

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, February 14, 2007
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, Kundtz, Rodgers and Zhao
Absent: Commissioner Nagpal
Staff: Director John Livingstone, Associate Planner Therese Schmidt. Assistant Planner Shweta Bhatt and Assistant City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of January 24, 2007.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Zhao, the Planning Commission minutes of the regular meeting of January 24, 2007, were adopted with edits to pages 2, 5, 7, 8, 9 and 10. (4-0-1-1; Commissioners Nagpal was absent and Commissioner Cappello abstained)

ORAL COMMUNICATION

There were no Oral Communications.

REPORT OF POSTING AGENDA

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on February 8, 2007.

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 #07-063 (397-10-020) Arramreddy, 19358 Monte Vista Drive: The applicant requests a Modification to a Design Review Approval granted by the Planning Commission at their December 14, 2005, hearing, allowing them to demolish a single-story, single-family residence and construct a 6,098.6 sq. ft. one-story, single-family residence. The proposed modification would change the approved footprint of the residential structure, allow for construction of a cabana, and relocate the swimming pool. The gross lot size is 1.02-acres and the site is zoned R-1 40,000. (Therese Schmidt)

Associate Planner Therese Schmidt presented the staff report as follows:

- Advised that the applicant is seeking approval of a Modification to an approved Design Review Approval granted by the Planning Commission on December 14, 2005. The original approval allowed the construction of a new single-family detached structure consisting of one story.
- Explained that the property has since been sold to a new owner who is asking to add a basement, cabana and to make minor changes to the footprint of the structure. There is no proposed change to the overall design or materials.
- Reported that geotechnical clearance has been secured for the basement.
- Suggested that the project be found Categorical Exempt under CEQA and that a resolution approving this Modification be adopted.

Chair Rodgers asked Planner Therese Schmidt if any of the conditions are proposed for recordation as permanent.

Planner Therese Schmidt replied no.

Chair Rodgers opened the public hearing for Agenda Item No. 1.

Mr. Chris Spaulding, Project Architect:

- Stated that he is present together with his client and they are available for questions.
- Reported that essentially this is the same house design wise from the exterior while there are lots of changes on the interior including an added basement.

Commissioner Hlava asked if the pool area is being moved to ensure that it is located outside of the drip line of a Redwood.

Mr. Chris Spaulding replied yes.

Commissioner Hlava said that the wrought iron rails for the light wells look very fussy and busy and she thought it was important to bring that concern up.

Mr. Chris Spaulding said that his client is willing to make these railings simpler in design.

Commissioner Hlava said that this is a big house with a lot going on already.

Chair Rodgers pointed out that there are four fireplaces and questioned which one was going to be wood burning.

Mr. Chris Spaulding replied that there are three interior fireplaces and one exterior, all of which are gas.

Chair Rodgers asked if staff is okay with the number of fireplaces.

Planner Therese Schmidt replied yes.

Chair Rodgers closed the public hearing for Agenda Item No. 1.

Commissioner Zhao said that this is a very nice design for which she can make all required findings to support.

Commissioner Cappello said that there are no increased impacts on the neighboring properties, on the aesthetics, etc. This project is fine and he is supportive.

Commissioner Kundtz said that this request is very straightforward.

Commissioner Hlava said that she would like to see a change in the design of the wrought iron railings. She added that this is a nice design and agreed that there is not much change from before except for the addition of a basement.

Chair Rodgers expressed agreement with the suggestion by Commissioner Hlava for a more simple wrought iron design for the railings for the light wells. She said she appreciates the fact that all of the fireplaces are gas.

Motion: Upon motion of Commissioner Cappello seconded by Commissioner Kundtz, the Planning Commission approved a Modification to a Design Review Approval to change the approved footprint of the residential structure, allow for construction of a cabana and relocate the swimming pool on property located at 19358 Monte Vista Drive, as amended including the review and approval of a revised more simple design of the wrought iron railing for the light wells prior to issuance of zoning clearance and that no wood-burning fireplaces are included, by the following roll call vote:

AYES: Cappello, Hlava, Kundtz, Rodgers and Zhao

NOES: None

ABSENT: Nagpal

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

APPLICATION #07-058 (410-40-003) Bob Taylor Homes, 18595 Avon Lane: The applicant requests Design Review Approval to construct a new one-story single-family dwelling. The dwelling will consist of approximately 5,840 square feet. The height of the structure will not exceed the 26-foot height limitation. The gross lot size is approximately 47,678 square feet and the site is located in the R-1-40,000 zoning district. Design Review approval by the Planning Commission is required pursuant to Saratoga Municipal Code Section 15-45.060. (Shweta Bhatt)

Assistant Planner Shweta Bhatt presented the staff report as follows:

- Distributed a material board, explaining that the project incorporates many high-quality materials such as wood windows, slate roofing and stone veneer.
- Explained that the existing home would be demolished and a new single-story house consisting of approximately 5,840 square feet and with a maximum height of 24 feet, 10 inches would be constructed.
- Reported that a required permit by the Santa Clara Valley Water District (SCVWD) has been obtained as well as arborist and geotechnical clearances.
- Stated that the arborist visited the site several times. Seven trees are approved for removal, four at this time and three that are not protected by City Code. The arborist is recommending that those three trees (6, 7 and 13) could be removed.
- Said that neighbors within 500 feet were notified and no issues have been raised.
- Added that the applicant held a neighborhood meeting and obtained signed templates.
- Stated that this project is Categorical Exempt under CEQA.
- Recommended that this Design Review Approval be granted.

Chair Rodgers asked if language needs to be added to the conditions of approval.

Planner Shweta Bhatt said that staff is recommending a condition of approval requiring the applicant change their plans to reflect all of the trees proposed for removal including Trees 6, 7 and 13.

Chair Rodgers clarified that staff is not recommending any conditions of approval be recorded as permanent.

Planner Shweta Bhatt said correct.

Chair Rodgers asked if there are changes to the proposed height.

Planner Shweta Bhatt said that there was an error in her staff report but the plans accurately reflect the proposed height.

Chair Rodgers said that there was language on the geotechnical clearance that is not clear including the reference to “as-built” conditions. Is the intent to remove liability for the City?

Director John Livingstone explained that they do borings on site. Additionally, in the field “as-built” conditions can be discovered.

Chair Rodgers asked if any changes would be brought back to the Commission.

Director John Livingstone said if necessary although it is usually not necessary.

Chair Rodgers opened the public hearing for Agenda Item No. 2.

Mr. Steve Douglas, Applicant:

- Gave a brief overview of the project. The basic elements are a 5,010 square foot house with an attached 830 square foot, three-car garage. This is a one-plus acre lot that is essentially flat. No significant grading is proposed.
- Advised that some statements on a geotechnical report are simply boilerplate.
- Reported that the lot is bounded by Quito Road, Avon Lane, the creek and a neighbor to the rear. It is well screened by existing mature trees. The lot sits between 10 and 16 feet below Quito Road and between 4 and 10 feet below Avon Lane.
- Explained that the proposed architecture incorporates features that include gabled pop out areas, bays, natural stone, heavy timber, copper gutters and downspouts and custom wood shutters to break up the elevation plane and create interest.
- Added that the slate roof is broken up by these pop outs and changes in form.
- Said that the architectural details continue on all four sides of the residence.
- Stated that they are within all design guideline criteria including height limitations, setbacks, FAR and site coverage.
- Described the proposed tree removals authorized by the arborist as including one dead pine on Quito Road; a dead small oak and a dead small liquid amber on Avon Lane and a small tree located in the back out area in the existing garage. Additionally, the arborist recommends removal of Tree 7 (an 8.5-inch diameter redwood), Tree 13 (a 6.5-inch diameter oak; and Tree 6 (a 9.5-inch diameter redwood).
- Said that he is pleased to accept the planner's proposed condition to modify the plan to show removal of those trees as well.
- Said that the landscape plan has been reviewed by SCVWD and a permit has been issued. The plan was also reviewed by the City Arborist and by Planning staff.
- Reported that an asphalt driveway in front of the existing house will be eliminated and replaced with a landscaped courtyard and guest parking area.
- Added that the rear yard features a swimming pool, spa, lawn areas and significant planting. The 30-foot Water District easement has never been landscaped to date. They are allowed to install groundcover and small shrubs in that easement.
- Explained that there are three neighbors in reasonable vicinity of this site and all have been contacted.
- Assured that this proposal responds to the land, the natural environment, the City, the neighbors and the Water District.
- Stated that they are excited about the architectural style of the residence and the landscape improvements to the existing setting.
- Asked for approval and said he was available for any questions.

Commissioner Kundtz thanked Mr. Steve Douglas for the story poles as they were most helpful. He said that he likes the design very much. He asked if there would be any problem with the neighbor's use of the access road during construction.

Mr. Steve Douglas replied no.

Chair Rodgers asked which fireplace would be wood burning.

Mr. Steve Douglas said that fireplace located in the family room and one located by the pool, which could be either gas or wood burning.

Chair Rodgers pointed out that there are four fireplaces in total. She asked how far the fireplace located by the pool is from the property line.

Mr. Steve Douglas replied 41 feet. He added that the existing neighbor to the rear's home is far back from the common property line.

Chair Rodgers asked Mr. Steve Douglas if he would consider a gas fireplace by the pool. She asked staff if they are okay with four fireplaces, including two wood burning, one inside and one outside.

Director John Livingstone replied that one per dwelling unit is allowed. The outdoor ones are typically not restricted.

Commissioner Hlava said that Saratoga is trying to be a more green City and should be looking at restricting that more in the future.

Chair Rodgers said that this issue would be considered soon as it is on the agenda for the Study Session on March 13th.

Commissioner Cappello asked where the driveway gate would be located.

Mr. Steve Douglas replied that it would be at the further entrance near the guest parking.

Chair Rodgers closed the public hearing for Agenda Item No. 2.

City Attorney Jonathan Wittwer advised that the draft resolution needs to be modified. The "NOW, THEREFORE" clause belongs after the findings. Additionally, Item 1 should be amended to state that "plans shall be amended to show removal of trees #6, #7 and #13."

Chair Rodgers asked if the restriction allowing just one wood-burning fireplace could be added to the conditions of approval.

Planner Shweta Bhatt replied yes.

Director John Livingstone reminded that this provision is already including in the Code.

City Attorney Jonathan Wittwer suggested adding it into the conditions of approval as a standard condition.

Commissioner Cappello pointed out that the plans already show just one wood burning and questioned the need to include that as a condition. He said it seems redundant.

City Attorney Jonathan Wittwer deferred the decision to the Commission. He added that staff is creating boilerplate conditions of approval and will consider whether to include things that are already covered by Code.

Commissioner Hlava suggested allowing just one wood-burning fireplace per property rather than one per dwelling.

City Attorney Jonathan Wittwer suggested condition 10A to deal with a limit to one wood-burning fireplace.

Commissioner Zhao:

- Said that this is a pretty big house but due to the lower elevation of the property it is not visible to neighbors.
- Added that there are a lot of trees and the site is well screened. There are no privacy issues.
- Stated that she likes the architectural style and detail that makes it not so bulky.
- Advised that she can make all the findings and support approval.

Commissioner Cappello said he too likes this design and agrees with the comments of Commissioner Zhao. He stated that this project is quite beautiful and fits into the neighborhood very well.

Commissioner Kundtz said he likes the project as well. He said he did not support making it a condition to disallow a wood-burning fireplace outdoors but rather simply ask the applicant to consider gas versus wood.

Commissioner Hlava agreed that this is a big and beautiful house. It is absolutely lovely. She said she can make the findings but would really like to see just one wood-burning fireplace per property.

Chair Rodgers said she too could make all findings. There are no privacy or view impacts. The natural landscape is preserved and new trees are being added. The bulk has been reduced by articulation of the design. This is a nicely designed house for this location and shows sensitivity to this lot.

Motion: Upon motion of Commissioner Cappello, seconded by Commissioner Kundtz, the Planning Commission granted Design Review Approval to construct a new one-story single-family dwelling on property located at 18596 Avon Lane, with modifications:

- Requiring amended plans to reflect removal of Trees 6, 7 and 13,
- Adding the standard condition limiting one wood-burning fireplace; and
- Reformatting the draft resolution to relocate one of the WHEREAS clauses;

by the following roll call vote:

AYES: Cappello, Hlava, Kundtz, Rodgers and Zhao
NOES: None
ABSENT: Nagpal
ABSTAIN: None

PUBLIC HEARING - ITEM NO. 3

APPLICATION #07-207 (397-22-041) Dukes, 14451 Oak Place: The applicant is appealing a decision by the Heritage Preservation Commission (HPC). The HPC determined the subject property is historically significant. (Shweta Bhatt)

Assistant Planner Shweta Bhatt presented the staff report as follows:

- Reported that the appellant wishes to demolish a home on his property and construct a new single-family residence on the property. However, no land use entitlements are being requested tonight.
- Explained that the owner has filed an appeal to the determination of the Heritage Preservation Commission (HPC) to deem the property historically significant and add it to the City's Historic Resources Inventory.
- Added that that determination was made by the HPC due to the property's location on Oak Place and its apparent age.
- Said that staff had requested that the applicant secure the services of a qualified architectural historian and submit a report to the HPC for review. The architectural historian has completed the analysis and concluded that the property does not appear to have historical significance and appears to be ineligible for listing at local, state and/or federal levels.
- Advised that this analysis was submitted to and reviewed by the HPC at their December 12, 2006, meeting.
- Added that after conducting a site visit and studying materials, the HPC found the property to have historical significance based upon two criteria in Chapter 13 of the Code. One is the property's apparent association with the Foothill Club and lumber industry. The second is the fact that the structures are compatible with the surrounding neighborhood in style and overall appearance and embody an eclectic architectural style.
- Pointed out that the approved minutes from that HPC meeting have been included in the Planning Commission packet.
- Advised that the owner disagrees with the HPC determination and has provided his reasons in a letter attached to the staff report. The owner states that the property owner who had an association with the lumber industry had already sold the property by the time the structures were built and that the structures have been remodeled several times.
- Informed that there are two options available to the Planning Commission.
 - The first option is to uphold the appeal by the owner and thereby overturn the decision made by the HPC. The structure would not be placed on the Inventory and proposed alterations or demolition of structures on the property would not require review by the HPC.

- The second option is to deny the appeal and uphold the decision of the HPC. The structure would then be placed on the Inventory and proposed alterations and/or demolition would be subject to HPC review.
- Reported that the property owner and the architectural historian are available as is a member of the HPC.

Commissioner Kundtz asked if HPC had the chance to see and rebut the architectural historian's report.

Planner Shweta Bhatt explained that the architectural historian's report was submitted to the HPC so they did have the opportunity to review it.

Commissioner Kundtz asked if they made any comments about it.

Planner Shweta Bhatt said that she did not know if they made any direct comments about it but they obviously disagreed with it. She said she would defer to the HPC Commissioner that is here tonight.

Commissioner Zhao asked how many houses in that neighborhood are on the Historic Resources Inventory (HRI) currently.

Planner Shweta Bhatt said that there is another property on Oak as well as the Saratoga Federated Church. She added that it depends on how far out one looks.

Chair Rodgers asked about the criteria and how it is used to place a structure on the HRI.

Planner Shweta Bhatt reported that there are seven criteria in Chapter 13 of Code, including architectural significance and historic significance based on association with persons that are historically significant to Saratoga or the region. The HPC chose criteria B and E to make their determination. They are required to pick one and in this case chose two.

Chair Rodgers opened the public hearing for Agenda Item No. 3.

Mr. Darryl Dukes, Appellant and Property Owner:

- Reported that he is a 29-year owner of this property (since 1978).
- Thanked the Commission for the opportunity to appeal this decision.
- Advised that his architectural historian, Ms. Leslie Dill, is present this evening.
- Stated that the decision of the Heritage Preservation Commission is not based on historic fact. This house does not identify with any person or event or local, county, state or national history.
- Recounted that in the early 1900's, Mr. Wood gave the Foothill Club half of the property. The Foothill Club was built in 1950 and Mr. Wood did not have any connection to the construction of the building.
- Added that the Foothill Club is famous because of Julia Morgan.
- Said that Mr. Wood subdivided six acres in 1923 and sold this lot in June. He had no further involvement with the property.

- Continued by stating that in June 1923, Mary and Oscar Durbin purchased the lot and in 1930 erected some sort of building but there are no records or descriptions of the building.
- Added that there were no permits before 1945 in Saratoga.
- Stated that in 1947 Margarita Kitt purchased the site and applied for building permits. She did a major remodel to the tune of \$2,000, which is equal to between \$225,000 and \$250,000 in today's dollar.
- Said that in 1956, Ms. Ethel Strickland, Mrs. Kitt's sister, inherited the property.
- Reported that in 1962, the property was purchased as the residence for twin sisters, Ruby and Ruth Ferris. In 1976, after the death of one of the twins, Mr. Dukes reported, he purchased the property.
- Advised that in the last 29 years, his family has done major remodeling including replacing the roof, enlarging and redesigned both porches, changed the style of the front door, added an overhang to protect the front door, changed windows and added a window to the cottage when adding a shower to it. They have completely landscaped and fenced the property and painted the structures from a dark brown to firehouse red with white trim.
- Agreed that the house has been meticulously maintained. While they had thought their son might want to move into it after college, he instead elected to stay in New York.
- Pointed out that his neighbors don't want to see this become a rental unit.
- Said that the neighborhood consists of mixed architectural designs most of which have been remodeled.
- Reported that Leslie Dill says that it will not qualify for the National Registry or California Registry as it lacks a strong correlation with a specific type of architecture and is not associated with any significant person and/or historical impact.
- Concluded by saying that Ms. Leslie Dill is available for questions.

Commissioner Kundtz asked Ms. Leslie Dill to outline her background and experience.

Ms. Leslie Dill, Architectural Historian, Los Gatos:

- Reported that she has a Master of Architecture and is a licensed architect with a specialty in historic preservation. Her graduate degree includes a historic preservation certificate.
- Added that she has training in the field and is qualified with the National Criteria and is listed with the State as both an architectural historian and a historic architect.

Commissioner Cappello asked Ms. Leslie Dill if she had received any comments back from HPC regarding her report on this property.

Ms. Leslie Dill said that she has read the staff report and the minutes from the HPC meeting. She added that it seems clear that there was some confusion about how closely associate the Woods were to this property. While the Wood family is historically significant in town, they are not represented by the structures on the property now.

Commissioner Hlava:

- Read from the finding, saying that it talks about a structure embodying or contributing to the unique physical character representing an established and familiar feature of a neighborhood or district within the City.

- Said that she is trying to figure out exactly what that means and how the HPC applied that finding.
- Asked Ms. Leslie Dill to explain what that is supposed to mean and if she can provide another property that is a clearer example of that finding.

Ms. Leslie Dill:

- Offered the La Paloma area as an example, saying that the houses in that area were built at approximately the same time. They are of a certain era for sure including Craftsman architecture.
- Added that the language in Saratoga's Ordinance seeks to determine if a particular house fits into its neighborhood and helps understand the character of a neighborhood in scale and class distinction, size and setbacks.
- Said that in this case, this eclectic neighborhood is not supporting a specific character of a neighborhood.
- Added that in some cases, removing one house from a neighborhood could create a "gap in the smile" if it were to be removed. It is meant to identify one of a neighborhood of others.

Director John Livingstone said that if it is just an individual house certain criteria might not apply. However, if other architectural significance can be determined other criteria can kick in.

Chair Rodgers clarified that Criteria E stands for the neighborhood and the visual characteristic of the neighborhood.

Mr. Peter Marra, Member of the Heritage Preservation Commission:

- Explained that there is a process to determining historical significance.
- Added that there is not an extensive inventory.
- Said that if a home is over 50 years old it comes before the HPC. During that process, gems can be discovered that might have historical aspects that are desirable for preservation.
- Reported that the appellant came before the HPC. The HPC conducted a site visit and evaluated the property in terms of its neighborhood.
- Advised that architectural historian Leslie Dill does not deem the structures to be historic because it does not capture a specific architectural style and he agrees with that determination.
- Said that it does capture the lifestyle of that particular period of when it was constructed. He added that even if remodeled over time, if a structure is kept in the style originally constructed that fact does not keep it off the Historic Resource Inventory.
- Said that the house originated at a time when the lumber industry was important to the area. The Woods family was a dominant family in Saratoga. They owned lots of property and donated the land for the Foothill Club along with the Bells.
- Stated that this piece of property captures a lifestyle of people at the time.
- Said that when you walk down the block you can see that each house is unique.
- Reminded that across the alley from the Duke place is the Almond House, which is getting a historic plaque. Also just around the corner is the Foothill Club that is also getting a

plaque. There are two other pieces of property, the Winslow House and Saratoga Federated Church, which are on the list right now although they do not yet have plaques.

- Stated that this whole section of Saratoga is unique. It is close to the Historic Village.
- Recounted that the Chamber of Commerce and the Saratoga Historical Foundation have tours.
- Reiterated that this property captures the spirit of a special time. There is a lot of history and presence in this neighborhood.

Commissioner Kundtz asked Mr. Peter Marra how he would describe this property to people if he were including it on a guided tour.

Mr. Peter Marra said that he would say that it reflected a period of time when people were looking to Saratoga as a resort area. They used to have bungalow-style homes.

Commissioner Kundtz asked if he were focusing on the time period.

Mr. Peter Marra:

- Replied yes and distributed a tour brochure of the area.
- Assured that being listed on the HRI does not mean that the HPC will be monsters.
- Added that preservation is a layering process.

Commissioner Cappello asked Mr. Peter Marra to expand on Criteria B and how it can be used to determine if this property should be included on the HRI.

Mr. Peter Marra:

- Reminded that the Woods family was a dominant family in Saratoga.
- Added that it was not necessary to have something so historic as "Washington slept here."
- Agreed that it might be a loose interpretation of Criteria B.
- Said that other criteria could have been chosen.

Commissioner Cappello said that Criteria B might be more related to the land than to the building. He asked Mr. Peter Marra if the HPC would have come to the same conclusion if this were a decrepit building.

Mr. Peter Marra said that he did think so because of the association with the property around it. He added that they have gone to other properties where they have been decrepit.

Commissioner Cappello said that if there were a really run down building with a tight connection to a historic event or person, he could see that as something HPC could make a more clear finding on. However, this is a property with a loose connection whose owners have kept it up in a fabulous fashion.

Mr. Peter Marra agreed that the property was well maintained.

Commissioner Cappello said that he could see where the HPC would want to keep that sort of structure in Saratoga because of the spirit of the historic aspects.

Commissioner Zhao said that this house might capture a time period that reflects a lifestyle. However, looking at the criteria, it doesn't really say that but rather seeks to reflect a unique physical character.

Mr. Peter Marra said that this is a matter of interpretation.

Chair Rodgers:

- Said that there are quite a few cottages around town, older houses where orchard workers used to live.
- Added that they are being torn down because when people buy lots they really want to have a place for their family to live. Some of those structures are just too old, too run down and not well suited to families.
- Said that it may be difficult to ask a family to live in a house that was designed for an orchard worker or someone coming from another area to Saratoga as a resort.
- Asked Mr. Peter Marra if HPC considers that when making their decisions.

Mr. Peter Marra said that it would require a site review.

Chair Rodgers pointed out that this is a one-bedroom house. She asked for clarification that HPC is not proposing that it stay as a one-bedroom cottage.

Mr. Peter Marra replied no, not at all. The HPC has no say on the inside of the structure. He mentioned one home with a historic dining room that was allowed to extensively remodel in recent years.

Commissioner Cappello advised Mr. Peter Marra that the new project kept that dining room intact.

Chair Rodgers said that there are not too many people who would want to buy a one-bedroom house. What kind of changes would HPC suggest they make.

Mr. Peter Marra:

- Said an owner would be asked to keep to the spirit of the neighborhood and not build some palatial thing that is going to stand out like a sore thumb.
- Added that he did not believe that the Dukes would do that just based on the integrity with which they have kept this house as it is now.
- Stated that is why the HPC loved it.

Chair Rodgers asked the appellant for any rebuttal comments.

Mr. Darryl Dukes:

- Questioned what style or great area was there in 1947.
- Reminded that this house was built in 1947.
- Added that he did not realize that HPC made determinations based on land.
- Suggested that if that is the case nothing should be built in Saratoga as the Ohlone Indians once used the land.

- Pointed out that this is but a one-bedroom house. It has no insulation and does not meet today's standards.
- Stated that other homes in the neighborhood have had large additions including second stories. Every house on the street has been changed.
- Said that in the next few years hundreds of houses in Saratoga will be over 50 years in age.
- Assured that they would not build a monster house on this property.
- Reiterated that this house has to be demolished as it is no longer livable.

Chair Rodgers closed the public hearing for Agenda Item No. 3.

Commissioner Zhao:

- Thanked architectural historian Leslie Dill for the chronologic history on this house.
- Said that she cannot see that this house is associated with any significant person.
- Stated that she cannot make Criteria B and struggles to make Criteria E, which requires that the house reflect a certain style or era.
- Agreed that this is a lovely, well-maintained house but it has no significant architectural style.
- Stated that she cannot make Criteria E either.
- Said that she agrees with the appellant and will vote to uphold the appeal.
- Reminded that the house is a one-bedroom with no insulation. With the need to conserve energy today, it is a good idea to rebuild something that is more energy efficient.

Commissioner Kundtz:

- Stated that he respects the efforts of the HPC and what their work is all about.
- Reminded that 50-year-old homes these days were built in the late 1950's.
- Said that reviewing them for significance is a pretty remarkable challenge.
- Added that these owners did a remarkable job with this property.
- Said that he cannot support the criteria used to list this home and will support the appellant's position and grant an appeal of the historic designation.

Commissioner Hlava:

- Said that this is a tough issue for this Commission.
- Agreed on the need to preserve historic structures.
- Reported that she walks in this neighborhood often and understands Mr. Dukes' point regarding renovations that have already occurred in the area.
- Said that the fact that someone historic owned land at one time is no reason to say the house built later on that land is itself historic.
- Stated that she did not think that this particular house fits into Criteria E.
- Said that she believed she would vote in favor of the appellant but asked that whatever is built on site should be brought back to the Planning Commission out of sensitivity to the neighborhood.
- Asked if there is a way to make that happen.

Director John Livingstone said a nexus is necessary to require that review. Mr. Dukes is simply applying for a demolition permit at this point. That is an administrative action and not a

discretionary action. There is no nexus to add a special discretionary body review as a condition of this appeal.

City Attorney Jonathan Wittwer explained that during a Design Review process the historic resource aspect is not considered. Compatibility with a neighborhood is considered.

Director John Livingstone said that if the new home were proposed as a two-story or over 18-feet in height it would be brought before the Commission. If not, staff conducts an Administrative Design Review and the Planning Commission does not see it.

Commissioner Hlava said that she would like to see it come back.

Commissioner Cappello said to require this appellant the expense and delays is significant and is a tough thing to do.

Commissioner Hlava said that she understands and that she has been persuaded and is okay with not having it come back after all.

Commissioner Cappello:

- Agreed with everything that has been said.
- Pointed out that no house on Oak Place is on the list or tour.
- Said that current aesthetics are what the HPC is responding to.
- Added that despite that he will vote against this appeal.
- Reminded that HPC members are volunteers and that he understands the spirit of what they are trying to do here.
- Said that he would hate to see a modern style home here.

Director John Livingstone asked Commissioner Cappello to be specific on which action available he is supporting.

Commissioner Cappello said that he is denying the appeal and deciding in favor of the HPC decision to include this property on the HRI.

Chair Rodgers:

- Stated that all Planning Commissioners respect the work of the HPC.
- Said that the Commission must look at the interests of all parties involved.
- Said that in this case, there is a nicely done house and beautiful gardens.
- Added that this property would make a great park in that it looks that good.
- Said that instead it will be a new single-family home in the future and she hopes that it will be architecturally sensitive to its neighborhood.
- Advised that she would vote to uphold the appeal and overturn the HPC without any disrespect to HPC.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Kundtz, the Planning Commission granted an appeal and overturned the decision

by the Heritage Preservation Commission determining property located at 14451 Oak Place as historically significant, by the following roll call vote:

AYES: Hlava, Kundtz, Rodgers and Zhao

NOES: Cappello

ABSENT: Nagpal

ABSTAIN: None

DIRECTOR'S ITEMS

Director John Livingstone advised that Council would consider the Springer Tree appeal at its next meeting. He added that the Council Study Session on the General Plan would be held on March 6th. A copy of the draft can be reviewed at the Planning Counter and/or it is also included on the City's website.

COMMISSION ITEMS

Director John Livingstone advised that the Planning Commission would hold a Study Session on March 13th to discuss how to improve the City's environmentally friendly atmosphere.

Commissioner Hlava suggested that one of the best ways is to increase the use of solar power. She asked if staff might research available regulations in place at other similar cities. She questioned if PG&E might not have an expert that could be present at this session.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Kundtz, seconded by Commissioner Hlava, Chair Rodgers adjourned the meeting at 9:10 p.m. to the next Regular Planning Commission meeting of **February 28, 2007**, at 7:00 p.m.

MINUTES PREPARED AND SUBMITTED BY:

Corinne A. Shinn, Minutes Clerk