

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, August 8, 2007
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Kundtz, Nagpal, Rodgers and Zhao
Absent: Commissioner Kumar
Staff: Director John Livingstone, Senior Planner Chris Riordan, Assistant Planner Suzanne Thomas and Acting City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of July 11, 2007.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Zhao, the Planning Commission minutes of the regular meeting of July 11, 2007, were adopted with a correction to page 9. (6-0-1; Commissioner Kumar was absent)

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 August 2, 2007.

CONSENT CALENDAR

There were no consent items.

REPORT OF APPEAL RIGHTS

Chair Hlava 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).

PUBLIC HEARING - ITEM NO. 1

Application #07-319 (510-06-069) Adams, 19358 Saratoga-Los Gatos Road: The applicant requests Use Permit and Design Review Approval to construct a new two-story single-family residence, including a basement, and to allow a height exception of approximately three feet. The total floor area of the proposed residence and garage will be approximately 5,013 square feet. The lot size is approximately 1.9 acres and the site is zoned 4-1-40,000. (Suzanne Thomas)

Assistant Planner Suzanne Thomas presented the staff report as follows:

- Explained that the applicant is seeking Design Review and Conditional Use Permit approvals to allow for the construction of a new two-story single-family residence on a vacant flag lot.
- Described the site is a heavily wooded two-acre property that is not visible to most neighbors.
- Stated that the requested 29 foot maximum height is three feet higher than the standard maximum height allowed under Code.
- Informed that the Planning Commission can approve up to a 30-foot maximum height if that added height is necessary in order to adhere to a specific architectural style.
- Reported that the Planning Commission at a Study Session reviewed this proposal last month.
- Said that the proposed materials include brown stained shingles, white trim and limestone veneer around the base.
- Stated that Certified Arborist Dave Doctor will ensure that the trees on the site would be preserved.
- Advised that the driveway route has been determined to be the optimum possible per the City Arborist. Three trees will need to be removed and replaced.
- Said that no negative comments have been received and neighbors have been notified.
- Stated that the necessary findings can be made to support this application.
- Recommended approval and advised that the applicant and his arborist are both here.

Commissioner Rodgers asked if the neighbors are aware that the 29-foot height alternative is the one being recommended for approval.

Planner Suzanne Thomas replied yes.

Chair Hlava asked to verify that the neighbors signed approval of both the 26 and 29-foot maximum heights.

Planner Suzanne Thomas replied yes, both proposed heights were presented to the neighbors. That fact can be verified with the applicant.

Commissioner Rodgers asked about what "green" features have been incorporated into this home.

Planner Suzanne Thomas suggested that this issue be discussed with the applicant.

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

Mr. Adams, Owner and Applicant:

- Reported that he is a nine year resident of Saratoga.
- Said that he hopes the Commission finds that his plan fits.
- Thanked Suzanne Thomas and Kate Bear for their assistance. The City has a hard-working Planning staff.
- Introduced his project architect, Anthony Ho, and project arborist, Dave Doctor.
- Described his proposed home as a Shingle Style architecture.
- Informed that Virginia McAllister, the well-regarded expert on architectural styles, supports his design.
- Said that the roof pitch is important for this architectural style of which the emphasis is on the gables. The roof pitch has a large impact on the aesthetics of the home.
- Reminded that this is a secluded site.
- Reported that he engaged early in the process with his neighbors even before he purchased the property.
- Assured that this is not a monster home and is actually 1,000 square feet smaller than would be allowed.
- Advised that he wants a natural setting.
- Pointed out that the lot is narrow.
- Said that there are 90 mature trees on the site.
- Stated that there were challenging Fire Department requirements to meet with this property.
- Assured that high quality materials would be used including a 600-foot long drive that equals 12,000 square feet of pavers. Additionally, they are using cedar shingle siding with stone trim all around. The doors and windows are solid wood. Fine carpentry will be incorporated as well as high-end roofing.

Commissioner Rodgers said that this is a lovely lot and great setting. She asked if it was visible from Saratoga-Los Gatos Road.

Mr. Adams said it is not even one-inch visible from the street.

Commissioner Rodgers asked Mr. Adams to discuss any “green” features for his home.

Mr. Adams:

- Said that the house is facing south and includes a porch across the first and second floors to shade that elevation.
- Added that they are incorporating six-inch thick walls for extra insulation.
- Stated that they are also including radiant floor heating that is 95 percent effective.
- Reported that there are no solar panels proposed right now.

Commissioner Rodgers pointed out that the center core of the house is easily isolated and as such it can be closed off when not in use to contain heat and/or cooling.

Mr. Adams said that underground piping is being incorporated to tap in natural cool in the dirt.

Commissioner Rodgers:

- Reminded that of the two fireplaces proposed, one can be wood burning and the other must be gas.
- Advised that the gas fireplace can be as grand as they want. They are not restricted to small boxes.
- Thanked Mr. Adams for the efforts to preserve trees, saying those efforts are appreciated.
- Said that she had mentioned during the Study Session that this proposed house reminds her of a house she once saw on Cape Cod.

Mr. Adams said that he is a fan of Shingle-Style homes. He added that his mother has one in Canada.

Commissioner Nagpal congratulated Mr. Adams on the fantastic job done on the presentation package for this home and the fact that the neighbors were shown the 29-foot high version. She asked Mr. Adams if he had considered incorporating any solar at all.

Mr. Adams said that this would be an added feature in the future. He said that his wife is one of the original “greens” in the world. He added that he believes the cost of solar will come down in the next five years.

Commissioner Nagpal said he is to be commended.

Commissioner Rodgers asked that it be put into the record that this Commission previously conducted a lengthy Study Session on this project.

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

Commissioner Nagpal:

- Said that she takes issuance of a Use Permit for added height very seriously. Only one such application has been approved to date in Saratoga since the Code to allow it was adopted.
- Stated that this applicant has established the architectural purity in the application and significance of Shingle-Style homes and the fact that the roof pitch is important.
- Added that she did not like the 26-foot high version as well.
- Advised that she is in favor of approving the 29-foot height.
- Expressed appreciation for the work done by this applicant.

Commissioner Zhao said that she is very impressed with the research done. She added that she is convinced and can support this request.

Commissioner Kundtz said that he is sensitive to others who have designed to the standard of 26 feet. He added that he is inclined to support this application only because the house is so secluded.

Commissioner Rodgers:

- Said that the fact that an architect designed this house helps when determining if an architectural style is pure.
- Said that this home's pleasing proportions look appropriate for this site.
- Added that the site is isolated so as not to be visible. It consists of two acres and the site's topography is in its favor.
- Stated that the footprint is not too large at 2,900 square feet. It is actually pretty small.
- Said that the applicant appears to have taken into account the City's "green" policy.
- Opined that the landscaping plan is wonderful and well thought out.
- Suggested that the standard language on fireplaces be incorporated into the conditions.
- Stated that she can support this application.

Commissioner Cappello:

- Said that he agrees with the things said thus far.
- Stated that this is a lovely design.
- Agreed that the applicant has clearly shown that the height is required for this architectural style, which makes this an easy decision.
- Reminded that an extensive Study Session was held where lots of questions were addressed.
- Advised that he can make all of the Design Review findings and support the project.

Chair Hlava:

- Said that she also can make Design Review findings.
- Stated that there are no impacts on neighbors.
- Explained that the reason for height limitations is to limit size of houses.
- Stated that she is able to make the findings in this secluded location to allow the 29-foot height.

Commissioner Rodgers:

- Agreed with Chair Hlava.
- Reminded that the applicant must prove architectural purity and this applicant has done so.
- Cautioned that height limits can sometimes limit the range of architectural styles possible.

Commissioner Nagpal said that this Ordinance went into effect to give the City this type of dialog. She stressed the need for architectural purity to substantiate added height.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission granted Use Permit and Design Review Approvals (Application #07-319) to construct a new two-story single-family residence, including basement, with a height exception of approximately three feet on property located at 19358 Saratoga-Los Gatos Road, with the added standard fireplace language and use of stone on the chimney, by the following roll call vote:

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

NOES: None

ABSENT: Kumar

ABSTAIN: None

PUBLIC HEARING - ITEM NO. 2

APPLICATION #07-337 (389-06-014,015) Shultz, 12945 Saratoga Road: The applicant requests approval of a Conditional Use Permit for the installation of an emergency power back-up generator in association with an existing medical facility. The emergency generator would be located on the right side of the building, screened from public view, and would be located approximately 24 feet from the right side property line. Zoning P-A. (Chris Riordan)

Senior Planner Chris Riordan presented the staff report as follows:

- Explained that the applicant is seeking approval for a diesel-powered generator to provide emergency backup for a medical office.
- Said that the generator would be located 24-feet from the side setback. A six-foot tall fence with trellis to allow vines to be grown on it will surround it.
- Reported that the maximum noise level allowed is 65 decibels. As measured, this generator operates at 64.5 decibels, 61 decibels with the proposed fence.
- Said that the medical facility runs between 8 a.m. and 6 p.m. No evening hour use of this generator is requested.
- Recommended approval.
- Suggested additions to the conditions that there be no openings in the fence and compliance with the Noise Ordinance.

Commissioner Nagpal asked if follow up noise testing occurs after the fence is installed.

Planner Chris Riordan said that this is not typically done. He added that the applicant could explain how the testing was done.

Director John Livingstone added that this Commission could add a condition requiring verification of noise levels by testing on site following installation of the generator and fencing to make sure the noise levels are met.

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

Mr. Carl Shultz, Applicant:

- Said that this generator is to provide back up power to a surgical facility so that in the event of a power outage any surgery in progress could be completed safely with alternate power.
- Added that this back up power is necessary to achieve AAAHC certification of this facility.
- Said he is available for questions.

Commissioner Rodgers asked how often periodic testing of this equipment would occur.

Mr. Carl Shultz said that it could be between every other week up to every other month. The testing would occur for approximately 10 minutes to verify it to be operational.

Commissioner Rodgers pointed out that there is a large parking lot on the adjacent property so that the use of this generator should not disturb people in the next building.

Mr. Carl Shultz said that this is correct. He added that the sound of the generator would be no different from that of a car.

Commissioner Zhao asked how long the generator could run.

Mr. Carl Shultz said that the generator must be able to run for at least 90 minutes in order to finish a surgical procedure and get a patient safely off the operating table.

Commissioner Nagpal asked if there are any evening operating hours.

Planner Chris Riordan said that operational hours for this facility are between 8 a.m. and 6 p.m.

Commissioner Nagpal asked Mr. Carl Shultz if he plans to go back and re-measure the noise levels of this generator after the fence is installed to make sure it is no louder than 64.5 decibels.

Mr. Carl Shultz said he had no such plan but if that requirement is conditioned that would be fine.

Commissioner Nagpal asked if the actual generator is what was tested on site.

Mr. Carl Shultz replied yes.

Chair Hlava pointed out that lattice is not a closed feature on the fence.

Planner Chris Riordan clarified that the decorative lattice would be attached to the solid surface of the fence with no openings in order to support screening vines.

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

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Cappello, the Planning Commission approved a Conditional Use Permit to allow the installation of an emergency power generator in association with an existing medical facility on property located at 12945 Saratoga Road, with the added condition:

- To have the recommendations included in the noise survey included in the conditions of approval;
- That a follow up noise study be conducted after construction of the wood fence with said results to be provided to staff for file documentation prior to issuance of final building permit approval;

by the following roll call vote:

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

PUBLIC HEARING - ITEM NO. 3

APPLICATION #07-396 (517-22-075) Arimilli, 15400 Peach Hill Road: The applicant requests Design Review Approval to construct a new two-story single-family residence, including a basement and an attached secondary dwelling unit, and a request for a height exception to allow the project to exceed the maximum 26-foot height limit by 3.5 feet for a total height of 29.5 feet. The total floor area of the proposed residence and garage will be approximately 6,713 square feet. The net lot size is approximately 1.6 acres and the site is zoned R-1-40,000. (Chris Riordan)

Chair Hlava announced that a Study Session was previously held on this application.

Senior Planner Chris Riordan presented the staff report as follows:

- Advised that the applicant is seeking Design Review and Use Permit approvals to allow the construction of a 6,700 square foot, two-story single-family residence with basement.
- Added that a 783 square foot secondary dwelling unit would be included in the basement.
- Reported that recordation of a Deed Restriction on the secondary dwelling unit as a BMR (Below Market Rate) unit allows an additional 10 percent increase in allowed square footage.
- Said that the maximum height proposed is 29.5 feet.
- Described the project site as a vacant lot.
- Explained that a Use Permit is required to allow a residence to have a height that is in excess of 26 feet. The Use Permit allows the extra height only in order to meet architectural style purity.
- Reminded that this Commission held a Study Session on this project in July.
- Said that the applicant has provided additional written description and plans on his proposed architectural style, French Country Manor.
- Listed the proposed project materials as including tan stucco, wood doors and shutters, copper roof and drain pipes over the bay window and slate roof tiles in an earth color.
- Said that staff recommends that the Commission find this project to be Categorically Exempt under CEQA and approve the Use Permit and Design Review applications.

Commissioner Zhao asked about the Deed Restriction and whether this owner would have to rent out their second unit. What happens if they do not rent it out?

Chair Hlava explained that the owner does not have to rent the unit out.

Commissioner Rodgers asked if the proposed 1,236 cubic yards of grading is not more than permitted.

Planner Chris Riordan said that grading is limited only in the Hillside zoning district.

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

Mr. Marty Oakley, Project Designer/Builder:

- Thanked staff for their efforts, particularly Chris Riordan.
- Thanked the Commission for conducting a Study Session a couple of weeks ago.
- Said that the Study Session was important and necessary as it gave the Planning Commission the chance to understand his project and him to understand the Commission's concerns.
- Said that he has tried to deal with the issues raised and to prove the purity of the proposed architectural style.
- Explained that he has since located two additional resources. That material has been provided in their plan.
- Stated his availability for any questions.

Commissioner Rodgers thanked Mr. Marty Oakley for the additional research material provided. She pointed out that it appears that he has pulled from two architectural styles, French Country and French Eclectic.

Mr. Marty Oakley said that there are many of the same elements in both styles but his is a pure French Country style. He said that all elements, materials and degree of design are outlined in the three different resources. He added that a 7 and 12 roof pitch is not that steep.

Commissioner Nagpal:

- Said that it is important for Mr. Marty Oakley to pick an architectural style and find what makes that style architecturally pure, including roof height.
- Added that she wants to hear more about other arguments and/or elements that define the purity of the style, including roof height.

Mr. Marty Oakley said that the rendering shows dormer windows, slate roofing, stucco and stone, recessed windows and the brick headers above the windows. He said all these elements are spelled out in the resource materials and all are clearly shown on the elevation.

Commissioner Cappello said that it appears that there are elements to the French Eclectic style. Other elements are not included in this design. He said that it appears that Mr. Marty Oakley has only highlighted some of them.

Mr. Marty Oakley pointed out that a designer does not have to use every element possible to an architectural style in a particular home.

Commissioner Cappello cautioned that Code stipulates an allowance of additional height if that height adheres to an architectural style. If the style is eclectic, how can a design adhere to that standard?

Mr. Marty Oakley said that it represents a combination of different styles. Eclectic styles include a number of different elements.

Commissioner Cappello said if that is so why is an additional three feet in height for the roof indeed required here.

Mr. Marty Oakley said that the steeper pitch roof he proposes is required to meet that style.

Commissioner Cappello said that the Code section to allow additional height is not just to result in an attractive home but also to meet strict architectural style requirements.

Mr. Marty Oakley said that he believes he has proven the purity by picking elements of the chosen architectural style.

Chair Hlava:

- Explained to Mr. Marty Oakley that members of this Commission are saying that eclectic is not a pure style.
- Pointed out that she sees French Eclectic listed as a specific identified style with sub-types.

Commissioner Nagpal said that is where she started. She asked Mr. Marty Oakley to help the Commission make the connection.

Commissioner Kundtz asked Mr. Marty Oakley to point to one specific style from the resource.

Mr. Marty Oakley pointed to #4 on the bottom of the page, the one without the round turret. He added that none are 100 percent of what he is trying to create. He added that there is one on the next page that offers more continuity with his design. He pointed out that he went to numerous bookstores and libraries to research.

Commissioner Rodgers said that the guide refers to eclectic as drawing elements from different styles into one style rather than being a consistent style by itself.

Mr. Marty Oakley:

- Said that this is not correct. He said that the home is designed from the floor up. The exterior is designed before you do anything.
- Added that this property dictated what he could do as far as floor plan. This design is the most conducive for this property.
- Said that he has to have the steep pitch roof to make this work. If not, he would have to do a Tuscan style home.
- Suggested that the reason for the Code exception on height is to allow steeper pitched roofs.

Commissioner Rodgers:

- Said that a large part of this house's footprint is at the 30-foot height.
- Stated that in the French style, each region has its own style.
- Opined that this house doesn't draw from any specific one to prove it is pure rather than just large.
- Pointed out that the Commission would be setting precedent with this decision.

Mr. Marty Oakley said that he tried to create a varied roofline using good design so that it is not top heavy but rather proportionate. He cautioned that they are looking at a one-dimensional drawing that does not clearly depict the varying plate heights and rooflines.

Chair Hlava asked if the listed element of outward flaring eaves is incorporated?

Mr. Marty Oakley replied yes. If you look at the color rendering, the flared roof does exist at the plate line where it flares to 4 and 12.

Chair Hlava asked if recessed windows are utilized?

Mr. Marty Oakley pointed out six recessed windows on the front elevation alone, including a bath, the elliptical top window and dining room. The library and master bedroom windows are recessed. He said that recessed windows give a real thick wall look and shadow.

Chair Hlava asked about the use of a prominent chimney in the front elevation and/or more than one as called for in his architectural style.

Mr. Marty Oakley said that Saratoga allows only one wood burning fireplace. Although there are other fireplaces in the house, they are gas and do not include chimneys but rather have flues. He added that he could incorporate false chimneys if the Commission so desires.

Commissioner Rodgers said that the chimney seems to be stucco.

Mr. Marty Oakley replied yes.

Commissioner Rodgers asked about use of stone or brick.

Mr. Marty Oakley said that the façade walls include real stone and he has taken a brick that compliments that stone and added it to the window.

Commissioner Rodgers said that several styles are represented. She said that the other problem is that a large area is at the 29-foot height and includes 10-foot ceilings.

Mr. Marty Oakley said that the house has 15, 12 and 10 foot ceiling heights.

Commissioner Rodgers said that this leaves room to develop the attic into living space in the future.

Mr. Marty Oakley reminded that he is not proposing a two-story or an attic space.

Dr. Jack Connelly, Resident on Hume Drive:

- Said that he lives to the east of the project.
- Said that he would like to see this house designed at a maximum of 26 feet.
- Informed that he was never asked to review the project plans.
- Suggested that this project is playing loose with architectural purity.

- Stated that he had no idea that this was going to be a commercial project.
- Opined that this project appears to push limits.
- Asked the Commission to limit this home to 26 feet in height or it would look like a hotel.
- Reported that he got notice of this evening's hearing but had no chance to look and/or sign off on the proposed plans.

Commissioner Nagpal asked Dr. Jack Connelly if he could see the story poles.

Dr. Jack Connelly said that there is no string attaching the poles together.

Chair Hlava:

- Explained to Dr. Jack Connelly that basements don't count against FAR.
- Added that if a second unit is Deed Restricted as a BMR unit the applicant gets the advantage to build a larger unit.
- Informed him that allowing a density bonus is required by the State to encourage these second units.
- Pointed out that the unit in this house is not likely to ever be rented out.

Commissioner Nagpal pointed out that the house is 5,692 square feet and the basement 1,021 square feet.

Planner Chris Riordan explained that a portion of the basement is exempt while another portion of the basement that is a daylight basement is counted against square footage. Thus out of a 3,418 square foot basement, 1,021 square feet is counted in the FAR.

Ms. Amy Newmark, Resident on Austin, expressed concern about having BMR housing in her neighborhood.

Chair Hlava:

- Reiterated that allowing second units is the State's effort to have low-income housing stock available in a community.
- Pointed out that in this community, someone earning between \$60,000 and \$80,000 counts as lower income.
- Added that if the unit is deed restricted as a BMR unit, the owner gets bonus square footage.
- Said that this does not mean that second unit is ever rented out.
- Suggested that in this case the likelihood of the second unit being rented out is not great. Access is through the garage. The unit is pretty small and consists of a nook, kitchen, bath, closed and contains the sauna for the house.

Director John Livingstone said that second units used to require a Use Permit. State law changed the rules of approving second units. These second units are now allowed by right. The City is only looking at the design and not the right for inclusion of the second unit itself.

Commissioner Rodgers added that a parent, gardener, nanny, etc could use the second unit.

Mr. Marty Oakley asked if Dr. Jack Connelly is located within 500 feet.

Chair Hlava replied yes. He was included on the noticing list.

Commissioner Nagpal asked Mr. Marty Oakley how they contacted neighbors.

Mr. Marty Oakley said that they met with four adjoining neighbors.

Mr. Arimilli, Project Owner, said that he had met with every adjacent property owner and was surprised by the opposition expressed this evening by Dr. Jack Connelly.

Mr. Marty Oakley said that they installed the story poles as instructed by staff.

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

Commissioner Cappello:

- Reiterated that exceptions for height are only to be granted to meet architectural purity.
- Said that in this design there seems to be a lot of elements that can be included or excluded.
- Said that there is no strong evidence that this additional height is required to meet architectural purity.
- Advised that he struggles with this height exception and is currently on the fence about supporting it.

Commissioner Rodgers:

- Announced that she cannot meet the Design Review and Use Permit findings.
- Said that 26-foot height is what is allowed as a maximum height under the standard ordinance. An increase in height up to a maximum of 30 feet is allowed by exception only to achieve architectural design purity.
- Stated that she struggles with the French Eclectic style as it is not always a cohesive whole or pure.
- Added that purity is what this Commission is looking for.
- Said that she has trouble with Design Review findings on bulk. The house is right on Peach Hill Road and is not compatible in bulk and height.
- Said that there is a lot of roof expanse.
- Compared this project to the one earlier this evening. That house was set back 80 feet. This house is set back 40 feet.
- Said that this house imposes on the neighbors with a very large footprint and creates a bulk and incompatibility problem with the neighborhood.
- Advised that she cannot vote in favor at this time as the Use Permit findings cannot be met.
- Said that she is troubled that no landscaping plan was submitted and with the incomplete story poles. She added that inclusion of adequate story poles is her pet peeve or cause and she likes to see full story poles to be able to see a new home from the neighbors' yards or from the valley.
- Added that she has a hard time conceptualizing without that visual aide to help.

- Reiterated her concern that there is room upstairs for another room to be added in the attic and there is natural light already available in that space with the proposed windows.

Commissioner Zhao advised that her husband has worked with Mr. Marty Oakley in the past and she questioned whether she should deliberate on this application.

Director John Livingstone advised that this might be considered a grey area and up to Commissioner Zhao's discretion.

Acting City Attorney Bill Parkin said that while Commissioner Zhao may or may not have a conflict, she might be more comfortable recusing and leaving the chambers. He noted for the record that the deliberations had just begun.

Commissioner Zhao advised that she would so recuse herself as a result of her husband's past professional affiliation with the applicant and departed the dais and chambers for the remainder of the hearing.

Commissioner Kundtz:

- Offered the proposition to Mr. Marty Oakley to continue this item.
- Said that Mr. Marty Oakley has worked long and hard and created a great design.
- Cautioned that he struggles with the notion of eclectic and purity and getting the two to meet.
- Suggested giving the applicant the opportunity to speak with other neighbors and put in more complete story poles in order for this Commission to give a better-informed decision.

Commissioner Nagpal:

- Said that the Commission is here to make projects work. Some are more challenging than others.
- Reported that she is currently on the fence on this request.
- Agreed that fundamentally this is a nice design and she has seen other similar architecture that kept to the maximum of 26 feet in height.
- Reiterated that the discussion has to be the purity of architectural design.
- Said that this Commission has the formidable task of establishing purity.
- Said that she finds there to be a disconnect between the proposal and houses depicted/outlined on the architectural resources.
- Advised that she cannot make the purity findings at this time.
- Said that she is willing to put time and effort to get it to a happy medium.
- Suggested that topography did not help here. The two previous height exception approvals had topography that lessened impacts.

Chair Hlava:

- Said that she is coming from a different perspective.
- Said that this design is a French Country Design and would look better with a higher pitched roof.
- Added that it is so big and visible from Peach Hill Road.
- Stated that she had a hard time with perception and compatibility of bulk.

- Described this as a huge large house on the flat top part of the lot. This is a very big house to put there.
- Informed that she has a harder time with Design Review findings more so than the height issue.
- Said she is not sure if the applicant prefers more discussion at a future meeting or an up-or-down vote tonight.

Mr. Marty Oakley said that it is unfair to compare his house with the one considered earlier this evening. He questioned whether the point is not to design beautiful structure?

Commissioner Kundtz said that it is not the issue that the house is visible but it's the issue of allowing additional height.

Mr. Marty Oakley said that the earlier house doesn't require additional height. He added that this is a 1.6-acre lot with a 200-foot wide frontage.

Chair Hlava asked Mr. Marty Oakley if he wants to continue to another Study Session or receive a vote tonight.

Mr. Marty Oakley:

- Said that a Study Session won't do any good based on the Commission's comments.
- Added that the only way to satisfy is to have a smaller house, while the owner has the right to have a house of this size on this property.
- Reminded that the story poles are already there.
- Asked if the Commission could approve this project if he were to flatten the roof to the maximum 26-foot height.

Commissioner Nagpal said that the 26-foot height is not what is before this Commission. She added that there is also a bulk issue. She asked if Mr. Marty Oakley supports a Study Session.

Commissioner Cappello said that as there has been no request by the applicant for a continuance he suggests a vote be taken.

Commissioner Kundtz suggested giving them an opportunity to continue to a date certain to allow additional story poles be installed and for the applicant to speak to other neighbors.

Mr. Marty Oakley said that he has no problem doing better story poles but asked what other neighbors need to be approached.

Commissioner Kundtz said that adjacent neighbors involve 360 degrees and includes rear neighbors.

Chair Hlava said that tonight the Commission could only discuss the 29-foot height. If continued, the applicant could return with a modified design to a maximum of 26 feet in height.

Mr. Marty Oakley suggested a condition of approval to allow up to a maximum of 26-feet in height. He pointed out that the distributed drawings including the 26-foot high option.

Commissioner Cappello said that the report was based on the 29.5-foot design.

Mr. Marty Oakley said that the only change would be in flattening out the roof or lowering the pitch.

Director John Livingstone asked if the 26-foot proposal was included in the packet.

Mr. Marty Oakley replied yes.

Commissioner Nagpal said that it is just one sheet included.

Mr. Marty Oakley said that the difference would be a 4 and 12 pitch for a maximum height of 26 feet versus the 7 and 12 pitch that reaches a maximum height of 29.5 feet.

Acting City Attorney Bill Parkin said it is his recommendation to continue this matter if the 26-foot height limit is to be considered so the Planning Commission would have the information it needs to make a decision.

Chair Hlava asked when the item could come back.

Director John Livingstone recommended continuance to a date uncertain to allow the designer to modify his drawings and work with his neighbors and staff.

Chair Hlava said that the clock is ticking which costs the applicant money.

Mr. Marty Oakley said that he has no direction from the Commission.

Commissioner Nagpal asked staff if they could work with the applicant.

Director John Livingstone said that it appears that a major design change is requested for this project, as there are bulk and Design Review issues with the height and architectural purity of the project. He said that it appears major changes would be required to get the entire Planning Commission to support this project.

Chair Hlava said that continuing to a date uncertain takes longer.

Director John Livingstone suggested asking the applicant his preference, as it would place the burden on him to get revised plans ready quickly.

Chair Hlava asked Mr. Marty Oakley if he wants a date certain or uncertain.

Mr. Marty Oakley said he prefers a date certain but added he is still unclear on what he is required to do.

Chair Hlava:

- Said that the height should not exceed 26 feet.
- Suggested that Mr. Marty Oakley look at the bulk issues raised.
- Added that there is concern over the general size of this house.
- Stated that staff can give him additional direction.
- Pointed out to the Commission that if the item were continued to a date certain no additional noticing would be necessary.

Director John Livingstone said that the September 12th agenda would be fine. He added that Acting City Attorney Bill Parkin is suggesting that re-noticing occur anyway.

Chair Hlava said that it appears that the item should be continued to a date uncertain although staff will try to get this project back on the agenda for the September 12th meeting.

Mr. Marty Oakley asked if he limits the height to 26 feet maximum could he come back with a different architectural style that is not required to achieve architectural purity.

Chair Hlava replied right.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Rodgers, the Planning Commission CONTINUED TO A DATE UNCERTAIN consideration of a Design Review Approval (Application #07-396) to allow a new two-story residence with basement and secondary dwelling unit and with a Height Exception to allow a maximum height of 29.5 feet on property located at 15400 Peach Hill Road, to allow the applicant to prepare revised plans with a maximum height of 26 feet, by the following roll call vote:

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

DIRECTOR'S ITEMS

There were no Director's Items.

COMMISSION ITEMS

Chair Hlava announced that the Zambetti appeal was rejected. She pointed out that Council had made the comment, "When did Council last overturn a unanimous decision of the Planning Commission?"

COMMUNICATIONS

There were no Communications Items.

Commissioner Zhao returned to the chamber and dais.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Cappello, seconded by Commissioner Nagpal, Chair Hlava adjourned the meeting at approximately 9:20 p.m. to the next Regular Planning Commission meeting of **August 22, 2007**, at 7:00 p.m.

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