

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, March 14, 2007  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Cappello, Hlava, Kundtz, Nagpal, Rodgers and Zhao  
Absent: None  
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 February 28, 2007.

**Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Cappello, the Planning Commission minutes of the regular meeting of February 28, 2007, were adopted as submitted (6-0)**

**ORAL COMMUNICATION**

Ms. Diane Drewke, Resident on Serra Oaks Court:

- Identified herself as a member of the Saratoga Neighborhood Task Force.
- Reported that they had sought a copy of the Use Permit for St. Archangel Michael Church. It was learned that there were two Use Permits (UP-147 and UP-29). A copy of one was provided but the other (UP-29) was not located by staff.
- Said that uses not allowed include a permanent liquor license. Attendance is supposed to be limited to members and guests but a lot of non-members are often on site. They have had a catering license since 2001. The church holds events such as dances, movies, etc. They had a K-4 Elementary School through 2002.
- Advised that there has been a history of problems with neighbors.
- Asked that the Commission agendaize this site for review of its Use Permit and that they be limited only to church-related activities.
- Stated that they currently have a bar/restaurant in this Allendale neighborhood.

**PLANNING DIRECTION TO STAFF ON ORAL COMMUNICATIONS**

City Attorney Jonathan Witter:

- Advised the Commission that they can agendaize matters from Oral Communications for future agendas, if desired.
- Said that the City maintains authority over Use Permits. The Commission can discuss existing permits and recommend amendments and/or modifications to it. It has pretty broad authority.

Chair Rodgers asked if the Commission should discuss this evening if it wants to agendaize this for a future meeting.

City Attorney Jonathan Wittwer replied yes.

Commissioner Hlava:

- Reminded that this church has been there for so long.
- Added that she is not against discussing their Use Permit.
- Said that before that happens, she would like to see a review of Use Permits for all churches in the City. She does not want to pick out this one church based on one complaining party or neighbor.
- Pointed out that some churches pre-date the incorporation of the City in 1956.
- Stated that she is not sure the situation is so unusual here and that other churches do similar activities as this one.
- Said that she is curious to know if all churches are located in residential districts.
- Reiterated that she does not like the idea of pulling out this one church with an old Use Permit.
- Proposed a Study Session with staff doing research and preparing an overview on all churches in the City of Saratoga.

Chair Rodgers asked if it was not true that this church has applied for Design Review Approval.

Director John Livingstone replied correct.

Commissioner Nagpal asked about timing for that application.

Director John Livingstone said that the Use Permit and Design Review could be considered at the same time. He pointed out that Use Permits issued today go into more detail than did older ones.

Commissioner Nagpal asked if the Design Review Approval would be processed next year or within the next six months.

Planner Therese Schmidt:

- Reported that the Initial Study for that application is about two-thirds completed.

- Added that story poles would be installed in the next week or so.
- Said that the application would then be deemed completed.
- Said that it has not yet been determined whether a Negative Declaration or an Environmental Impact Report (EIR) would be required. If it is only a Negative Declaration, the item could be before this Commission perhaps as soon as August.

Chair Rodgers sought verification that what is being sought here is a complaint-driven review.

Planner Therese Schmidt replied yes.

Commissioner Cappello:

- Stated that there is value in looking at this in the context of a project review as well as in context with other churches.
- Suggested the Commission take a wait and see approach since this church may be before this Commission within six months.

Commissioner Kundtz said that it appears there is an existing Use Permit and that an enforcement issue is being raised. He asked staff if the site is in compliance or not.

City Attorney Jonathan Wittwer said that a complaint has been made and the City can deal with that complaint through a Code Enforcement action. However, staff wanted to see if the Planning Commission wanted to step in now before the situation became an adversarial issue.

Chair Rodgers asked whether parking and the type of activities occurring at this church should be separated and dealt with now rather than later.

City Attorney Jonathan Wittwer said he did not know the timing of the future application for sure. If it is more than a year, then Code Enforcement can begin before that time or the Planning Commission can step in to review in the interim.

Commissioner Kundtz said that the residents have initiated the request for Code Enforcement action in this situation and not the Planning Commission.

City Attorney Jonathan Wittwer replied yes.

Commissioner Kundtz said that it appears the issue is whether it should be the Commission looking into these concerns or allow the neighbors to drive enforcement through a complaint to Code Enforcement.

Commissioner Hlava suggested setting a date in July for the Design Review at which time the Use Permit could also be considered. If the application is not ready by July, the Commission can review the Use Permit alone.

Commissioner Nagpal:

- Reminded that this Use Permit is so old that it is likely the City will find activities outside of the Use Permit.

- Said that she likes the idea of setting a deadline to come before the Commission. This serves as an incentive for the applicant.

Commissioner Zhao asked if the Use Permit for this church has to be renewed in the future.

Community Development Director John Livingstone said that when there is an existing Use Permit that use can continued. If they change, alter and/or intensify their use, a Use Permit is looked at again and adjusted for changed conditions. It is looked at as part of an entire package of entitlements required.

Commissioner Nagpal asked what the existing facility is allowed to have.

Planner Therese Schmidt said that the Use Permit is for a church of up to 150 people with typical church activities. She said that she has asked the applicant to list all anticipated activities. The uses could trigger the need for only a Mitigated Negative Declaration or an EIR. If an EIR were required, the uses would have to be analyzed as it is, with no project at all or with an alternative project.

Chair Rodgers asked when this would be known.

Planner Therese Schmidt said that the Planning Consultant would make a recommendation once the Initial Study is done. This could be within the next one to two weeks.

Commissioner Kundtz said that he likes the idea of allowing the application to evolve but with an established deadline. He said that 90 days would be more than adequate, on or before June 30<sup>th</sup>.

Commissioner Nagpal said that she likes the idea of staff putting that item on the calendar.

Chair Rodgers suggested adding it to the June 27, 2007, agenda.

City Attorney Jonathan Wittwer suggested that the Commission make a motion to calendar this item for its meeting on June 27, 2007, to determine where it wants to go.

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission agreed to place the review of the Use Permit for St. Archangel Michael Church on its agenda for the meeting to be held on June 27, 2007, by the following roll call vote:

**AYES:** Cappello, Hlava, Kundtz, Nagpal, Rodgers and Zhao

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

## **REPORT OF POSTING AGENDA**

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

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### **PUBLIC HEARING - ITEM NO. 1**

**APPLICATION #06-206 (403-28-069) NGLIEM, 18344 Baylor Avenue;** The applicant requests Design Review Approval to remodel the first floor with an approximately 321 square-foot addition and construct a second-story addition consisting of approximately 753 square-feet. The total floor area of the proposed residence will be approximately 2,974 square-feet. The maximum height of the proposed residence will not be higher than 26-feet. The net lot size is 7,840 square-feet and the site is zoned R-1-10,000. (Therese Schmidt)

Associate Planner Therese Schmidt presented the staff report as follows:

- Reminded that this project was presented to the Planning Commission in September 2006.
- Added that at the request of the applicant the Commission continued the item to a date uncertain to allow the applicant time to work through issues with the neighbors.
- Said that the chief issue was the fact this home was proposed as a two-story structure.
- Reported that the applicant met with his neighbors on February 10, 2007. The applicant has taken suggestions raised at that meeting and incorporated some in to the project. As a result, one neighbor is no longer concerned. However, a majority remains concerned as they don't want a two-story home in this predominately single-story neighborhood.
- Explained that there are only about three two-story homes in this neighborhood.
- Described the proposed changes since September as including window sizes, use of frosted glass and glass block in areas with impact concerns, reduction of the second story and expansion of the first story.
- Said that the project is Categorically Exempt under CEQA.
- Added that no trees are impacted and that no geotechnical clearance is required.
- Said that required findings can be met.
- Recommended approval.

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

Ms. Jolie Houston, Attorney for Applicant:

- Said that three more letters of support have been provided as well as a shadow study.
- Said that the applicant and the architect are here this evening.
- Stated that the applicant has worked with staff and redesigned this home several times. A balcony on the original submittal has been removed. The second story has been reduced in size. The originally proposed stucco has been changed to wood siding. She pointed out that the total square footage is 2,910. Shutters and hip roofs have been added.
- Reported that a 1.5-hour neighborhood meeting was held. As a result the second story element was moved more toward the street. Windows were frosted and raised to five feet.
- Stated that they have addressed privacy, shadows as well as density and character.
- Said that they have addressed the adjacent neighbor's concerns and reduced bulk.
- Pointed out that the City does have an overlay option but one is not in place in this neighborhood.
- Reminded that while a 26-foot maximum height is allowed, what is proposed is a maximum height of 21 feet.
- Stated that this project meets setbacks, FAR and other standards.
- Said she would be available for any questions.

Commissioner Cappello asked if a reduction in size occurred as a result of redesign.

Ms. Jolie Houston replied yes. The home was reduced in size by 114 square feet, going from a 753 square foot addition to a 639 square foot addition. To do so, they took out part of the master and two bedrooms upstairs. It was not an easy move to make.

Commissioner Nagpal asked about a color board and whether the entry columns are constructed of wood.

Mr. Ngliem, Applicant, said the columns are wood.

Chair Rodgers asked about the windows and whether they were wood or vinyl.

Mr. Ngliem said they were of a high-grade vinyl.

Commissioner Kundtz asked about the proposed green and peach colors. He asked if peach is an accent color.

Mr. Ngliem said correct.

Commissioner Nagpal asked if the garage doors are wooden.

Mr. Ngliem said that they are metal that look wooden.

Commissioner Nagpal stressed the importance of having wood-like windows and doors.

Mr. Ngliem assured that the garage would have a wood-like appearance but that using real wood would be too heavy to be functional.

Commissioner Nagpal said that this garage is very visible from the street and that she is not sure that she agrees that no wood garage doors are possible. She stressed that she just wants a wood-like appearance.

Commissioner Cappello asked Mr. Ngliem if he had looked at wood-like windows.

Mr. Ngliem replied no and pointed out that most of the windows in the neighborhood are vinyl.

Commissioner Hlava pointed out that only place the peach paint color is used is for accent stucco.

Planner Therese Schmidt said that it needs to be reflected in the plans and minutes that the windows on the rear and right elevations are to be frosted (four windows) and glass block (one window over stairway).

Commissioner Nagpal asked about the red brick chimney.

Mr. Ngliem said that the original chimney is red brick and he wants to do matching.

Commissioner Zhao asked how many windows they are on the second floor.

Planner Therese Schmidt replied seven.

Ms. Susan Hollis, Resident on Baylor Avenue:

- Explained that her home is two doors down.
- Described herself as a long-term Saratoga resident who loves Saratoga, Baylor Avenue and the Sunland Park Neighborhood, which is a wonderful place to live.
- Reported that she has remodeled twice.
- Said that she believed that there was a moratorium on second story additions and that she does not understand why a second story is needed.
- Said that her home went from 1,300 to 2,000 square feet.
- Advised that she had offered to show her house to these neighbors.
- Stressed the importance of keeping the character and architecture of this neighborhood.
- Said that this two-story will change that character, is unattractive and will open the door to build mega homes in this neighborhood.
- Asked the Commission to protect her neighborhood.

Ms. Patti Ploshay, Resident on Baylor Avenue:

- Said that she lives next door.
- Explained that she enjoys having privacy in her yard and that there is the possibility that this privacy and nature will be taken away by a monster home.
- Said that the second story will block existing views of redwood trees on nearby properties.
- Said that she is angry.
- Stated that she has lived on Baylor for 20 years with wonderful neighbors.

- Pointed out that there have been no new two-story homes on the block since it was annexed into Saratoga. There have been as many as 47 additions, all of which were single-story additions.
- Stated that they want their neighbors to be able to expand their home as needed. Since the lots are large, it is possible to expand in a single-story format.
- Reported that these neighbors cut down eucalyptus trees and don't mow their lawn.
- Reiterated that she is angry to see people moving into a single-story neighborhood and attempting to build up.

Commissioner Nagpal asked for clarification as to where the redwood tree is located that will be blocked from view with this addition. Is it next door to the project site?

Ms. Patti Ploshay replied yes.

Mr. Jan Null, Resident on Baylor Avenue:

- Said that he is here today wearing two hats. One is that he is a meteorologist.
- Informed that he has prepared a report on shade impacts with this two-story addition.
- Said that in the summertime, the second story would add two hours of shade to the house next door and a significant impact on ambient lighting. It will present a large impact on the skyline.
- Added that as a resident, his personal opinion is that this second story addition would change the character of this neighborhood of ranch-style single-story neighborhood.
- Stated that the General Plan's goal is to preserve neighborhoods and that a large home will not preserve the neighborhood that is there now.

Commissioner Nagpal pointed out that a shadow study was done for this project.

Mr. Jan Null explained that a copy was not provided to the neighborhood for review.

Commissioner Nagpal asked if there is an impact in his professional opinion.

Mr. Jan Null replied yes, there is a two-hour impact.

Ms. Elanah Kutik, Resident on Baylor Avenue:

- Said that she lives several houses down.
- Added that this family seems lovely and that she is sympathetic to their need to add to their house.
- Said that she has strong reservations about what is proposed.
- Explained that she has resided in this neighborhood for 20 years and that CC&Rs prohibited second stories.
- Opined that a second-story would alter the feel of this neighborhood and set precedent. It would block sunlight and create shade over the adjacent property.
- Said she wants to be on record as opposed to a second story.

Mr. David Grus, Resident on Baylor Avenue:

- Said that he lives next door and has for 33 years.

- Stated that there is a wonderful sense of community and neighborhood.
- Added that there are no second story homes.
- Said that he remodeled in 1988, going from 1,500 to 2,900 square feet. He worked with an architect on a single-story design.
- Said that this home would affect the quality of life for neighbors due to the small lot sizes.
- Advised that he saw the plans in November 2005 and offered help on an alternative plan.
- Stated that the applicant has not tried a single-story design.
- Said that in the 16 months since, no attempt has been made to reconcile the impacts of the second story on the neighbors.
- Asked that the Commission not allow the cooperative spirit of their neighborhood be destroyed.

Mr. Joe Ploshay, Resident of Baylor Avenue:

- Said he lives next door.
- Reminded that there have been numerous meetings about this house.
- Said that everyone has an opinion.
- Stated that a second story does not fit.
- Said that since the neighborhood meeting minor adjustments have been made but that he personally does not feel that these neighbors have really heard the concerns.
- Said he has been in this neighborhood for 20 years.
- Reiterated that remodels have been single-story.
- Said that it is wrong to him to allow a negative impact on a neighborhood.
- Stated that remodeling is great when it is done right.

Mr. Richard Schultz, Resident of Baylor Avenue:

- Said he lives across the street.
- Recounted that he walks around the neighborhood every morning.
- Stated that this is not a neighborhood that is in transition. It has single-story remodels and the character stays the same. One can see the mountains as a result.
- Said that two-story neighborhoods have a different feel.
- Stated that he would like to preserve the character of this neighborhood and avoid the two-story path.

Commissioner Nagpal pointed out that there is no finding to disallow a two-story. There is no single-story overlay in this neighborhood that prevents two-story homes. She asked Mr. Richard Schultz if he has any other suggestions on design as it is not within the purview of this Commission to simply deny a second-story addition.

Mr. Richard Schultz said that his recommendation is to stay single-story as others have done.

Ms. Jolie Houston, Attorney for Applicant:

- Said that an addition of 639 square feet does not make for a “monster” home.
- Reminded that the maximum height is only 21 feet whereas 26 feet is allowed.
- Said that a shadow study was prepared and that she was not interested in getting into a competing shadow study debate this evening.
- Said that the view of the redwood trees would still be unobstructed.

- Said that this addition does not unreasonably interfere with views, privacy or enjoyment of neighboring properties.
- Added that conditions guarantee that the windows of this home would stay as approved. If not, the City would take Code Enforcement action.
- Said that other design options were evaluated including a basement and a single-story addition. However, it is not possible to place bedrooms in a basement so that option was not viable.
- Reiterated that there is no views interference with this 639 square foot addition.
- Concluded by saying she would be available for any questions.

Commissioner Nagpal asked if there was some articulation proposed for the right elevation as it appears to be one solid wall.

Mr. Ngliem said that there is a section of glass block. It is not one solid wall.

Commissioner Nagpal asked Mr. Ngliem if he was open to using building materials of high architectural quality.

Mr. Ngliem said that this was his intention.

Ms. Jolie Houston said that improved windows and other materials could be conditioned.

Commissioner Nagpal agreed.

Commissioner Cappello questioned the belief on the part of Ms. Jolie Houston that there could be no bedrooms located in a basement.

Ms. Jolie Houston said that she was under the impression that due to a lack of fire access, bedrooms could not be placed in a basement.

Director John Livingstone clarified that bedrooms are allowed in a basement.

Commissioner Cappello asked Ms. Jolie Houston what other objections her client might have to using a basement for his expansion.

Ms. Jolie Houston said that one consideration is the cost to remove the foundation and go up. Additionally, her client wants to preserve as much as possible of the existing residence as they have already redesigned. She added that a basement component could be evaluated if necessary.

Chair Rodgers asked for the time of day for the shadow study.

Mr. Ngliem replied that the study was done on July 1, 2006, at 9 a.m. and 3 p.m.

Chair Rodgers sought clarification that a portion of the house will stay single-story with the same height as the existing height.

Mr. Ngliem replied yes.

Commissioner Zhao asked if a second story element at the middle of the house had been considered since to her the second story pushed to the front of the house looks unbalanced.

Mr. Ngliem said that a study was done for placing the second story element at the center. It was not a good use of the structure as it would result in a long hallway on the second story with narrow bedrooms.

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

Commissioner Cappello:

- Said that Design Review findings must be used in considering any request.
- Advised that he can make most findings but has the most difficulty with Finding E, which deals with the issues of bulk and compatibility.
- Said that he does not consider this to be a “monster” house as the second story is modest.
- Added that the compatibility of the height with the neighborhood is what he has heartburn with. It does change the look and feel of this neighborhood to have second story homes.
- Suggested that given the new understanding by the applicant that bedrooms can indeed be located in a basement, perhaps that option needs to be investigated further.
- Pointed out that there are a lot of heating and cooling advantages with a basement.
- Stated his wish to see a stronger consideration of a basement with this application and asked if the other Commissioners felt the same.

Commissioner Hlava:

- Stated that she did not think that a basement option is practical at all. The applicant only wants 600 additional square feet. They would have to tear down the house to install a basement.
- Added that she does not see what that buys the City. Rather it does not seem to make sense to her and is not a realistic alternative for this property. It doesn't fly.
- Said that it is not unreasonable to want their children's bedroom to be upstairs.

Commissioner Nagpal asked Commissioner Hlava for her design comments.

Commissioner Hlava:

- Said that additions almost always look like additions.
- Added that it seems that they have met all requirements here and it is less than what they could have asked for.
- Reminded that there is already a two-story home located across the street as well as others in the neighborhood.
- Said that when she was in the Ploshay yard during the site visit yesterday she saw a cupola in a nearby house that was more distracting and intrusive than what is proposed here.
- Said that on the issue of vinyl versus wood windows, maintenance is better on vinyl.
- Said that she does not see an issue with the design or quality of materials.

- Added that this addition does not infringe on neighbors. It has been reduced and moved forward as a result of neighbor comments. A shade study was done.
- Said that she can make the required findings and agrees with the staff recommendation to approve this request.
- Pointed out that half of the upstairs windows are frosted, which is more of a concession than she would have wanted to have to make.

Commissioner Cappello:

- Said that when looking at the existing versus new site plan one can see that the garage is already impacted by the remodel. Additionally, the kitchen is being relocated and a laundry facility added. He said that where the two-story element is going in not much is being kept below it.
- Agreed that the additional cost for a basement could be prohibitive.
- Said that that there may be areas where a basement could be considered that would result in a win-win for everyone.

Commissioner Rodgers asked if this understanding is correct. Will the garage and kitchen area be demolished?

Planner Therese Schmidt said that it is shown on the plan which walls would be removed although at times more walls ultimately have to be removed if they are found to be damaged during construction.

Commissioner Nagpal said that there are a master and two bedrooms currently downstairs and plans for another master on the second floor.

Planner Therese Schmidt said that there is an existing master with bath on the first floor. She explained that there is a multi-generational family living here. Additionally, one bedroom would be used for an office.

Commissioner Kundtz:

- Stated that there is no prohibition against second stories and no rules that neighbors get to vote.
- Reminded that this Commission represents the voice of the community.
- Advised that he cannot make the required findings since a second-story is not compatible in this neighborhood due to excessive bulk with a 25 percent increase in square footage that is going up instead of outward.
- Said that he cannot support Finding D or E or the staff recommendation.

Commissioner Zhao:

- Expressed her appreciation for the applicant's efforts to meet with neighbors and for the use of frosted windows.
- Agreed that the Design Review findings don't prohibit a second story.
- Advised that she can make all the findings except for Finding D on the issue of bulk.
- Added that she has not made up her mind yet.

Commissioner Nagpal:

- Said that this is an extremely difficult decision.
- Added that she is stuck on Finding D as she does not feel that the applicant has met the standard.
- Stated that the maximum height is 21 feet.
- Said that she struggles with the issue of compatibility with the neighborhood and feels that not enough has been done with the architecture.
- Suggested shifting the height to the middle of the structure as Commissioner Zhao had suggested.
- Concluded that she is not able to overcome the bulk and height and tends to not want to approve based on Finding E.

Chair Rodgers:

- Reminded that this is the second time that this applicant has been asked to come back.
- Said that since the last time, he has moved the second story toward the street.
- Stated that it is difficult to say no but that the Commission needs to be extremely sensitive to make sure this house stays compatible with its neighborhood.
- Said that she preferred the second story at the back where it is less visible from the street.
- Added that the quality of the materials is fine.
- Reiterated that she is struggling with compatibility although there is currently no single-story overlay for this neighborhood that prevents a second story. Technically, the City is required to allow second story houses in this neighborhood.
- Reminded that they could have gone up to a 26-foot height, which is one reason why she is on the fence.

Commissioner Cappello said that the key issue is Finding E. The compatibility with the height bothers him, saying that he likes the basement concept.

Chair Rodgers said that she is not sure the Commission can impose a basement requirement here.

Commissioner Cappello pointed out that the applicant had not really considered a basement and he would like to see it considered.

Commissioner Hlava said that she appreciates the comments about putting the second story more toward the back of the house but doing so might block backyards on both sides. It was moved forward to avoid privacy and shade impacts.

Chair Rodgers said that Commissioner Hlava makes a good point.

Commissioner Nagpal said that it is difficult to redesign this home here. She suggested asking the applicant if they prefer an up or down vote here or a continuance to allow them the opportunity to consider a redesign.

Commissioner Rodgers asked for a straw poll.

Commissioner Nagpal said her vote is for denial based on Finding E.

Commissioner Zhao said her vote is for denial based on Finding D (bulk).

Commissioner Cappello said his vote was for denial.

Commissioner Kundtz said that he votes for denial based on Findings D and E.

Commissioner Hlava said that her vote is for approval.

Chair Rodgers said that her vote was also for approval.

Commissioner Cappello asked if the vote should be taken for an up or down vote or continuance for redesign.

City Attorney Jonathan Wittwer suggested asking the applicant's representative for their preference between those two options.

Ms. Jolie Houston said that her client would accept a continuance for redesign and to allow them to explore options including a basement.

Commissioner Kundtz cautioned that moving the second story back would not be an acceptable solution for him. He said a revised design should stay single-story going out or down with a basement. He stressed that a second-story addition is just not compatible as is currently designed.

Commissioner Zhao said that she has no strong objection against a second story but she is not sure that it is the best solution. She said she would leave that issue to the architect. She added that she has reservations about a basement due to cost and the fact that it might not be practical for a couple of hundred square feet.

**Motion: Upon motion of Commissioner Kundtz, seconded by Commissioner Hlava, the Planning Commission CONTINUED TO A DATE UNCERTAIN the Design Review Approval request to remodel the first floor with an approximately 321 square-foot addition and construct a second-story addition consisting of approximately 753 square-feet on property located at 18344 Baylor Avenue, by the following roll call vote:**

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

**NOES: Rodgers**

**ABSENT: None**

**ABSTAIN: None**

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**PUBLIC HEARING - ITEM NO. 2**

**APPLICATION/ADDRESS: #07-225 (397-06-092) NARAIN, 18596 Arbolado Way:** The applicant requests a Modification to a Design Review Approval granted by the Planning Commission on March 22, 2006, which consisted of demolition of approximately 38% of the existing exterior walls of a single-story single-family residence and constructing a second story addition, a small detached accessory pool structure and modify the existing architectural style from a Modern Ranch home to an International design. The Modification would allow for a full demolition of the residence. No changes are proposed to the architectural design or building materials. The maximum height of the proposed residence will be not higher than 24 feet. The net lot size is 40,205 square feet 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 a Modification to a Design Review Approval granted by the Planning Commission in March 2006.
- Reminded that the approval allowed for the demolition of 38 percent of existing walls.
- Reported that upon further review, it was determined by the contractor that a full demolition was required.
- Said that since the original request was noticed as a partial demolition, staff wanted the neighborhood to be aware that the entire structure would now be coming down.
- Said that no changes are proposed to the approved house design. The only change is going from a partial demolition to a complete demolition.

Commissioner Cappello asked for clarification as to why this is necessary.

Planner Therese Schmidt explained that it was found that additional walls need to come out. The determination has been made that it would be easier to demolish the entire structure.

Chair Rodgers asked if the Commission is voting on the project as a whole again.

Planner Therese Schmidt said that the Commission is considering a Modification to the approval.

City Attorney Jonathan Wittwer added that since this is now a completely reconstructed house, the Commission could elect to look at the whole picture.

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

Mr. Adam Rockwood, Project Designer:

- Stated that they have no objection to the provisions imposed by the Commission originally.
- Said that this request for a Modification to the original approval is just a technicality.
- Reminded that the approval allowed for 38 percent of the existing structure to be demolished. However, a structural engineer realized that more than 38 percent would be required for demolition. That is the reason this project is back before the Commission.
- Said that they ask for authorization to remove the entire structure since it is clear that more than 38 percent must come down. However, it is still possible that some part of the existing structure would end up being retained. Getting permission for demolition of the

entire structure would give them some leeway with how much to demo and how much to keep.

Commissioner Hlava sought clarification that more than 38 percent must be demolished but there is the possibility that the whole thing might not actually have to be removed.

Mr. Adam Rockwood replied yes. They are meeting with the structural engineer soon to determine the final demolition plan. Asking for authorization to remove it all prevents them from having to come back before the Commission.

Chair Rodgers asked if story poles had been installed.

Mr. Adam Rockwood replied no. He added that the City had notified neighbors of this public hearing.

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

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission **APPROVED** a Modification (Application #07-225) to a previously approved Design Review Approval for a residence located at 18596 Arbolado Way to allow for the full demolition of the original structure, by the following roll call vote:

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

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### **PUBLIC HEARING - ITEM NO. 3**

**APPLICATION #06-213 (397-27-010) CAHOON/PICHETTI, 18935 Hayfield Court:** The applicant requests Design Review Approval to construct a new two-story single-family dwelling. The dwelling will consist of approximately 6,189 square feet of floor area and a basement. The height of the structure will not exceed the 26-foot height limitation. The gross lot size is approximately 62,726 square feet and the site is located in the R-1-20,000 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 materials board.
- Said that the project will incorporate earth tone colors.
- Described the project as being a two-story, 6,189 square foot residence with a 1,859 square foot basement.
- Said that both an arborist and geotechnical clearance were required. The arborist inventoried 16 trees. The largest tree, a Valley Oak, was found to be in poor health and recommended for removal. Another tree in the footprint was also approved for removal.

- Reported that a 500-foot notice was sent. One neighbor sent a letter seeking assurance that the conservation corridor be retained in perpetuity.
- Assured that nothing is proposed for the conservation corridor.
- Said that staff is supportive of this application and recommends approval.

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

Mr. Glen Cahoon, Project Designer:

- Reported that the installed story poles show the shape and perspective for this nice home located on a vacant cul de sac lot.
- Said that the proposed structure steps up the hill.
- Said that the arborist has recommended the removal of one tree that they had originally designed around to preserve. Since that tree will be removed, they have slid the home down the hill.
- Assured that nothing was being done in the conservation easement although his clients want to be able to clean up any dead debris such as poison oak, to make it more appealing.
- Pointed out that the design meets requirements. This is a Spanish Mission architectural style using stucco, tile roof, corbel accents and arched doors. They have eliminated any vertical elements with the use of banding. The house steps up the hill and is nestled in there. They have been sensitive to existing grades.
- Said that they have reviewed the conditions of approval and request approval.

Chair Rodgers thanked Mr. Glen Cahoon for installing story poles.

Commissioner Kundtz said a question about the second fireplace was raised at the site visit.

Mr. Glen Cahoon:

- Said that the City allows one wood-burning fireplace. All will be gas. One will be constructed as a wood burning fireplace in the family room.
- Pointed out that most clients don't want wood burning fireplaces these days. However, his clients like the aesthetic look of a wood-burning fireplace to use with gas logs.
- Said that the issue of green building practices was raised at the site visit.
- Explained that they will be using energy efficient lights, appliances and windows. Materials include synthetic milled lumber.
- Reported that the building industry is sensitive to green design issues.
- Explained that an energy consultant has participated in establishing three to four forced air units so that zoned areas of the house can be controlled as used.

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

Commissioner Cappello said that this is a beautiful home and that he can make the findings as there are no issues.

Commissioner Nagpal concurred, saying that the house fits well with the topography and incorporates a great color scheme.

Commissioner Kundtz said that this is a great design and house.

Commissioner Hlava said she can make the findings and this house fits into this neighborhood.

Chair Rodgers said that this home offers a nice compliment to the Julia Morgan designed house located next door.

Commissioner Zhao said that it has a nice design and she can make the findings to approve it.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission granted Design Review Approval (Application #06-213) to construct a new two-story single-family dwelling on property located at 18935 Hayfield Court, by the following roll call vote:**  
**AYES: Cappello, Hlava, Kundtz, Nagpal, Rodgers and Zhao**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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#### **PUBLIC HEARING - ITEM NO. 4**

**APPLICATION #06-292 (503-22-101) CROSS/RENN, 20625 Marion Avenue:** The applicant requests Design Review Approval to construct a new single-story single-family dwelling and detached two-car garage. The dwelling will consist of approximately 3,818 square feet of floor area and a basement. The detached garage will be approximately 663 square feet. The height of the structure will not exceed the 26-foot height limitation. The gross lot size is approximately 21,780 square feet and the site is located in the R-1-12,500 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:

- Reported that the applicant is seeking approval for a single-story residence consisting of 3,813 square feet including an attached garage, a 2,000 square foot basement and a second detached 663 square foot garage.
- Said that the home would incorporate a stone veneer and stucco in a deep green color.
- Distributed a color board.
- Said that a tree inventory was prepared and that a bond would be required for the protected trees.
- Said that a geotechnical clearance is necessary for the garage.
- Explained that a 500-foot notice was sent and no comments were received.
- Said that this is a consistent design and the project is Categorically Exempt under CEQA.
- Recommended approval and distributed a 3-dimensional drawing that has been provided by the architect.

Commissioner Nagpal asked where the highest point is located.

Planner Shweta Bhatt replied the topmost point is 24.5 feet and is the entryway.

Chair Rodgers asked if story poles had been requested.

Planner Shweta Bhatt said that staff had asked for them.

Commissioner Nagpal asked for confirmation that no comments have been received outside of the four to five sheets received.

Planner Shweta Bhatt replied correct.

Commissioner Nagpal said that a couple of sheets were from Canyon View and three from Marion.

Chair Rodgers pointed out that there were not many notifications on Burns.

Planner Shweta Bhatt explained that the applicant made contact in the immediate vicinity. She said she would defer to the applicant as to whether they spoke to property owners on Burns.

Chair Rodgers opened the public hearing for Agenda Item No. 4.

Mr. Noel Cross, Project Architect:

- Explained that they directly contacted the six immediately abutting neighbors.
- Said that the neighbors had specifically requested that story poles not be installed, some of them vehemently.
- Said that the project meets requirements.
- Said that the home to the west, which he also designed, is at the 18-foot height although the grade is three-feet higher than this current parcel. The house to the right is 26 feet tall, a two-story that was constructed in 1981.
- Clarified that the height at the entry is actually 20 feet. The tallest portion of the structure is at the rear part of the house over the garage.
- Said that the three-dimensional color renderings give a sense of what the house will feel like.
- Stated that the height is inconsequential and would not appear high.
- Said that the roof slope and type match those used in the neighborhood.
- Said that the garage and parking are located in the back and hidden from the street.
- Reported that the solar panels have no reflections impacts.
- Said that the neighbors to the west had been here earlier but left. They are fine with the solar panels and are available by phone if necessary.
- Described several green features including radiant flooring and formaldehyde-free materials. His client also wanted him to say their paint is “green” too.
- Said that he hopes for approval and is available for questions.

Commissioner Hlava asked if the fireplace outside shares with the one inside.

Mr. Noel Cross said that they only share a chimney structure that is split to serve both chimneys. They do not share the same airflow. The fireplace inside is gas and the one outside is wood burning.

Chair Rodgers asked Mr. Noel Cross if there is any way to make gas fireplaces prettier.

Mr. Noel Cross said that they are improving. A larger fireplace with a small vent looks better and only functions with gas logs as it would not properly vent wood burning.

Chair Rodgers closed the public hearing for Agenda Item No. 4.

Commissioner Hlava said that she could make the findings. This is a nice design for a large lot. She has no problems.

Commissioner Nagpal said that she could make the findings. This is a 21,000 square foot lot in an R-1-12,500 zoning district. She expressed a need to plug for installation of story poles.

Commissioner Zhao said that she too could make the findings for this very nice design.

Commissioner Cappello said that same here, this is a great design. He pointed out that this is a single-story home with a height of 24.5 feet.

Chair Rodgers thanked Mr. Noah Cross for his explanation on fireplaces and green elements. She stated that she also wanted to plug for the installation of story poles. She said that she could make all of the findings to support this project.

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Kundtz, the Planning Commission granted Design Review Approval (Application #06-292) to construct a new single-story single-family dwelling and detached garage on property located at 20625 Marion Avenue, by the following roll call vote:**

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

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### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

Chair Rodgers advised that a Study Session was held last night (3/13/07) on the issue of green building.

**COMMUNICATIONS**

There were no Communications Items.

**ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Hlava, seconded by Commissioner Zhao, Chair Rodgers adjourned the meeting at 9:27 p.m. to the next Regular Planning Commission meeting of **March 28, 2007**, at 7:00 p.m.

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