

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, January 14, 2009  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Cappello, Hlava, Kumar, Kundtz, Rodgers and Zhao  
Absent: None  
Staff: Director John Livingstone, Assistant Planner Cynthia McCormick, Assistant Planner Michael Fossati and City Attorney Bill Parkin

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of December 10, 2008.

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, the Planning Commission minutes of the regular meeting of December 10, 2008, were adopted with an edit to page 7. (5-0-0-1; Commissioner Kundtz abstained)

**ORAL COMMUNICATION**

There were no Oral Communications.

**REPORT OF POSTING AGENDA**

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on January 8, 2009.

**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.

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## **PUBLIC HEARING - ITEM NO. 1**

### **APPLICATION #PSP08-0003 (366-12-054) Goodere, 12333 Saratoga-Sunnyvale Road:**

The applicant requests Planning Commission approval to construct and display a freestanding identification sign. The sign will be approximately 34 square feet in size. Sign materials include a concrete base, aluminum skin, lettering and numbers. Sign colors include white, black and warm gray. The sign will be externally illuminated with a 20-watt halogen up light. Per Saratoga Municipal Code (SMC) Section 15-30.060(a), illuminated signs require Planning Commission approval. The property location is approximately 45,000 square feet and the zoning is Commercial-Visitor (CV). (Michael Fossati)

Mr. Michael Fossati, Assistant Planner, presented the staff report as follows:

- Advised that illuminated sign requests require Planning Commission approval.
- Said that the application is Categorically Exempt under CEQA.
- Described the proposed sign as being located in the front of 12333 Saratoga-Sunnyvale Road consisting of approximately 34 square feet and constructed of aluminum and concrete with an aluminum skin. The colors of the sign are black, white and gray. The sign is approximately four feet, six inches tall. The illumination will be ground-mounted low voltage with 20 watts of light per fixture and three fixtures per side for a total of 60 watts per side of the side.
- Explained that this sign wattage is the same as the Saratoga Country Club sign that was approved last year.
- Reported that this sign is to be placed in a landscape area where there is currently a Chinese Pistach tree. That tree will be relocated into the street side planter strip.
- Added that both Public Works and Parks staff reviewed the relocation of the Chinese Pistach tree and agreed that it would be acceptable. There was such a tree there in the past that was knocked over by a truck and never replaced.
- Reported that the 500-foot neighbor notification was distributed and no negative comments were received.
- Said that all findings required per Code and the Gateway Guidelines have been met.
- Recommended approval.

Commissioner Rodgers asked if the handout this evening should be attached to Exhibit A.

Planner Michael Fossati deferred to the City Attorney.

City Attorney Bill Parkin said that it could be added to the resolution.

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

Mr. Kurt Goodere, Applicant:

- Said that his business is being relocated onto this property where there is currently no sign.

- Added that no one can find the site right now.
- Explained that this is a two-story building with seven tenants. They will be the main tenants.

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

Commissioner Hlava pointed out that there is existing language in the resolution requiring replanting as shown on Exhibit A. She suggested making tonight's handout a part of Exhibit A.

City Attorney Bill Parkin said that is a fine idea.

Commissioner Hlava said that she has no problems with this request. If there is no further discussion required, she said she would be willing to make the motion.

Commissioner Rodgers said that she has no problem and is happy that this business is relocating to Saratoga.

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, the Planning Commission approved a freestanding exterior illuminated sign of approximately 34 square on property located at 12333 Saratoga-Sunnyvale Road, with the addition to Exhibit A, by the following roll call vote:**

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

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## **PUBLIC HEARING - ITEM NO. 2**

**APPLICATION #PDR08-0028 (517-20-027) Jensen, 14890 Montalvo Road:** The applicant requests Design Review approval to construct a second-story addition to an existing single-story single-family residence. The project will add 135 square feet to the ground level and 1,028 square feet to a new second story for a total floor area of 4,967 square feet. No trees are proposed for removal. The proposed height of the home is less than 26 feet. The lot is 20,794 square feet and the site is zoned R-1-20,000. (Cynthia McCormick)

Ms. Cynthia McCormick, Assistant Planner, presented the staff report as follows:

- Provided a revised draft resolution that includes changes to Condition 18 on the indemnification clause.
- Explained that the applicant is seeking Design Review approval to allow the construction of a 1,028 square foot second story addition and a 135 square foot ground level addition to an existing single-story residence. The total floor area would be 4,967 square feet.

- Reported that the site includes an existing secondary dwelling unit that will be deed restricted to allow a one-time ten-percent floor area bonus.
- Advised that the existing residence was reviewed by the Heritage Preservation Commission on December 9, 2008, and was found not to be historic.
- Reported that the home will include the two existing wood burning fireplaces, two existing gas fireplaces and one new gas fireplace on the second floor for a total of five fireplaces.
- Said that no trees are proposed for removal.
- Said that a variety of green strategies will be implemented as described in Attachment 4.
- Reported that the project color board is being distributed.
- Stated that the home will maintain the existing brick and wood siding façade.
- Pointed out that the surrounding neighborhood is a mixture of both one and two-story homes.
- Said that the perception of bulk is reduced through the use of undulating walls and a low-pitch roof. The home will not exceed 26 feet in height and privacy impacts are minimized by locating the majority of the second story toward the front of the property.
- Recommended that this project be found Categorical Exempt from CEQA and that the Commission adopt a resolution approving PDR08-0028 as amended.

Commissioner Rodger said she was not sure that she had an Attachment 4 in her packet.

Planner Cynthia McCormick said she would pass around her copy of Attachment 4.

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

Ms. Kirsten Jensen, Applicant and Property Owner:

- Explained that she is here with her husband, David Kerley.
- Reported that her mother is also here this evening. She will be moving out here from New Jersey when the addition is done.

Mr. Roger Griffin, Paragon Design Group, Los Gatos:

- Explained that this existing residence has one bedroom on the main floor and the goal is to have a sleeping room on the ground floor for parents to use without their having to negotiate stairways.
- Reported that they had first looked at converting the existing garage into a master bedroom and move the garage under the rear patios but the driveway for this new garage would be near an existing oak tree along Montalvo Road, which brought up uncomfortable issues.
- Added that they brought in an arborist, Barrie Coate, for an evaluation and guidelines that would preserve this magnificent oak tree. It soon became clear that any excavation would be detrimental to this tree. Then, and only then, did they consider adding a second story.
- Said that this second story has been designed to be entirely compatible with the original architecture to look as though it was built at the time of original construction.
- Stated that in addition, they have utilized one-story elements, stepping up to the upper floor, and have avoided two-story full-height walls.
- Said that this undulation of the wall plain significantly reduces the apparent mass of the structure.

- Advised that they believe this solution is highly compatible with the neighborhood and is smaller in appearance than the other larger two-story homes across the street.
- Requested approval and said he was available for any questions.

Commissioner Hlava pointed out a typographical error that reads “thankless” water heater rather than the intended “tankless” water heater.

Commissioner Zhao asked about allowances for five fireplaces.

Chair Cappello explained that as they are existing, it is okay to keep them.

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

Commissioner Hlava said that she could make the findings to support this application with no problem. There are lots of two-stories in the vicinity and this is a half-acre lot.

Commissioner Rodgers said that this proposed new second story is so well articulated and uses the same wood as the original house as well as using the same brick company to provide bricks that match existing bricks. She said that this would be practically an invisible addition.

Commissioner Kundtz said that there is no excess bulk. They have done a great job with the design. The house remains compatible with the neighborhood and he can support this request.

Commissioner Zhao said that she can make all the findings and finds that this home appears like a single-story structure.

Commissioner Kumar said he too could make the required findings. While the project is up to the maximum allowed square footage, there is no impression of bulk. He reminded that this is a larger lot at half an acre. He advised he could support this request.

Chair Cappello:

- Explained that it is important for the Commission to carefully look at two-story additions closely. These applications are not rubber-stamped.
- Added that each application is evaluated on its own merits and design.
- Agreed that all the findings could be made in support of this application.
- Stated that the home fits in this neighborhood and on this lot and allows the retention of views and privacy.
- Said that this home has a great appearance.

**Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Hlava, the Planning Commission granted Design Review Approval (Application #PDR08-0028) to construct a 135 square foot first floor addition and 1,028 square foot new second story on an existing resident located at 14890 Montalvo Road, as amended and including a deed**

**restriction for the existing secondary dwelling unit, by the following roll call vote:**

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

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

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## **DIRECTOR'S ITEMS**

Director John Livingstone:

- Pointed out the tentative agenda that forecasts out to March.
- Reminded that a question was raised about having a Planning Commission retreat/workshop on January 27<sup>th</sup>. However, staff has learned that Jonathan Wittwer cannot attend a meeting on that date. He would like to participate in a training session with the Commission in the near future.
- Suggested that the Commission could still meet on January 27<sup>th</sup> at approximately 5:30 p.m. after the site visits in order to prepare for the February 4<sup>th</sup> joint Council/Planning Commission session.

Commissioner Hlava:

- Pointed out that there are two things to accomplish. One is a training session that Jonathan Wittwer wants to conduct. The second is an opportunity for the Commissioners to get together to look at the work schedule for the rest of the year.
- Questioned whether this should happen before the February 4<sup>th</sup> joint meeting with Council or after.
- Added that Commissioner Rodgers had previously indicated to her that it might be helpful for the Commission to meet before the joint meeting with Council. She said that she thinks that with so many new members on the Council, the previous priority list might change so perhaps this part of the discussion should occur after the joint session.

Chair Cappello said that the Commission typically has a preparation meeting prior to a joint session with Council. It gives the Commission the opportunity to gather and organize its thoughts.

Commissioner Kundtz said that at these preparation meetings, Director Livingstone gives the Commissioners an overview of the coming year's priorities.

Commissioner Cappello sought clarification from Director John Livingstone that City Attorney Jonathan Wittwer wants to conduct the training portion of the Commissioners' meeting.

Director John Livingstone replied yes, he's prepared an extensive template and format for resolutions and reports and he wanted to go over that before staff starts using it. He added that Council has its own retreat on January 30<sup>th</sup>.

Commissioner Rodgers said that the Commission gives its priorities and feedback to Council.

Chair Cappello said that there is real value and purpose in the Commission having such a preparation meeting prior to the joint session with Council. He said that while January 27<sup>th</sup> might not be the best day, there may not be any other choices available.

Commissioner Kumar supported holding a meeting of the Commissioners on January 27<sup>th</sup> to open the discussion on the issues and priorities of the Commission prior to meeting with Council. After that, another meeting can be set in the future for training with City Attorney Jonathan Wittwer.

Chair Cappello agreed.

Director John Livingstone pointed out that the schedule is pretty packed. If this preparation meeting is held on January 27<sup>th</sup>, there are study sessions set through March. This Commission is going to be busy until summer.

Commissioner Hlava cautioned that the Housing Element would be the focus through June. It will take up so much time and other priorities might have to wait until after June.

Director John Livingstone agreed. He added that he is working on a draft game plan for the Housing Element Update. However, Council has also asked that the Planning Commission work on an ordinance update to extend the relaxed parking.

Chair Cappello said that the meeting on January 27<sup>th</sup> appears to be necessary and can be scheduled.

Director John Livingstone advised that this session was plugged into the schedule yesterday.

Chair Cappello pointed out that Commissioner Kumar has prepared a list of suggested priorities and suggested that the other Commissioners also do so in preparation for the January 27<sup>th</sup> meeting.

### **COMMISSION ITEMS**

There were no Commission Items.

### **COMMUNICATIONS**

There were no Communications Items.

### **ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Kundtz, seconded by Commissioner Hlava, Chair Cappello adjourned the meeting at approximately 7:39 p.m.

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