



# SARATOGA PLANNING COMMISSION REGULAR MEETING

MAY 12, 2021

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## 7:00 P.M. - PLANNING COMMISSION REGULAR MEETING

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### Teleconference/Public Participation Information to Mitigate the Spread of COVID-19

This meeting will be entirely by teleconference. All Commission members and staff will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

The public will not be able to participate in the meeting in person. Members of the public view and participate in the meeting by:

1. Using the Zoom website <https://us02web.zoom.us/j/82652375945> App (Webinar ID 826 5237 5945) and using the tool to raise their hand in the Zoom platform when directed by the Chair to speak on an agenda item; **OR**
2. Calling 1.669.900.6833 or 1.408.638.0968 and pressing \*9 to raise their hand to speak on an agenda item when directed by the Chair; **OR**
3. Viewing the meeting on Saratoga Community Access Television Channel 15 (Comcast Channel 15, AT&T UVerse Channel 99) and calling 1.669.900.6833 or 1.408.638.0968 and pressing \*9 to raise their hand to speak on an agenda item when directed by the Chair; **OR**
4. Viewing online at [http://saratoga.granicus.com/MediaPlayer.php?publish\\_id=2](http://saratoga.granicus.com/MediaPlayer.php?publish_id=2) and calling 1.669.900.6833 or 1.408.638.0968 and pressing \*9 to raise their hand to speak on an agenda item when directed by the Chair.

During the meeting the Chair will explain the process for members of the public to be recognized to offer public comment.

As always, members of the public can send written comments to the Commission prior to the meeting by commenting online at [www.saratoga.ca.us/pc](http://www.saratoga.ca.us/pc) prior to the start of the meeting. These emails will be provided to the members of the Commission and will become part of the official record of the meeting.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the City Clerk at [debbieb@saratoga.ca.us](mailto:debbieb@saratoga.ca.us) or calling 408.868.1216 as soon as possible before the meeting. The City will use its best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety.

## ROLL CALL

### APPROVAL OF MINUTES

Action Minutes from the Planning Commission Meeting of April 14, 2021.

#### **Recommended Action:**

Approve Minutes of April 14, 2021 Planning Commission Meeting.

[041421 Draft Minutes](#)

### 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. This 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.*

### REPORT ON 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.*

#### 1. NEW BUSINESS

#### 2. PUBLIC HEARING

*Applicants and/or their representatives have a total of ten (10) minutes maximum for opening statements. All interested persons may appear and be heard during this meeting regarding the items on this agenda. If items on this agenda are challenged in court, members of the public may be limited to raising only issues raised at the Public Hearing or in written correspondence delivered to the Planning Commission at, or prior to the close of the Public Hearing. Members of the public may comment on any item for up to three (3) minutes. Applicants and/or their representatives have a total of five (5) minutes maximum for closing statements.*

**2.1 Application APTR21-0001; 18532 Cox Ave (389-13-012); Mahesh and Chhaya Mehta.** The property owners are appealing the denial of permit application TRP20-0324 for the removal of one (1) Tristaniopsis laurina tree which grows in the front yard of the property, Staff contact: Christina Fusco (408) 868-1276 or [cfusco@saratoga.ca.us](mailto:cfusco@saratoga.ca.us).

#### **Recommended Action:**

Adopt Resolution No. 21-009 denying the appeal as the required findings cannot be made for the removal of the protected tree.

[Staff Report](#)

[Attachment 1 - Resolution No. 21-008](#)

[Attachment 2 - Tree Removal Application TRP20-0324](#)

[Attachment 3 - Appeal Application No. APTR21-0001](#)

[Supplemental Memo No. 1](#)

**2.2 Application ADR21-0004/ARB21-0011; 18580 Cox Avenue (389-13-009); Byron Kemper (Applicant)** – The applicant is requesting Design Review approval for a new 3,537 square foot one-story single-family home. Five protected trees are proposed for removal – the City Arborist is recommending that one of the protected trees be retained. The site is zoned R-1-10,000 (Single Family Residential) with a General Plan Designation of M-10

(Medium Density Residential). Staff Contact: Christopher Riordan (408) 868-1235 or [criordan@saratoga.ca.us](mailto:criordan@saratoga.ca.us).

**Recommended Action:**

Adopt Resolution No. 21-007 denying the application for Design Review as the required findings cannot be made for the removal of a protected tree.

[Staff Report](#)

[Attachment 1 - Resolution No. 20-007](#)

[Attachment 2 - Tree Removal Exhibit](#)

[Attachment 3 - City Arborist Memo](#)

[Attachment 4 - Project Arborist Report](#)

[Attachment 5 - Neighbor Notification](#)

[Attachment 6 - Neighborhood Petition](#)

[Attachment 7 - Email from Neighbor](#)

[Attachment 8 - Letter from Applicant](#)

[Attachment 9 - Story Pole Certification](#)

[Attachment 10 - Alternative Resolution](#)

[Attachment 11 - Project Plans](#)

[Supplemental Memo No. 1](#)

[Supplemental Memo No. 2](#)

**3. DIRECTOR ITEMS**

**3.1. Update to April 20, 2021 House Family Vineyard Study Session**

**4. COMMISSION ITEMS**

**5. ADJOURNMENT**

**CERTIFICATE OF POSTING OF THE AGENDA, DISTRIBUTION OF THE AGENDA PACKET, COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT**

*I, Frances Reed, Administrative Assistant for the City of Saratoga, declare that the foregoing agenda for the meeting of the Planning Commission was posted and available for review on May 7, 2021 at the City of Saratoga, 13777 Fruitvale Avenue, Saratoga, California and on the City's website at [www.saratoga.ca.us](http://www.saratoga.ca.us).*

*Signed this 7th day of May 2021 at Saratoga, California.*

*Frances Reed, Administrative Technician.*

*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, copies of materials distributed to the Planning Commission concurrently with the posting of the agenda, and materials distributed to the Planning Commission by staff after the posting of the agenda are available on the City Website at [www.saratoga.ca.us](http://www.saratoga.ca.us) or available at 13777 Fruitvale Avenue, Saratoga, CA 95070.*

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*[28 CFR 35.102-35.104 ADA title II]*