



# SARATOGA PLANNING COMMISSION REGULAR MEETING

SEPTEMBER 8, 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 [bavrit@saratoga.ca.us](mailto:bavrit@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 July 14, 2021.

#### **Recommended Action:**

Approve Minutes of July 14, 2021 Planning Commission Meeting.

[07142021 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 SUB19-0002/ENV19-0004/GEO19-00014/ARB19-0042/ZOA19-0005/WIL19-0001; 18500 & 18520 Marshall Lane (397-02-110 and 397-02-111) John Bellicitti Trustee & ET AL (OWNER) / 18500 Marshall Ln LLC (APPLICANT) -** The applicant is proposing to subdivide two parcels totaling 9.8 acres (net) located at 18500 & 18520 Marshall Lane into nine lots ranging in size from 40,098 square feet to 51,248 square feet. The project would also create a new private road accessed off of Marshall Lane, which would serve all the parcels within the subdivision. The applicant is requesting a re-zoning from Agriculture to Residential, R-1-40,000, the cancellation of a Williamson Act Contract, and the relocation to the City's Heritage Orchard an existing historic barn that was constructed c. 1870. 18500 Marshall Lane is zoned Agricultural (A) and 18520 Marshall Lane is zoned R-1-40,000. Both lots have a General Plan Designation of Residential Very Low Density. Forty-two (42) trees protected by City Code are requested for removal for the subdivision improvements. The City of Saratoga, as the Lead Agency, has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed subdivision and no significant environmental impacts were found with mitigation.

#### **Recommended Action:**

1. Adopt Resolution No. 21-017, recommending cancellation of the Williamson Act Contract.
2. Adopt Resolution No. 21-018, recommending a zoning ordinance amendment.
3. Adopt Resolution No. 21-019, recommending approval of the nine-lot subdivision.

4. Adopt Resolution No. 21-020 recommending adoption of the MND.

[Staff Report](#)

[Attachment 1 - Resolution No. 21-017](#)

[Attachment 2 - Resolution No. 21-018](#)

[Attachment 3- Resolution No 21-019](#)

[Attachment 4 - Resolution No. 21-020](#)

[Attachment 5- Vesting Tentative Map](#)

[Attachment 6-IS.MND](#)

[Attachment 7- Written Comments](#)

**2.2 Application PDR20-0013/FER21-0001; 14391 Springer Avenue (503-27-077); Michelle Miner (Applicant)** – The applicant is requesting Design Review approval for an addition to an existing 1,944 square foot one-story single-family residence which will include a 1,008 square foot first floor addition and a 773 square feet second story addition. The second story addition will include a secondary dwelling unit. The project also includes a request for a fence exception for an existing approximately six feet tall redwood fence located within an exterior side setback area where fence heights are limited to a height of no more than three feet. No trees are proposed for removal. The site is zoned Hillside Residential R-1-10,000 with a General Plan Designation of Medium Density Residential (M-10). Staff Contact: Christopher Riordan (408) 868-1235 or [criordan@saratoga.ca.us](mailto:criordan@saratoga.ca.us).

**Recommended Action:**

Adopt Resolution No. 21-016 approving the project subject to conditions of approval included in Attachment 1.

[Staff Report](#)

[Attachment 1 - Resolution No. 21-016](#)

[Attachment 2 - Neighbor Letters for Fence Exception](#)

[Attachment 3- Neighbor Letters for Addition](#)

[Attachment 4 - Story Pole Certification](#)

[Attachment 5 - Materials Board](#)

[Attachment 6 - Photos of Neighboring Fences](#)

[Attachment 7 - Fence Details](#)

[Attachment 8 - Solar Study](#)

[Attachment 9 - Project Plans](#)

**2.3 Application ZOA21-0003 – Zoning Code Amendments (CITY WIDE)**

Application by the City of Saratoga to amend the City Code. The changes include modifying Article 15-50 (Tree Regulations) to eliminate the application fee to remove a tree(s) to create defensible space within 100 feet of a structure located within the Wildland Urban Interface Area; modifying Article 15-85 (Amendments to Zoning Maps and Zoning Regulations) to require the mailing of a public notice to all property owners within 500 feet of a property subject to a zoning designation amendment; and an amendment to Article 15-90 (Appeals) to remove the process where two members of the City Council can initiate an appeal of a decision by the Planning Commission. Staff contact: Christopher Riordan: (408) 868-1235 [criordan@saratoga.ca.us](mailto:criordan@saratoga.ca.us).

**Recommended Action:**

Adopt Resolution No. 21-015 recommending the City Council adopt an ordinance which includes amendments to Chapter 15 (Zoning Regulations) of the Saratoga City Code.

[Staff Report](#)  
[Attachment 1 - Resolution No. 21-015](#)  
[Supplemental Memo - Public Comment](#)

**2.4 Application ZOA21-0002;** Amendments to Article 15-45 (Design Review for Single-Family Dwellings) of the Saratoga City Code to require a five-foot wide nonflammable landscape buffer around the perimeter of all new structures that are located within the City's Wildland Urban Interface Area. Staff Contact: Christopher Riordan (408) 868-1235 or [criordan@saratoga.ca.us](mailto:criordan@saratoga.ca.us).

**Recommended Action:**

Adopt Resolution No. 21-013 recommending the City Council approve the proposed changes to Article 15-45, Single Family Dwelling Design Review (Zoning) of the Saratoga City Code.

[Staff Report](#)

[Attachment 1 - Resolution No. 21-0013](#)

[Attachment 2 - Draft Amendments](#)

[Attachment 3 - Excerpts from April 21, 2021 City Council Minutes](#)

**3. DIRECTOR ITEMS**

**3.1** [Housing Element Community Meetings Schedule](#)

**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 Analyst for the City of Saratoga, declare that the foregoing agenda for the meeting of the Planning Commission was posted and available for review on September 2, 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 2nd day of September 2021 at Saratoga, California.*

*Frances Reed, Administrative Analyst.*

*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]*