



**ACTION MINUTES  
REGULAR MEETING  
SARATOGA PLANNING COMMISSION  
Wednesday, July 25, 2012**

**REGULAR MEETING – 7:00 P.M. – CIVIC THEATER/COUNCIL CHAMBERS AT 13777  
FRUITVALE AVENUE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES**

Action Minutes from the Regular Planning Commission Meeting of July 11, 2012 (Approved, 6:0:1(Almalech-abstain))

**COMMUNICATIONS FROM COMMISSION & PUBLIC**

**Oral Communications on Non-Agendized Items**

*Any member of the Public will be allowed to address the Planning Commission for up to three (3) minutes on matters not on this agenda. The law generally prohibits the Planning Commission from discussing or taking action on such items. However, the Planning Commission may instruct staff accordingly regarding Oral Communications under Planning Commission direction to Staff.*

**Oral Communications – Planning Commission Direction to Staff**

**REPORT OF APPEAL RIGHTS**

If you wish to appeal any decision on this Agenda, you may file 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).

**PUBLIC HEARING**

All interested persons may appear and be heard at the above time and place. Applicants and their representatives have a total of ten minutes maximum for opening statements. Members of the Public may comment on any item for up to three minutes. Applicants and their representatives have a total of five minutes maximum for closing statements.

1. Ordinance Amendment ZOA12-0008 - City initiated amendments to Articles 7-30 (Noise Control) and 15-19 (Commercial Regulations) of the City Code establishing new regulations for outdoor music. Staff Contact: James Lindsay (408) 868-1231.

**Action:**

Adopted Resolution 12-032 recommending the City Council adopt an ordinance modifying Articles 7-30 (Noise Control) and 15-19 (Commercial Regulations) establishing new regulations for outdoor music with the following amendments: **(6:1(Zhao))**

**7-30.020 Definitions**

- (n) **Property plane** means a vertical plane located at and perpendicular to the property line which determines the property boundaries in space of the parcel over or from which the sound in questions is audibly transmitted.

**7-30.090 Exception permits**

- (b) Outdoor Music Permits - CH Zoning District. This Section 7-30.090(b) shall expire November 1, 2013, and thereafter outdoor music shall not be allowed in the CH Zoning District, unless a later enacted

ordinance that becomes effective on or before November 1, 2013 deletes or extends that expiration date. An Outdoor Music Permit may be issued on an annual basis to a commercial establishment located within the CH Zoning District subject to the requirements contained in this Section for the purposes of allowing the playing of acoustic and/or amplified music outside a building. Background music, as defined, which (at any location more than five feet from the source of the sound) allows for normal conversation levels and conforms to the ambient standards in Section 7-30.040(a) does not require an Outdoor Music Permit.

- (1) The distribution of outdoor music events occurring at the same date and time shall be limited by blocks as described below~~as follows~~:
    - a. Two events in Block One situated between 3<sup>rd</sup> Street & Saratoga Los Gatos Road separated by at least 200 feet.
    - b. One event in Block Two situated between 3<sup>rd</sup> and 4<sup>th</sup> Street
    - c. One event in Block Three situated between 4<sup>th</sup> and 5<sup>th</sup> Street
    - d. One event in Block Four situated west of 5<sup>th</sup> Street
  - (2) Outdoor acoustic and/or amplified music is permitted months, days, times and maximum decibel levels:
    - a. May 1 through October 31
    - b. Fridays, 5:00 PM to 9:00 PM, 73 dbA
    - c. Saturdays, 4:00 PM to 9:00 PM, 73 dbA
    - d. Sundays, 11:00 AM to 4:00 PM, 73 dbA
2. APPLICATION FER12-0002; 20067 Mendelssohn Lane (517-21-012); Paul Wang. The applicant is requesting a fence exception to install a five foot tall entrance gate approximately 13 feet from the edge of street pavement. Staff Contact: Cynthia McCormick (408) 868-1230.  
**Action:**  
Adopted Resolution No. 12-035 denying the project. **(7:0)**
  3. APPLICATION EXT10-0007 / 20640 Third Street (503-24-073) The Sam Cloud Barn, L.P. – The applicant requests an extension of the a previous design review and variance approval (07-233) for a new 3,798 sq. ft. commercial building with a 1,142 sq. ft. basement. Staff Contact: Michael Fossati (408) 868-1212.  
**Action:**  
Adopted Resolution No. 12-034 approving the one time twelve month time extension. **(7:0)**
  4. APPLICATIONS PDR12-0011, SUB12-0004, CUP12-0004 / 14639 Big Basin Way (503-25-013) Zambetti / Metro Architects – The applicant is requesting Design Review and Conditional Use Permit approval to construct a two-story commercial building (1097 sq. ft. on the first floor and 1,754 sq. ft. on the second floor), four-car garage, and two residential townhouses. Each townhouse will be approximately 1,400 sq. ft. in size, not including an approximate 700 sq. ft. basement. The applicant is also requesting tentative map approval to subdivide the lot into three parcels. Staff Contact: Michael Fossati (408) 868-1212.  
**Action:**  
Adopted Resolution No. 12-033 approving the project subject to conditions of approval with **an additional permanent condition requiring enclosed parking spaces be dedicated to property owners of Parcel 2 and 3 and architectural theme and color of commercial and residential development remain harmonious.** **(7:0)**
  5. Ordinance Amendment ZOA12-0009 - City initiated amendments to Article 15-16(P-C District) of the City Code to create more flexible land use and design standards for projects that further the goals and policies of the General Plan.  
**Action:**  
Adopt Resolution 12-036 recommending approval of the modifications to Article 15-16 to the City Council with the following modifications **(7:0)**  
**15-16.010 – Purposes of Article**

- b) To provide greater flexibility of land use and design for a development that provides a public benefit that would not otherwise be attainable through strict application of the zoning regulations. A public benefit could include, but is not limited to, buildings that exceed the City's green building standards, and/or provides community facilities that are open to the public, or allows for innovative infill design.

.....The planned ~~community~~ district is intended to accomplish this purpose and may include a combination of single or multiple dwelling uses together with ancillary uses of recreational centers, social halls, restaurants, medical centers and other related facilities.....

#### **15-16.030 - Permitted and conditional uses.**

No use shall be established or changed upon the property ~~as to~~ with which the P-C district is combined unless approved on the basis of the general site development plan provided pursuant to Section 15-16.060(a).....

#### **15-16.040 - Standards.**

- (a) Standards for residential density shall ~~in the aggregate~~ be consistent with the General Plan.

#### **15-16.060(b)**

- (1) That the proposed location of the planned combined district is in accord with the objectives of the General Plan and the purposes of the zoning district in which the site is located.
- (2) That standards for the development will result in an aesthetic asset to the community and produce an environment of stable and desirable character consistent with the overall objectives of the Zoning Ordinance and the General Plan and Zoning Ordinance.

## **NEW BUSINESS**

## **DIRECTOR/COMMISSION COMMUNICATION**

### **ADJOURNMENT TO THE NEXT MEETING – ADJOURNED 10:39 PM**

- Wednesday, August 22, 2012 at 7:00 p.m. in the Council Chambers/Civic Theater  
13777 Fruitvale Avenue, Saratoga, CA

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the Planning Commission by City Staff in connection with this agenda are available at the office of the Community Development at 13777 Fruitvale Avenue, Saratoga, CA 95070. Note that copies of materials distributed to the Planning Commission concurrently with the posting of the agenda are also available on the City website at [www.saratoga.ca.us](http://www.saratoga.ca.us). Any materials distributed by staff after the posting of agenda are available for public review at the Community Development Department at the time they are distributed to the Planning Commission.

*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269 or [ctclerk@saratoga.ca.us](mailto:ctclerk@saratoga.ca.us). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).*

### **CERTIFICATE OF POSTING OF AGENDA**

*I, Abby Ayende, Office Specialist III for the City of Saratoga, declare that the foregoing agenda for the meeting of the Planning Commission was posted and available for public review on July 19, 2012 at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us).*

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