

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, April 9, 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, Kundtz, Nagpal and Zhao
Absent: Commissioners Kumar and Rodgers
Staff: Senior Planner Chris Riordan and Assistant City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

ELECTION OF NEW CHAIR

Commissioner Nagpal asked City Attorney Bill Parkin if the election of chair could be deferred to the next meeting when the entire Commission is expected to be in attendance.

City Attorney Bill Parkin replied yes.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission continued the election of a new chair to the next regular Planning Commission meeting of April 23, 2008. (5-0-2; Commissioners Kumar and Rodgers were absent)

APPROVAL OF MINUTES – Regular Meeting of March 26, 2008.

Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Cappello, the Planning Commission minutes of the regular meeting of March 26, 2008, were adopted as submitted. (5-0-2; Commissioners Kumar and Rodgers were absent)

ORAL COMMUNICATION

There were no Oral Communications.

REPORT OF POSTING AGENDA

Senior Planner Chris Riordan announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on April 3, 2008.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #SUB07-0002 (386-17-051) Saich, 12651 Saratoga Avenue: The applicant requests Tentative Parcel Map approval to subdivide an approximately .63-acre (27,280 square foot) parcel located at 12651 Saratoga Avenue into two lots. The existing single-family residence will be removed. Parcel A would have street frontage on both Saratoga Avenue and Sun Valley Court. Lot B would have frontage on Saratoga Avenue. The proposed parcel size for Lot A would be approximately .23 acres (10,007 square feet) and Lot B would be approximately .36 acres (15,629 square feet). The property is currently zoned R-1-10,000 (Single Family Residential). (Christopher Riordan)

Mr. Chris Riordan, Senior Planner, presented the staff report as follows:

- Reported that the applicant is seeking approval of a Tentative Parcel Map to subdivide an approximate .63-acre parcel into two lots (Lot A and Lot B).
- Advised that the existing single-story single-family residence on this property would be demolished.
- Explained that Lot A would front onto both Saratoga Avenue and Sun Valley Court. Lot B would front onto Saratoga Avenue. Lot A would be .26-acres and Lot B .36-acres.
- Stated that the zoning is R-1-10,000 and the property is located in the Saratoga Woods Single-Story Overlay District, which limits homes to a single-story.
- Said that all required agencies and departments have reviewed this proposal and no negative comments were raised.
- Said that of the Ordinance sized trees, none are native or heritage. Additionally, no tree removals are proposed at this time.
- Stated that two neighbors provided comments that were included in the report.
- Said that language is proposed for Condition 7 to read, "... *for examination and approval.*"
- Recommended approval of this Tentative Parcel Map.

Commissioner Nagpal asked Planner Chris Riordan if there is a time limit to finalize the Tentative Parcel Map.

City Attorney Bill Parkins said that State law governs it and he believes the timing is two years.

Commissioner Nagpal asked if that time limit should be incorporated into the resolution.

City Attorney Bill Parkin replied no, it was not necessary.

Commissioner Nagpal asked for verification that if the tentative map were not finalized within two years, this approval becomes void.

City Attorney Bill Parkin replied yes.

Commissioner Nagpal asked about the rather large Magnolia tree on the property and questioned Planner Chris Riordan's comment that there are no Ordinance or heritage trees.

Planner Chris Riordan clarified that there are no Oak or Redwood trees, no heritage trees. The Magnolia is not a protected species but is an Ordinance-sized tree. Tree removal would be subject to submittal for review.

Commissioner Zhao asked about the lot sizes.

Planner Chris Riordan said that Lot A includes 10,007 square feet and Lot B includes 15,629 square feet.

Commissioner Zhao asked about the surrounding lots.

Planner Chris Riordan said that he does not have their specific sizes but they are approximately the same size as other lots in the general vicinity.

Commissioner Nagpal pointed out that per one neighbor's comments, the immediate five lots average 20,000 square feet.

Planner Chris Riordan said that this is probably true on Sun Valley Court and immediately to the right.

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

Mr. Steve Greggs, Representative for Applicant and Property Owner, John Saich:

- Thanked Planner Chris Riordan for an excellent job and the Planning Commission for coming to the site.
- Reported that this is the first time he has seen a Commission conduct a site visit prior to a public hearing and he commended this Commission for doing so.
- Stated that Planner Chris Riordan's report was comprehensive.
- Said that the site access will remain the same.
- Added that there would be Design Review consideration in the future for the specific houses to be constructed and reminded that they must abide by the single-story restriction of this Overlay District.
- Said that there are no trees to be removed with this lot subdivision.
- Assured that the building envelopes are of sufficient size to accommodate nice homes on each one. Parking and setbacks would be addressed at Design Review.

- Said that there are no plans to remove the Magnolia and chances are there won't be in the future.
- Stated that he would appreciate Planning Commission support this evening.

Commissioner Nagpal asked where in the resolution the issue of repaving the road is handled.

Mr. Steve Greggs pointed to Public Works Condition 12 that requires a bond for the full cost of resurfacing the street.

Commissioner Nagpal mentioned the neighbor concern over the existing home and a setback issue.

Mr. Steve Greggs said that the side yard setback requirement is 10 feet as measured from the end of the right of way rather than the pavement, which results in an actual 16-foot total setback.

Commissioner Nagpal asked if there is enough room adjacent to the garage to park a car. Will there be more space than now.

Mr. Steve Greggs said that there would be a 20-foot parking apron. These requirements will be met at Design Review.

Mr. Andrew Morish, Resident on Sun Valley Court:

- Reported that he had submitted written comments.
- Stated that neighbors are concerned by this proposal.
- Said that this parcel will be located on a corner lot of two roads.
- Added that there is no reason this property should be treated differently than any other corner property and should include a 25-foot setback on Sun Valley Court.
- Said that he does not understand the reasoning to allow just a 10-foot set back as the new house would face Sun Valley Court.
- Stated that this is just playing with a legalistic definition of a side yard.
- Requested that a 25-foot setback be required due to a safety and parking perspective and to keep the character of the street.

Chair Hlava asked staff to explain how setbacks are determined.

Planner Chris Riordan said that the first issue is the way the Code defines a street. A corner lot has to have frontage on two public streets. Sun Valley Court is a private street serving four or fewer parcels and is actually not considered a street but rather a driveway. Therefore the standard 10-foot interior lot side yard setback requirement is imposed on this property.

Commissioner Nagpal asked whether the owner could face the new house toward Sun Valley Court at Design Review stage.

Planner Chris Riordan said that technically they could. The smaller dimension of the lot is the one that equals the front. The house could face either direction. It is a personal choice.

Commissioner Kundtz asked if the house would have a Sun Valley Court or Saratoga Avenue address.

Planner Chris Riordan said that Lot A currently has a Sun Valley Court address and Lot B probably would have a Saratoga Avenue address.

Mrs. Morish, Resident on Sun Valley Court:

- Stated that this neighborhood is a nice little community.
- Reported that until just last week, she was unaware that they lived on a private drive rather than a public street.
- Said their neighborhood would be drastically different with this change.
- Added that it is hard to carve this big property up.
- Stated that the City needs to apply the same building rules to this corner lot including a 25-foot front setback facing Sun Valley Court.
- Added that even with that setback the owner can still put a big building there.
- Pointed out that this is a narrow road with no sidewalks.
- Asked that the Commission make sure that safety is of the utmost consideration.

Commissioner Nagpal asked Mrs. Morish what is her lot size.

Mrs. Morish said that it is a 20,000 square foot lot with a 4,000 square foot home on it.

Mr. Steve Greggs:

- Stated that they understand the neighbor concerns.
- Reminded that they will be subject to Design Review standards and that there is some flexibility on how the home could be designed for this parcel.
- Asked the City to stick with the Ordinance requirements as they stand.
- Assured that when the houses come forward for review, they will be as sensitive as possible with placing the homes on each lot to be compatible with the neighborhood.

Commissioner Nagpal asked Mr. Steve Greggs if the house would front on Sun Valley Court.

Mr. Steve Greggs replied that he did not know, as the homes have not yet been designed. They are not required to design the homes prior to land subdivision.

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

Commissioner Nagpal:

- Said that this property is within an R-1-10,000 zoning district although it might be difficult for neighbors to understand that it meets zoning requirements for subdivision.
- Stated that there is no dramatic intensity change here.
- Added that with a Single-Story Overlay the Planning Commission would not see Design Review of these homes. Rather it would be handled at staff level. Neighbors would be notified and can appeal an Administrative Decision if they object and it would be brought forward to the Planning Commission on that appeal.
- Advised that she can make the required findings of the Subdivision Map Act.

- Stated her hope that the applicant will consider neighbor concerns with their home design.

Chair Hlava asked staff if neighbors are notified when processing an Administrative Design Review.

Planner Chris Riordan replied yes.

Chair Hlava advised the neighbors in the audience that they could look at submitted plans and provide comments. She assured that staff pays attention to feedback received.

Planner Chris Riordan reminded that the applicant also submits signed neighbor notification forms prior to submittal.

Commissioner Nagpal explained that the applicant would be knocking on their neighbors' doors with an opportunity to review plans and a request to sign off on the notification forms.

Commissioner Cappello:

- Echoed the comments of Commissioner Nagpal.
- Said that the issues raised by the neighbors are Design Review issues relative to the future homes for these two parcels. That will be taken up at another time.
- Stated that the findings to approve the Tentative Parcel Map can be made. The subdivision is consistent with the General Plan, creates lots suitable for single-family homes and matches the density for the area.
- Added that there is nothing to deny on this application based on findings.
- Assured that the other issues would be raised when actual house plans come in.

Commissioner Zhao:

- Said that she understands the neighbors' concerns but pointed out that Sun Valley Court will still only serve four homes.
- Advised that she could make the necessary findings to approve this request.
- Asked for clarification as to whether the Design Review for these homes would come to the Commission or not.

Chair Hlava said that they could.

Commissioner Nagpal clarified only if appealed. She added that staff uses stringent criteria to make sure design is sound.

Commissioner Kundtz encouraged the neighbors to get involved in the process early on. He cautioned that the Ordinance terminology between a "driveway" versus a "road" is not a subjective criteria.

Mrs. Morish:

- Recounted that the house on this property was built a long time ago.
- Added that the garage originally was on Saratoga Avenue.

- Concluded that they are actually going from three to four houses on this Court, which represents a 25 percent increase.

Chair Hlava disagreed, saying that the garage is currently on Sun Valley Court. While she can understand the concerns, to the Commission this is not intensifying the situation.

Motion: Upon motion of Commissioner Cappello, seconded by Commissioner Nagpal, the Planning Commission granted Tentative Parcel Map approval to subdivide a .63-acre parcel into two lots (Lot A with 10,007 square feet and Lot B with 15,629 square feet) on property located at 12651 Saratoga Avenue, with the change to Condition 7, by the following roll call vote:
AYES: Cappello, Hlava, Kundtz, Nagpal and Zhao
NOES: None
ABSENT: Kumar and Rodgers
ABSTAIN: None

DIRECTOR'S ITEMS

There were no Director's Items.

COMMISSION ITEMS

There were no Commission Items.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Zhao, seconded by Commissioner Nagpal, Chair Hlava adjourned the meeting at approximately 7:38 p.m.

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