



**ACTION MINUTES
REGULAR MEETING
SARATOGA PLANNING COMMISSION
Wednesday, April 10, 2013**

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

PLEDGE OF ALLEGIANCE

ROLL CALL

ABSENT

Commissioner Almalech

ELECTION OF NEW CHAIR

Chair – Joyce Hlava

Vice Chair – Mary-Lynne Bernald

RECESS

APPROVAL OF MINUTES

Action Minutes from the Regular Planning Commission Meeting of March 27, 2013 (5:0:1(Smullen))

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.

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. Application MOD13-0002; 15253 Montalvo Road (517-18-026); Alfred and Kathy Murabito - The applicant is requesting Design Review approval of a new single-story detached 768 square foot secondary dwelling unit. Staff Contact: Cynthia McCormick (408) 868-1230.

Action:

Adopted Resolution Number 13-012 approving the project subject with the following changes. (6:0:0)

12. The Owner/applicant shall enter into a written agreement with the City that restricts **rental of the secondary dwelling unit to below market rate households**. The terms and conditions of the

agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the applicant, and shall be recorded in the Santa Clara County Recorder's office.

2. Application MOD13-0006 – 12858 Pheasant Ridge Rd. (366-57-004) Lim - The applicant is requesting design review approval for a modification to approved plans to increase the square footage of a detached structure from 751 square feet to 1,200 square feet. Staff Contact: Michael Fossati (408) 868-1212

Action:

Adopt Resolution No. 13-013 denying the project. (5(Bernald, Grover, Hlava, Smullen & Walia):
1(Zhao):0)

DIRECTOR/COMMISSION COMMUNICATION

ADJOURNMENT

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. 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. 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 April 4, 2013 at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and on the City's website at www.saratoga.ca.us.

You can also sign up to receive email notifications when Commission agendas and minutes have been added to the City at website http://www.saratoga.ca.us/contact/email_subscriptions.asp.

NOTE: To view previous Planning Commission meetings anytime, go the City Video Archives at www.saratoga.ca.us