

**MINUTES**  
**WEDNESDAY, JUNE 11, 2019**  
**SARATOGA CITY COUNCIL SPECIAL MEETING**

Mayor Cappello called the Special Meeting with the City Council and the Planning Commission to order at 6:00 p.m. in the Saratoga Senior Center, S. Ku Hall at 19655 Allendale Avenue.

**ROLL CALL**

**PRESENT:** Mayor Manny Cappello, Vice Mayor Howard A. Miller,  
Council Members Rishi Kumar, Mary-Lynne Bernald,  
Yan Zhao

**PLANNING COMMISSION PRESENT:** Chair Sunil Ahuja, Vice Chair Razi Mohiuddin,  
Commissioners Leonard Almalech, Kookie Fitzsimmons,  
Anjali Kausar, Lucas Pastuszka, Tina Walia

**ABSENT:** None

**ALSO PRESENT:** James Lindsay, City Manager  
Crystal Bothelio, Deputy City Manager  
Debbie Bretschneider, City Clerk  
Debbie Pedro, Community Development Director  
Lauren Pettipiece, Public Information Officer  
Richard Taylor, City Attorney

**ORAL COMMUNICATIONS ON NON -AGENDIZED ITEMS**

None

**AGENDA ITEMS:**

**Study Session on The Mountain Winery Annexation Project**

Debbie Pedro, Community Development Director, presented the staff report and stated that the purpose of the study session was to receive feedback from the City Council and Planning Commission on the proposed draft regulations to be adopted for the Mountain Winery Annexation, including a new Land Use Designation (general plan and zoning designation), the Pre-Zoning/Precise Plan, and the Development Agreement.

The following people requested to speak:

Martin spoke on creating a separate zoning code.

Tom Sloan requested clarification on the City of Saratoga's role related to Mountain Winery operations.

Bill Hirschman, part of the Mountain Winery ownership, spoke about the ownership's desire to be annexed into the City of Saratoga.

No one else requested to speak.

Council and Planning Commission Consensus:

The City Council and Planning Commission expressed a desire for: a Development Agreement with a longer term, preferably 25-40 years; a maximum building height of 35 feet with up to 10 feet of additional height allowed for architectural features that do not contain floor area; use of the proposed "Regional Commercial (RC)" Land Use and Zoning Designation, and for the maximum building coverage of the site to have a "not to exceed" acre amount. Additionally, staff was asked to reach out to the Saratoga Fire Protection District Commissioners on the proposed annexation.

Council Member Kumar left the meeting.

**Study Session on Subterranean Structure Definition**

Community Development Director Debbie Pedro introduced this item and shared that the Planning Commission held study sessions on February 12 and March 12, 2019 on subterranean structures and recommends that the following criteria be incorporated in to the definition:

- Detached
- Covered on 3 sides
- 18" between top of structure and natural and/or finished grade, whichever is lower.
- 1,500 sq. ft. max (area of subterranean structure over 1,500 sq. ft. will count towards floor area)
- Daylighted portion should not exceed 15% of total perimeter of structure
- Not visible from public right of way

Further, the Commission considered the differences between subterranean structures and basements and recommended the following:

- Keep subterranean structure and basement definitions separate
- Clarify that the area of a basement with floor area directly above (including porches enclosed on 3 sides) should be counted as basement

The following people requested to speak:

Martin raised objections to the Planning Commission proposed definition changes.

Tom Sloan spoke in favor of some of the proposed changes and about impervious areas over the subterranean.

No one else requested to speak.

Council Consensus:

The City Council requested directed the Planning Commission remove the proposed criteria for subterranean structures to be detached and directed removal of the proposed maximum square footage. The City Council affirmed the Planning Commission's recommended changes to the definition of a basement.

The Planning Commission suggested this definition to be brought back to Council for approval at a later date:

**15-06.685 -Subterranean Structures**

"Subterranean Structure" includes a cellar, bunker, or other **attached or detached** structure that (a) is not located beneath the building footprint of a structure; (b) does not encroach into setback areas; and (c) is located wholly underground **below natural and/or finish grade, whichever is lower**, except for required ingress/egress, lighting, and ventilation. **(d) is not visible from the public right-of-way**. The floor area of subterranean structures is not counted against a property's maximum floor area and fifty percent of the floor area is counted against a property's maximum site coverage;

**ADJOURNMENT**

Mayor Cappello adjourned the meeting at 9:00 p.m.

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk  
City of Saratoga