

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, August 9, 2006
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

Chair Rodgers called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Commissioners Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Contract Planner Deborah Ungo-McCormick and City Attorney Richard Taylor

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of July 12, 2006.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission minutes of the regular meeting of July 12, 2006, were adopted as presented. (4-0-0-3; Commissioners Cappello, Hunter and Zhao abstained)

APPROVAL OF MINUTES – Regular Meeting of July 26, 2006.

Motion: Upon motion of Commissioner Cappello, seconded by Commissioner Kundtz, the Planning Commission minutes of the regular meeting of July 26, 2006, were adopted with corrections to pages 3, 7, 11, 12 and 13. (5-0-0-2; Commissioners Nagpal and Rodgers abstained)

ORAL COMMUNICATION

Correspondence dated July 26, 2006, from Mr. Paul Fontamont was acknowledged as received.

REPORT OF POSTING AGENDA

Chair Rodgers announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on August 3, 2006.

REPORT OF APPEAL RIGHTS

Chair Rodgers announced that appeals are possible for any decision made on this Agenda by filing 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).

CONSENT CALENDAR

There were no Consent Calendar Items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION #06-276 AMINI 15397 PEACH HILL (517-22-100): (The Planning Commission continued this item on June 28, 2006 to allow the applicant to return with revisions). The applicant requests Design Review Approval to remodel a two-story, single-family residence, which may result in the demolition of over 50% of existing walls, and to construct an addition to the first and second story of the existing home. The total floor area of the proposed residence will be 5,595 square-feet. The maximum height of the proposed residence will not be higher than 26-feet. The net lot size is 53,162.5 square-feet and the site is zoned R-1-40,000.

Ms. Deborah Ungo-McCormick, Contract Planner, presented the staff report as follows:

- Reminded that this item was continued from the Planning Commission meeting of June 28, 2006.
- Explained that the applicant is seeking Design Review Approval to allow an addition to an existing two-story home including the refacing of the home and with the potential of demolition of over 50 percent of the home.
- Pointed out that significant comments were made at the June 28th meeting and issues of bulk and mass were raised. Additionally, staff expressed concerns over the possibility of privacy impacts although nearby neighbors expressed no such concerns
- Said that staff had been directed to work further with the applicant to address some of the concerns raised by the Commission.
- Reported that she and Planner Lata Vasudevan met with the applicant on several occasions.
- Said that the applicant changed the features of the elevation. Of concern had been the mismatch of window styles and treatments and the fact that the columns seemed large. The columns have been revised and are now smaller with texture. Details of the windows have also been changed to be more consistent and using multi-paned windows that are now more true to the Greek Revival architecture. The cornice is finer and more detailed. The proposed colors have been re-evaluated and a photo simulation has been provided. These revised colors are better and blend in more with the environment.
- Stated that staff finds that the applicant has addressed the issues raised.

Commissioner Hlava pointed out that the proposed rounded window over the entryway had originally been proposed as a circular window, had been changed at staff's recommendation to a big square and is once again circular.

Planner Deborah Ungo-McCormick:

- Explained that the circular window as original proposed would have required exceeding the allowable 26-foot maximum building height to accommodate it as originally proposed. The

applicant did not want to go through the Use Permit process that might have been used to process a request to exceed the maximum allowed 26 feet in height in order to retain architectural integrity.

- Said that staff is recommending approval with changes.
- Advised that the applicant is available for questions.

Commissioner Hunter asked if the project still includes 10 columns.

Planner Deborah Ungo-McCormick said that the number is the same but that these columns are now narrower and have a base. They are more in keeping with this style and do not appear as massive as before.

Commissioner Nagpal asked if the neighbors had seen the new design and if they had no concerns.

Planner Deborah Ungo-McCormick said that yes the neighbors have seen the revised plan and had no comments. They told staff after the last meeting that they had no concerns with original plans. She added that except for the neighbor from across the street, the remaining neighbors' homes are all obscured from view of this home.

Commissioner Nagpal asked staff if this revised plan is more true to the architectural style.

Planner Deborah Ungo-McCormick replied yes. The revised detailing, materials and colors greatly enhanced the original proposal.

Commissioner Nagpal asked staff if any further modifications to the side view elevation had been considered.

Planner Deborah Ungo-McCormick said that the applicant did a couple of different elevations but they ended up looking busier than proposed. It is better this way.

Chair Rodgers asked Planner Deborah Ungo-McCormick if she feels this design is architecturally significant.

Planner Deborah Ungo-McCormick replied yes.

Chair Rodgers opened the Public Hearing for Agenda Item No. 1.

Mr. Amini, Applicant:

- Explained that his brother could not make it today.
- Advised that they had worked with staff and did what was recommended.
- Said that he likes this improved design and is glad for the changes as they make it much better.
- Said that this new home will look beautiful and be a piece of art.
- Said that he worked with all of his neighbors and they are all happy with his project. One neighbor, Tom, is here tonight as he was unable to be at the last hearing.
- Stated he is proud of this design and would appreciate approval by the Commission.

Mr. Tom Lavey, Neighbor on Peach Hill:

- Said he is a direct neighbor as this parcel takes access through a right-of-way on his property.
- Pointed out that he is the only one who can actually see this structure.
- Stated his support and said he looks forward to having this house nearby.
- Said he hopes it will be approved.

Chair Rodgers closed the Public Hearing for Agenda Item No. 1.

Commissioner Cappello expressed appreciation for the changes made and the fact that the concerns raised at the first hearing have been addressed. He said that he also appreciated and thanks the applicant for the provision of a three-dimensional rendering.

Commissioner Zhao said that this new design has its own architectural style. She said that the added details on the columns reduce their perception of bulk. She said that she could support this project.

Commissioner Nagpal:

- Thanked the applicant as well for the three-dimensional rendering as it helps to better envision the structure.
- Reminded that the neighbors had no concerns.
- Stated her appreciation for all that was done to stay true to the architectural style.
- Said that the improvements made to the proposal allow her to support approval.

Commissioner Hunter thanked the applicant and said she is glad the project came back to the Commission so quickly. She said it is sad to lose an historical home but is happy that they are keeping the main room, which will be a glorious room in their remodeled home.

Commissioner Kundtz pointed out that he was absent from the original hearing but read the minutes. He said that the applicant has done a yeoman's job on the changes and he feels that the findings to support can be made.

Commissioner Hlava said that she also had a problem with the bulk of the original design. She said the applicant did a nice job and this home is now much more elegant and not as stark. It will be much prettier. It used to look bulky and now it does not.

Commissioner Cappello said he likes this design better than before.

Chair Rodgers:

- Said that she echoes the comments of the other Commissioners. She too felt the original design was bulky and out of proportion and she appreciates the changes made. This is a great design and she hopes the applicant will enjoy it.
- Said she also appreciates the color changes, as they will blend in better into the hillside.
- Thanked the applicant for the three-dimensional elevation.
- Stated that this is a very pretty design and she is proud to have it in Saratoga.

Commissioner Cappello pointed out that there are options on color.

Planner Deborah Ungo-McCormick advised that the applicant prefers the first option.

Commissioner Nagpal said it appears the columns are a lighter color than the body color.

Mr. Amini said that a color printer does not provide a faithful depiction of proposed colors.

Planner Deborah Ungo-McCormick distributed a sample that demonstrates how the contrast will work. The use of two shades gives more depth.

Commissioner Zhao said that Option One looks nice and gives a contrast.

Commissioner Nagpal asked if the color option should be indicated as a condition.

Planner Deborah Ungo-McCormick said it would be helpful if the specific color recommendation were put into the motion for approval.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Zhao, the Planning Commission adopted a Resolution granting Design Review Approval (Application #06-276) to allow the remodel and addition to an existing residence on property located at 15397 Peach Hill, with the selection of Option One paint colors, by the following roll call vote:
AYES: Cappello, Hlava, Hunter, Kundtz, Nagpal, Rodgers and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

APPLICATION: #06-107 WONG 14015 SHORT HILL COURT (397-14-018): The applicant requests Design Review Approval to remodel an existing two-story, single-family residence to construct an addition to the first and second story of the existing home. The maximum total floor area of the proposed residence will be 6,032 square-feet. The maximum height of the proposed residence will not be higher than 26-feet. The net lot size is approximately 41,785 square-feet and the site is zoned R-1-40,000.

Planner Deborah Ungo-McCormick presented the staff report as follows:

- Advised that the applicant is seeking Design Review Approval to allow an addition to an existing two-story residence.
- Explained that the addition would be located on the rear portion of the two-story. The front of the property presents as a single-story as the property slopes to the rear. The rear yard is adjacent to the West Valley College parking lot.
- Said that the nearest neighbor is 200 plus feet to the rear.

- Said that little would change from the front although there will be an enhanced entrance. The addition will allow the reconfiguration of the bedrooms and to enlarge the living space.
- Said that a unique characteristic is a small tower feature in the back with windows on all elevations. One neighbor has asked the Planning Commission to require one window to be blocked of any view of their rear yard or removed altogether. However staff believes that large trees adequately screen the addition from all neighbors.
- Informed that a small terrace is located on the second floor as well another terrace as on the roof.
- Recommended approval.

Commissioner Kundtz asked if the neighbor with concerns is here.

Planner Deborah Ungo-McCormick replied no.

Commissioner Kundtz said that during the site visit he took time to view the areas in view of the addition. He said that the only thing visible was a jungle gym and tennis court. There are no views of bedrooms or living space on neighboring property. He questioned what the concern was with privacy impact.

Planner Deborah Ungo-McCormick said that the concern is the potential view of the play area. She advised that the applicant would be replacing two large oak trees, which were removed with permits, with 24-inch box oaks.

Commissioner Hunter recounted that another project's roof terrace was removed by the Commission and questioned why this one is recommended for approval by staff.

Director John Livingstone explained that staff recommends looking at each proposed roof terrace on a case-by-case basis.

Planner Deborah Ungo-McCormick said that the neighbor is not opposed to the terrace itself but did not want direct sight onto his property asking for a higher railing.

Commissioner Hlava said that one couldn't see anything from the tower windows.

Commissioner Hunter asked what is in the tower.

Planner Deborah Ungo-McCormick replied a breakfast nook.

Commissioner Zhao asked if there are any regulations for a terrace.

Planner Deborah Ungo-McCormick said that there are no regulations against a terrace. They need security railings per the Building Code. Consideration is based on each project and privacy impact issues. If there are no privacy impacts, a terrace can be recommended for approval. In this case, there is no privacy impact.

Commissioner Cappello sought clarification about the terrace railing and the fact that the neighbor is requesting a higher railing.

Planner Deborah Ungo-McCormick replied correct.

Commissioner Cappello asked if this railing would be see-through.

Planner Deborah Ungo-McCormick replied yes although a solid railing could also be required.

Commissioner Cappello asked for clarification that the neighbor is just requesting a higher railing not that it be solid.

Planner Deborah Ungo-McCormick replied yes.

Commissioner Nagpal asked if the staff recommendation is to ask the applicant to raise the wall/railing and to eliminate the window in the tower facing the backyard neighbor.

Planner Deborah Ungo-McCormick said that this is how the draft resolution is currently stated. She added that architecturally, it would be nicer if that window in the tower were retained. If necessary, opaque glass could be used in lieu of removing that window altogether.

Chair Rodgers asked if there is a third floor after looking at Plan Sheet A-3.

Planner Deborah Ungo-McCormick said no, there is not a third floor. To be considered a floor there has to be a ceiling. Since the roof terrace is open it does not meet the definition of a floor.

Chair Rodgers said that it appears as if the circular staircase and powder room are on a third level.

Planner Deborah Ungo-McCormick said that all those features described are under the roof on the second floor. There is a small terrace off the kitchen and a second roof terrace. The staircase is the only enclosed part of the roof level.

Chair Rodgers sought assurances that there are no parts of a third floor that are capable of becoming habitable space.

Planner Deborah Ungo-McCormick replied correct. She added that third floors in single-family residences are not allowed.

Chair Rodgers asked if the 26-foot maximum height includes the tops of chimneys.

Planner Deborah Ungo-McCormick replied no. She explained that there is a certain distance required for clearance from the roof for the function of a chimney.

Commissioner Zhao expressed concerns about discrepancies between the roof plan and the rear elevation, as they don't appear to match.

Chair Rodgers opened the Public Hearing for Agenda Item No. 2.

Mr. Marcelo Drab, Project Designer:

- Said they have enhanced the front entrance a little bit to break up the monotony.
- Said that the existing home has a low provide and some front elements are being changed to make it a little more attractive.
- Reminded that most of the addition is at the rear of the house.
- Said that this is a long lot and they will be matching existing colors and materials. This addition is more functional than anything.

Commissioner Zhao again raised the differences in two plan sheets.

Director John Livingstone said that the roof plan does not show details such as railings.

Commissioner Nagpal advised that the elevation plan is best to show what it would look like.

Mr. Marcelo Drab said that the elevation could not be represented in a floor plan. It is the shape from the top only. He said that the neighbor did request the taller railing to screen the opening of the terrace.

Commissioner Nagpal asked what materials are proposed for this rail.

Mr. Marcelo Drab said some kind of handrail.

Commissioner Nagpal said she would like to know the specific proposed material.

Mr. Marcelo Drab replied wood.

Commissioner Cappello asked if the rail could be seen through.

Mr. Marcelo Drab replied no, that the neighbor did not want to be seen.

Commissioner Nagpal asked if the applicant prefers the rail stay lower as shown.

Mr. Marcelo Drab replied yes.

Commissioner Hunter asked if they prefer to retain the window in the tower.

Mr. Marcelo replied yes.

Mr. Aaron Wong, Property Owner & Applicant:

- Said that this is his future home and that he is currently living in Milpitas.
- Said that he wants privacy as much as his neighbor does.
- Stated his plans to plant more trees as well as an approximately 25 foot long wall to block car lights onto his property.
- Said that he would like to conserve the window in the tower if possible.

- Assured that one cannot see anything currently and even less so when he plants his additional trees.
- Asked that he be allowed to keep the window in the tower for the coherence of the building design.

Chair Rodgers asked for an explanation of plan sheet A-3.

Mr. Marcelo Drab said that the bath is on the second floor and not on the same floor as the roof terrace.

Chair Rodgers said that it does not appear to be the same bath on both plan sheets.

Mr. Marcelo Drab, after comparing the two sheets, advised that the bath has changed and is not properly depicted in the plan.

Chair Rodgers asked how tall the area is under the roof.

Mr. Marcelo Drab said the attic is about 4.5 feet tall and he couldn't put another floor in that space.

Planner Deborah Ungo-McCormick said that a third floor could not be added and assured that building plans are checked.

Chair Rodgers pointed out that the kitchen nook has a two-story high area, which offers space for a third floor.

Planner Deborah Ungo-McCormick reiterated that a third floor would not be allowed. She said that the current 8-foot ceiling heights would be raised to 10-foot ceiling heights in this home.

Mr. Marcelo Drab said that some areas will have cathedral ceilings but below the 15-foot height.

Chair Rodgers closed the Public Hearing for Agenda Item No. 2.

Commissioner Hlava said that she is happy with the design and can make the findings. She said that the window in the tower should not be removed as keeping it causes no privacy impacts and the tower would look strange with no window on just one elevation. She expressed support for increasing the height of the terrace railing.

Commissioner Kundtz said he too sees no privacy issues. He advised that he walked the property. He said that the design integrity requires leaving the windows as proposed on the tower. He said he was okay with the proposed railing wall and said he supports staff's recommendation.

Commissioner Hunter agreed but said that she has some reservations about roof terraces. She stressed the need to be consistent on the subject. She said she would support approval of this request.

Commissioner Cappello said he agrees with all the comments. He said he does not see any privacy impact issue that would warrant a change in design of the tower. He said he can make all the findings and he would support raising the railing height if the others want to require that.

Commissioner Zhao said she too could make the findings to support. She said she agreed with the staff recommendation to raise the rail height. She said she too has some reservation on the issue of roof terraces and is not sure the history on the issue. If there are no regulations against them, she is okay.

Commissioner Nagpal said that the window in the tower should not be removed. She said that the findings to support this project can be made and that this home would be a welcome addition to the community.

Director John Livingstone said it appears a consensus has been reached on having a solid railing.

Commissioner Cappello said it must distinguish itself from the existing wall using material such as stamped concrete or wood.

Director John Livingstone suggested that it be left up to staff.

Chair Rodgers:

- Said she agrees with the others on the issue of retaining the tower window.
- Said that Design Review is based on good design and respecting privacy based on unreasonable impacts and she does not see any unreasonable impacts from this project.
- Said that the tower would be out of balance with one window removed.
- Said that the terrace wall should be raised for privacy concerns as well as light impacts.
- Said she did not care what material is used and that she is happy to let the applicant work with staff on that issue.
- Stressed her concern over the potential for a future third floor.

Commissioner Nagpal pointed to the color chart and said it appears somewhat yellow.

Commissioner Hunter said she understand it was existing.

Commissioner Nagpal supported leaving final color selection to staff but she would like more muted colors if possible.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Kundtz, the Planning Commission adopted a Resolution granting Design Review Approval to allow the remodel of an existing two-story single-family residence on property owned by Mr. Aaron Wong located at 14015 Short Hill Court,, with the retention of the window on the tower and

requiring a more muted final color selection to be approved by staff, by the following roll call vote:

AYES: Cappello, Hlava, Hunter, Kundtz, Nagpal and Zhao

NOES: Rodgers

ABSENT: None

ABSTAIN: None

Chair Rodgers explained that her vote was against the inclusion of a roof terrace.

DIRECTOR'S ITEMS

Commissioner Hlava asked for an update on the Council's consideration of the Amended Ordinance on the Storage of Personal Property.

Director John Livingstone:

- Explained that two separate issues were considered. One was Storage of Personal Property and the other was living in recreational vehicles. The only modification from the Planning Commission's recommendation was to increase the maximum allowed days per year from 18 to 21.
- Said that two items have been appealed to Council. One is the Design Review Approval for a new home on Sunset Drive. He reminded that this parcel is to be annexed into Saratoga as a condition of approval.
- Stated that the second appeal is a project that did not come before the Commission but rather was approved administratively. The approved paint colors were not used. The applicant is now seeking occupancy and does not want to change the colors used to paint the structure and is asking for a modification of the approved colors.

Commissioner Nagpal asked about the Administrative Design Review process.

Director John Livingstone advised that Council had asked that an overview report brought to them on the Administrative Design Review process. Staff prepared the report and Council subsequently formed an Ad Hoc Committee including the Mayor and Councilmember Waltonsmith to work with the Community Development Director.

Commissioner Nagpal asked if anyone from the Planning Commission would be on this Ad Hoc Committee.

Director John Livingstone replied not at this time.

City Attorney Richard Taylor advised that the Ad Hoc Committee is just two members of Council at this time. They are free to meet with any citizens and/or Planning Commissioners that they wish to meet with.

Commissioner Hunter asked if the times and places for these discussions would be made available.

City Attorney Richard Taylor said no. These are more informal meetings. The Ad Hoc Committee can proceed as they see fit. When the Ad Hoc Committee makes its report to the Council, it would be done in a public meeting.

Commissioner Nagpal sought clarification that if any proposed changes were made to Code they would come to the Planning Commission.

City Attorney Richard Taylor replied correct. He said that it is likely that any significant change made to the process would result in a change to Code.

Chair Rodgers asked what the appeal issue is for the Sunset project.

Director John Livingstone replied the Design Review Approval and not the proposed annexation.

Commissioner Hunter asked when Council would hear this appeal.

Director John Livingstone replied September 6th.

COMMISSION ITEMS

There were no Commission Items.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hunter, seconded by Commissioner Hlava, Chair Rodgers adjourned the meeting at 8:35 p.m. to the next Regular Planning Commission meeting of **August 23, 2006**, at 7:00 p.m.

MINUTES PREPARED AND SUBMITTED BY:
Corinne A. Shinn, Minutes Clerk