
- Read the added text, "*Applicant shall have a deed restriction recorded and shall provide documentation to the City of that recordation.*"
- Also recommended change to Condition 4 regarding fencing to move this as a permanent condition of approval and add language "*subject to review and approval by the Community Development Director and installed prior to final building permit.*"

Director John Livingstone said that he could work with the neighbors and Water District to come up with a landscaping/fencing solution.

Commissioner Rodgers:

- Suggested adding the word "*then*" current City Code regulations.
- Added that the City Attorney has standard language regarding geotechnical standards.

- Suggested amendments to Paragraphs 29 and 30 to read, “*The plan shall be reviewed and shall be subject to approval by the project geotechnical consultant.*”
- Said that this edit should be confirmed with the City Attorney.

Commissioner Kumar said that placing a deed restriction on this second unit simply reduces the City’s requirement for affordable units by just one unit.

Chair Cappello replied that one climbs Mt. Everest one step at a time.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Zhao, the Planning Commission granted Design Review approval (Application #PDR 08-0020) to add a 1,559 square foot single-story addition (including garage) to the existing single-story residence and the conversion of an approximately 900 square foot garage into a second living unit/guest house on property located at 14781 Farwell Avenue, with the following amendments:

- Make Condition #4 a permanent condition of approval;
- Change the language regarding the fence approval by the Community Development Director under “then” City Fence Ordinance regulations;
- Change Paragraphs 29 and 30 to read that, “*The plan shall be reviewed and shall be subject to approval by the project geotechnical consultant;*”
- Add a condition of approval that the applicant shall record a deed restriction for the second dwelling unit as a below market rate unit in the event it is ever rented; by the following roll call vote:

AYES: Cappello, Hlava, Kumar, Kundtz, Rodgers and Zhao

NOES: None

ABSENT: Nagpal

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 3

APPLICATION #PDR08-0027 (393-40-015) PRADHAN, 20295 Franklin Avenue: The applicant requests Design Review approval to substantially remodel the existing home located at 20295 Franklin Avenue. The proposed structure will be approximately 3,494 square feet and will be less than 26 feet tall. The gross lot size is 11,882 square feet and the site is zoned R-1-10,000. Exterior colors and materials consist of neutral color stucco and brick accent and composition shingle roof material. Design Review is required pursuant to City Code section 15-45.060. (Rina Shah)

Ms. Rina Shah, Planning Intern, presented the staff report as follows:

- Reported that the applicant has submitted a request for the remodel and addition for an existing single-family residence.
- Described the additions as being located to the rear and sides of the existing home with a new porch at the front.

- Added that the maximum height would be 19 feet. Materials include neutral colored stucco, carriage style doors and a composition roof shingle.
- Distributed a material sample board.
- Advised that several neighbor templates have been submitted, mostly in favor.
- Added that one additional comment was provided that was received via email regarding height and included in the packet.
- Said that one Ordinance tree would be removed. The arborist reviewed four trees. One will be relocated and two others protected.
- Said that the home is well designed and constructed of high quality materials.
- Stated that the project is Categorically Exempt under CEQA.
- Informed that there is a minimized perception of bulk and height and said that staff is recommending approval.
- Added text to the conditions of approval to read, "*The interior dimensions of the garage shall be a minimum of 19 feet wide and 18 feet deep.*" The 19-foot depth is required by Code.

Commissioner Rodgers asked about the impact of this change on setbacks.

Director John Livingstone advised that minor alterations would have to be made to the site plan to meet the setbacks. The space would come out of the pantry. He added that the plans tonight are not accurate but corrected plans have already been prepared.

Chair Cappello opened the public hearing for Agenda Item No. 3.

Mr. Dan Winklebleck, Project Architect:

- Said that modified plans to show the garage at the appropriate width and depth are on file in the Planning Department.
- Stated that the overall height of the building is about context. The existing roof pitch is 5 and 12. It made more sense to maintain that pitch which made the maximum height about 11 inches taller than the normal height limitation that could be approved administratively.
- Said that this remodeled home is in context with the surrounding homes.
- Explained that the lot slopes slightly to the back.
- Said that the house has a nice design that is in context with the overall neighborhood.

Chair Cappello closed the public hearing for Agenda Item No. 3.

Commissioner Rodgers said that the architect made the right decision to keep the roof pitch the same. She added that she could make the findings for approval.

Motion: Upon motion of Commissioner Kumar, seconded by Commissioner Hlava, the Planning Commission granted Design Review approval (Application #PDR08-0027) to substantially remodel the existing home located at 20295 Franklin Avenue, as amended, by the following roll call vote:

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

ABSTAIN: None

Director John Livingstone thanked Planning Intern Rina Shah for her work on this first project. He explained that she is an unpaid volunteer intern who is already an architect and is currently in the Masters Program at San Jose State University.

Commissioner Zhao recused herself for the next item due to her husband's professional affiliation with the property owner. She left the dais and chambers for the duration of this item.

PUBLIC HEARING - ITEM NO. 4

APPLICATION #MOD08-0003 (397-18-071) THAKUR, 14900 Baranga Lane: The applicant requests Modification of Approved Plans (Application #MOD08-0003) to remove an existing tree near the eastern boundary of the subject property located at 14900 Baranga Lane. Changes to the topography will be made. The gross lot size is 55,757 square feet and the site is zoned R-1-40,000. (Shweta Bhatt)

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

- Reported that the applicant is seeking approval for the modification of approved plans for a new home that was approved by the Planning Commission on May 28, 2008.
- Explained that a discrepancy was found between the grading and drainage plan and the site plans.
- Advised that an existing retaining wall was to be retained. At this time the removal of said retaining wall is requested as well as the removal of a Eucalyptus tree that is to be replaced with an Oak tree. This has the support of the neighbors.
- Said that no additional feedback has been provided.
- Added that the item is Categorically Exempt under CEQA.
- Recommended approval.

Commissioner Kumar asked if there is an arborist report on the tree removal.

Planner Shweta Bhatt replied yes.

Chair Cappello opened the public hearing for Agenda Item No. 4.

Mr. Thakur, Applicant and Property Owner:

- Said that access to the backyard would be improved somewhat with these modifications.
- Said that the tree to be removed is not in the best of health. It was ranked at 40 percent by the arborist.
- Stated that he feels this is a stronger project that is better served with a 48-inch box native oak and his neighbor supports this.

Chair Cappello closed the public hearing for Agenda Item No. 4.

Commissioner Rodgers said that she is always happy to rely on the recommendation of the City's Arborist and is glad the City has one on staff.

Chair Cappello agreed.

Planner Shweta Bhatt suggested modifying Condition 9 to add the language, "...to the maximum extent reasonably feasible" and "An explanatory note shall be added on the plans and subject to review and approval by the Community Development Director."

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, the Planning Commission granted a Modification of Approved Plans (Application #MOD08-0003) to remove an existing tree near the eastern property line and removal of a retaining wall on property located at 14900 Baranga Lane, by the following roll call vote:

AYES: Cappello, Hlava, Kumar, Kundtz and Rodgers

NOES: None

ABSENT: Nagpal

ABSTAIN: Zhao

Chair Cappello advised that this is the last meeting for Associate Planner Shweta Bhatt. He said that she has been a tremendous asset to this organization and handled many difficult projects.

Commissioner Kundtz wished Planner Shweta Bhatt good luck.

Commissioner Hlava said that she would be missed.

Commissioner Rodgers agreed.

Commissioner Hlava said that Shweta would be working closer to home in her new job.

Planner Shweta Bhatt said that it has been nice working with a dedicated and smart Commission. She thanked them very much.

DIRECTOR'S ITEMS

There were no Director's Items.

COMMISSION ITEMS

Commissioner Rodgers asked when the Study Session on the Fence Ordinance would take place.

Chair Cappello replied October 7th.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hlava, seconded by Commissioner Kumar, Chair Cappello adjourned the meeting at approximately 8:22 p.m.

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