

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, January 28, 2009
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Kumar, Kundtz, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Assistant Planner Michael Fossati and City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of January 14, 2009.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Kumar, the Planning Commission minutes of the regular meeting of January 14, 2009, were adopted. (6-0)

ORAL COMMUNICATION

Director John Livingstone advised that the representative from PG&E was unable to make this evening's meeting. His presentation will be rescheduled for a meeting in February.

REPORT OF POSTING AGENDA

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

REPORT OF APPEAL RIGHTS

Chair Cappello 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 #MOD08-0004 (410-10-003) Douglas, 18595 Avon Lane: The applicant requests Modification to an approved Design Review application. Original February 14, 2007, approval was for a 5,844 square foot, 24-foot, 10-inch tall single-family residence with related site improvements. Proposed modifications include the construction of a new 15-foot tall carport in the southeast corner of the lot and reductions in the amount of impervious site coverage. The site is zoned R-1-40,000. (Chris Riordan)

Mr. Michael Fossati, Assistant Planner, presented the staff report as follows:

- Distributed the color board from the original approval and advised that it is still applicable.
- Advised that the applicant is seeking approval of a Modification to a previously approved Design Review application to allow the addition of a new 15-foot tall two-car carport and a reduction in the amount of impervious coverage that includes the elimination of the proposed pool and spa.
- Stated that the rustic design and materials of the carport would match those used on the main residence.
- Explained that due to existing vegetation and the location of the proposed carport on the lot, it would only be visible to two neighbors who share the common driveway. Both neighbors are supportive.
- Said that no trees would be removed and/or affected by the project.
- Recommended that the Planning Commission approve the Modification to an approved Design Review application.

Chair Cappello pointed out that the address numbers have been transposed on the draft resolution.

Planner Michael Fossati said that the correct address is 18595.

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

Mr. Steve Douglas, Bob Taylor Homes, Morgan Hill:

- Said that the staff report thoroughly covers this request.
- Stated that the high points of this request are the addition of a two-car carport. The carport would be a 484 square foot structure within the 15-foot height limitations. It meets all the required setbacks and is well beyond most of them.
- Added that the materials and colors are the same as the residence, which is nearing completion.
- Said that existing and new landscaping and a wood fence that will be constructed will screen the structure.
- Reminded that they have obtained the support of the neighbors.
- Advised that the maximum impervious coverage would be reduced to 33 percent from the 35 percent originally approved.

Commissioner Hlava said that one of the ways that the impervious coverage is being reduced is by not constructing the swimming pool originally approved with the project. She cautioned that if someone were to buy this home there would be no possibility of adding a pool because the project is at its maximum.

Mr. Steve Douglas said that there is still roughly 750 square feet available. He added that he frankly did not want a pool with a spec house. Not all potential buyers want a pool, especially those with young children. It remains to be seen if the new owner will want a pool or not but he said that, if so, they would have to come back.

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

Commissioner Hlava said that she did not have any problems with this project at all. The house is almost done and it is absolutely gorgeous. This carport will be a fine accessory structure. She added that she could make all required findings.

Commissioner Kundtz said he wanted it on the record that in general he is an exponent of carports when they are visible from the street. In this case, the carport is tastefully done and there are no issues with neighbors having a view of it.

Commissioner Rodgers pointed out that even from Avon Lane, it is not that visible from the road. She said that she too is skeptical about carports but looks at them one at a time. This time she has no problem.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Zhao, the Planning Commission approved Modifications (Application #MOD08-0004) to a previously approved Design Review application (approved February 14, 2007) to include the addition of a new 15-foot tall carport and a reduction in impervious site coverage on property located at 18595 Avon Lane, with the correction to the address on the resolution, by the following roll call vote:

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

PUBLIC HEARING - ITEM NO. 2

Commissioner Zhao advised that she would need to recuse herself for this item as her husband has a professional relationship with the architect for this project.

APPLICATION #PDR08-0034 (397-04-061) Jean, 14966 Sobey Road: The applicant requests Design Review approval to construct a new two-story, single-family detached

residence, a three-car garage and a daylight basement. The project includes 3,246 square feet of floor area at the main level, 1,555 square feet at the upper level and 953 square feet of garage space, totaling 5,754 square feet. The basement will encompass an additional 1,724 square feet of living space. Per Saratoga Municipal Code (SMC) Section 15-06.090, the floor area of basement will not be included in the allowable floor area calculation. The proposal also includes removal of five Ordinance-sized trees (four Mulberries and one Canary Island Date Palm). The Date Palm was removed prior to applying for a tree removal permit. All five trees have been authorized for removal by the City Arborist. The applicant has submitted an after-the-fact tree removal permit for the Date Palm. The maximum height of the proposed residence will be not higher than 26 feet. The net lot size is 37,524 square feet and the site is zoned R-1-40,000. (Michael Fossati)

Mr. Michael Fossati, Assistant Planner, presented the staff report as follows:

- Provided a material and color board for this project.
- Advised that the applicant is seeking Design Review approval for a new two-story single-family residence.
- Said that this project is Categorically Exempt under CEQA.
- Described the project as having a total FAR of 5,754 square feet including two floors, two garages and an additional 1,700 square feet in basement space.
- Reported that five ordinance-size trees (four Mulberries and one Canary Island Date Palm) would require removal.
- Added that the applicant has submitted a conceptual landscaping plan indicating the planting of 39 new trees, which will be 24-inch box or larger and will include at least five of them in native species.
- Said that the building materials include slate roof, horizontal wood siding and a natural stone veneer. Colors are earth tone browns. The project meets all height and floor area requirements. There are actually four fireplaces rather than the three shown on the staff report. All are gas. There is no wood-burning fireplace.
- Explained that geotechnical clearance was granted and the project requires approximately 1,500 cubic yards of grading in order to fit the structure into the existing hillside.
- Reported that just prior to this meeting, a handout was provided by the applicant demonstrating the green components of the project.
- Advised that neighbors within 500 feet were noticed. Some have expressed concern about impacts on views and the size of the project. Their comments have been incorporated into the staff report.
- Said that staff feels the General Plan and Design Review findings have been met and recommends that the Planning Commission approve the exemption from CEQA and the required findings to allow the project.

Commissioner Rodgers asked Planner Michael Fossati to explain the difference between a conceptual and actual landscape plan.

Planner Michael Fossati explained that a conceptual landscape plan has the number of trees and proposed landscaping for a site but not the exact tree names. Oaks, Redwoods and irrigation were not called out exactly. However, it has been conditioned that 39 trees of 24-inch box size or greater be planted with at least five of them being of a native species.

Commissioner Rodgers asked if they should be planted prior to building final.

Planner Michael Fossati replied yes.

Commissioner Rodgers asked staff to verify that the 20-foot high dining room walls have been properly double counted as required by Code.

Planner Michael Fossati replied correct.

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

Mr. Martin Oakley, Builder and Applicant's Representative:

- Said that he was asked to represent the property owners who are on a planned three-month vacation.
- Thanked Planner Michael Fossati for an excellent job on describing this project.
- Said that they have met the findings as best as possible and have designed a custom home specifically for this property.
- Reported that the initial concept was to create a single-story residence containing a majority of the living area together with a second story having two bedrooms and two bathrooms.
- Said that because of the narrow width of the property and its length and slope, it was virtually impossible to get the necessary living area on a single-story. A daylight basement was designed to take advantage of the spacious front portion of their property to accommodate their swimming pool and outdoor living area.
- Advised that Mr. and Mrs. Jean live in the house adjacent to the north of this property, which was built about seven or eight years ago. They have since realized that they don't need a house of that size any more and that's why they purchased this property over a year ago in order to build somewhat of a smaller house.
- Added that they still have a requirement of being able to entertain their family. They have a large family with a great number of grandkids that visit them frequently. That is the primary reason for a house of this size and design.
- Assured that all of the exhibits and documents really describe this project to its full extent and detail. Michael Fossati's report has also described it in the same manner.
- Reminded that an additional page was submitted with energy efficient components introduced in this home. It was submitted to demonstrate that they are going beyond what is normally required in energy efficiency.
- Said that he hasn't heard about any concerns of the project itself although he understands some neighbors have concerns.
- Added that he would like an opportunity to address any issues raised after they speak.

Commissioner Rodgers asked about the two side-to-side, back-to-back fireplaces. They appear to be kind of an innovative situation.

Mr. Martin Oakley said that one is in the library. The common wall to that is the master bedroom. These two fireplaces are stand-alone fireplaces. They are back to back but they are not see-through. Rather it is a standard, front-viewing fireplace.

Commissioner Rodgers pointed out that they have a chimney and the others do not. Is that right?

Mr. Martin Oakley:

- Explained that with gas-burning fireplaces there is no typical chimney involved. They house the flues in a structure on the roof, which would normally be a chimney in the old days for a wood-burning fireplace.
- Added that they do that for architectural reasons instead of having a flue sticking out of the roof at the front elevation. If the flue is not visible from the front of the house (such as at the back on the roof) then they just have the flue.
- Stated that there is no need for a wood-burning fireplace.

Commissioner Rodgers:

- Thanked Mr. Martin Oakley for putting together the energy saving plan and for being so energy efficient.
- Said that she always loves looking at Mr. Oakley's houses because he has such interesting features in them.
- Reported that she was looking at the three stories and noticed that from the main floor down to the basement level, there is a door to close off the basement.
- Stated that she assumes this is for energy conservation purposes so that heat can be kept in the area below.
- Added that right next to it, there is a stair leading up to the bedroom area on the upper floor.
- Said that it occurred to her that if a door was put there and if a way was found to close off the dining room that is two-stories tall, either with glass or heavy curtains, they could also isolate the second floor and keep that floor at a comfortable temperature for the occupants and also saving energy.
- Said that she just wanted to put that idea out.

Mr. Martin Oakley:

- Said that today's home is quite a bit more open in both horizontal and vertical area.
- Explained that the reason they have a tall ceiling in the dining room is because it is situated in the center of the house. If there is going to be a roof over that area that is in common with the bedrooms upstairs, they basically just took advantage of that volume.
- Reminded that the roof is still going to be at the second floor level.
- Added that if they were going to make the dining room height single-story, it wouldn't make sense to have a two-story with a hole in the middle of it only to have a lower ceiling.
- Pointed out that this height has been double counted.
- Stated that the stairwell to the upstairs level is not meant to have a door. That is not a conducive design.
- Said that as for the energy efficiency for heating and cooling the first and second floor, that opening really has nothing to do with it. This house is hydronically heated on all three

levels and there are actually three air changers, which are the cooling units so there is one for each level.

- Advised that when Mr. and Mrs. Jean are there alone, they basically will be living on the main level. That is where their master bedroom is located.
- Said that the upstairs is mainly for when their kids come to visit. Therefore, the temperature up there can be set at 55 or 60 or whatever they want. Same for the basement.
- Reiterated that this whole house is controlled and it can be heated from room to room.

Commissioner Rodgers explained that she was thinking that the air exchange might alter or decrease heated air.

Mr. Martin Oakley clarified that with hydronic heat there is no air exchange. It's radiant heat. He assured the Commission that this design is probably the most efficient that it could be as far as heating and ventilation.

Commissioner Rodgers asked about the blown in insulation and recounted problems she became familiar with while living back east.

Mr. Martin Oakley:

- Explained that today's product is not the same. In an optimum application 2 x 6 walls have netting in place. A hole is poked into the wall and a two-inch tube is used to pump the insulation into that cavity. The stud base is 16-inches wide and within one minute, the entire cavity is filled with this insulation. There's not a single crevice that is void. Therefore, there is no air, nothing.
- Advised that the word "blown" is actually just how they install the insulation material.

Commissioner Rodgers asked if it is expanding foam.

Mr. Martin Oakley replied no, it's not that either. That is one type. He added that the specs for this product were provided to staff.

Commissioner Rodgers thanked him for providing that information. She added that if she were the owner, she would reverse the pool ends, shallow and deep, so that the deep end is further from the barbecue area in order to avoid soaking by cannonballs.

Mr. Martin Oakley said that is funny because he had proposed that in his plan and they asked him to change it. He added that the placement of the barbecue area was dictated by the space available.

Commissioner Hlava asked about the placement of the house. Does everything move forward by 10 feet?

Mr. Martin Oakley said that the width of the house is the same as the existing single-story house is now but slightly larger and does come forward by 10 to 12 feet. This was done to minimize cut into the slope and to balance the pool elevation with the pad elevation for the main floor.

Commissioner Hlava asked if this would be 10-feet further than other homes in the immediate area.

Mr. Martin Oakley said it would be 10 to 12 feet closer to the front property line.

Commissioner Hlava said that she was concerned about the homes behind it. Is doing this mean the house is further away from them?

Mr. Martin Oakley replied yes. He added that the closest home is 170 feet away. Moving the structure forward is really insignificant as far as impact. He said that they specifically did it because the design required it and it was the best design for that location. He added that it is clear that on this lot the new house has to go where the existing one is. It was common sense and it all came together.

Mr. Dennis McPharlin, Resident on Rancho Las Cimas Way:

- Said that he is a 30-year resident and loves this City. He hopes to be here another 20 years.
- Said that he knows Mr. Jean and has no problem with the house. The ridgeline has been defined and that is something that he can live with.
- Advised that his concern is that's his main view corridor.
- Stated that he is concerned that the planting scheme on the back be controlled with tree sizes that won't grow up so large as to obliterate his views. How is that conditioned?
- Asked the Commission how that provision can be protected for the long haul. He said that he would not have the right to go onto someone else's property.
- Explained that a second issue was a telephone pole that was relocated when Mr. Jean built homes on Lots 2 and 3. At that time he was required to put the power lines underground and relocate this phone pole. It is now in his view shed.
- Asked for a letter from the City Attorney stating that the City cannot require the undergrounding of these phone lines with this project as he would like to see him finish the undergrounding.

Commissioner Hlava asked Mr. McPharlin if he is assuming that for this current site, Mr. Jean should have to underground the lines from that phone pole?

Mr. Dennis McPharlin said that Mr. Jean relocated that pole at the time he built the two other homes. Why was it okay then but not now to require undergrounding?

Ms. Diana Anderson, Saratoga Resident:

- Explained that she is speaking on behalf of her husband who cannot speak for himself this evening.
- Reported that they live directly above this property.
- Provided a photograph that shows what they will see and said that it is upsetting.
- Said that they have lived here for 40 years. They volunteer and are good citizens.
- Stated their objections, expressing their impression that this is a spec house.

- Asked why the builder has the right to build a monster three-story home, one block from their single-story home? Why do they have the right to build a spec home at all?
- Said that homes in the upper area are mostly three levels but not in their area.
- Complained that she had been under the impression that the planners would be coming to their home at 4 p.m. yesterday and they never came.
- Advised that they feel they have been left out of the planning process. They were never visited and the planners should have visited.
- Added that they were unaware of this project until the orange netting went up. Even the orange netting is deceiving. It is just on one side and should reflect all four sides.
- Said that they have a right to be upset and they hope the Commission considers their concerns.
- Expressed concern about the potential of 29 new trees, which could cause them to lose more of their views. That is adding injury to insult to add more damage to their view.

Commissioner Hlava said that the Commission and staff did drive past her house yesterday afternoon but since the group was running late, she had suggested that it was not necessary to stop. She expressed her regrets about that now but said that they did have pictures from the Anderson property to look at.

Ms. Colleen Polio, Resident on Sobey Road:

- Said that she is an 18-year resident of this area.
- Said that she has concerns including the fact that an effectively three-story home is incompatible with the neighborhood. The basement is completely visible and appears to be a first story of a three-story house. It is out of character with the neighborhood of mostly one to two-story homes.
- Added that the basement should not be visible and include three sets of double doors.
- Expressed concern about drainage at the lower level of the property and asked that the City make sure that the upgrading and undergrounding of the drainage pipes be required.
- Asked that there be no negative impact from grading, no erosion of the road and no damage to the private road by trucks with appropriate protections for the construction process.
- Stated her concern about the post-effect application for the removal of the Palm tree that was in the path of their new driveway. They seek forgiveness now rather than permission and she recommended that there be sanctions for that action.

Mr. Subhash Chowdary, Resident on Sobey Road:

- Expressed appreciation for the time taken to make the site visit.
- Reported that he was not told about this project until his neighbor told him yesterday about this three-story home.
- Pointed out that he will see it from his driveway and from his house.
- Questioned whether the private road could accommodate construction traffic.

Mr. Jack Mellati, Resident on Sobey Road:

- Explained that his home is the second house up the private road.
- Stated that his biggest concern is the bulkiness of this proposed three-story home.

- Said he has lived in his home for 10 to 11 years and has the best view of the whole area from his home, as it is located on a knoll. It is pretty high up there.
- Opined that this is a very large home that does not go with the one to two-story neighborhood.
- Reported that he too was unaware of this project until last night.

Mr. Martin Oakley, Project Representative:

- Said that in response to the first neighbor's concern about the existing pole, it has been explained that it is not Mr. Jean's responsibility as far as determining what was to be undergrounded at the time he built his home. It was up to PG&E.
- Pointed out that that pole in question affects five to six houses up the road in order to be placed underground.
- Reminded that they have met the City's design criteria with this design. They have used everything in the design guidelines.
- Admitted that it is three stories. The basement is where it is because that is the lowest point of the property. Again, it has been designed per Code. The front of this property is only viewed by driving up the private road.
- Said that the neighbor to the left, Lot 6, can't see the existing house because of existing trees so that comment doesn't make any sense.
- Said that as to Lot 6, that neighbor's initial concern was standing on his putting green or porch and seeing a house. There is a house there now.
- Added that they intend to fill in the gaps in screening.
- Assured that there is not a privacy issue. There is no privacy invasion or obstruction of views.
- Said that he is not sure why some people were not notified but it may simply be because their properties are not within the required 500-foot radius noticing area.

Commissioner Hlava asked Mr. Martin Oakley to discuss the issue of drainage in the vineyard area.

Mr. Martin Oakley said that they are only lowering the existing pad area by two feet. There are no alterations to any other grades. From the pool down is not touched. He added that they are connecting to the catch basin.

Commissioner Hlava pointed out that private roads are always a concern. Is there going to be bonding to ensure that any damage to the road as a result of construction would be taken care of.

Mr. Martin Oakley:

- Pointed out that this private road is in very good shape and was constructed using the same standard as is used for a public road such as Sobey Road.
- Added that the house would be demolished by hand although they will still have to haul away the debris, which will be recycled.
- Assured that if they damage the road, they will fix it.

Commissioner Hlava pointed out that from the road there is no screening at all. Would he accept a condition that trees be planted around the vineyard?

Mr. Martin Oakley:

- Replied yes.
- Added that the conceptual landscape shows the features and intentions of the design but they are leaving it up to the City to tell them what they want provided.
- Continued that there is no planting on the existing slope proposed except, perhaps, for some additional ground cover.
- Clarified that this is not a spec house but rather it was designed and is being built for the Jeans.

Commissioner Rodgers asked if grapes could successfully be planted in the vineyard area without providing further drainage on that portion of the property.

Mr. Martin Oakley:

- Said that it would be up to the wine growers to determine how best to use this area.
- Added that all he is doing with this project is trying to collect the water to one source.
- Assured that there is no way that water can drain and flood the road as this property is lower than the road.
- Reiterated that by developing this property and planting vineyards, they are not altering grades or drainage patterns whatsoever.

Commissioner Rodgers expressed concern over the differences between the basement square footage and the proposed amount of cut.

Mr. Martin Oakley explained that the square footage of the basement represents area while the cubic yards of cut represents volume. They are two different things. He added that a licensed civil engineer calculates the grading amount.

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

Commissioner Rodgers asked staff about the permanent condition requirement for maximum tree heights.

Planner Michael Fosseti said that Condition 3 has a tree planting restriction to protect the view of the rear neighbor.

Commissioner Kundtz asked if they should include a condition of approval covering any damage to the road.

Commissioner Rodgers pointed out that the road is private.

City Attorney Bill Parkin added that issues of the private road are a private civil matter.

Chair Cappello asked for further comparison between a basement and a daylight basement.

Director John Livingstone explained that traditional basement is completely underground. A basement on a hillside lot can have a portion that can be day lighted. This occurs on a sloped lot, which provides the opportunity of having that daylight portion. He added that this was added to the Code specifically for Hillside lots.

Commissioner Rodgers pointed out that instead of giving a three-story effect, many houses are designed to step down a hill. Why was that not done here.

Director John Livingstone replied that a lot of variables that go into a design. He added that when looking at elevations on paper, one is not seeing all of the dimensions of a project.

Commissioner Hlava:

- Expressed remorse for having recommended to not stop at the Anderson property during the site visit.
- Asked if anyone feels that there is not enough information to proceed this evening.
- Said that she feels that the biggest scar on the landscape is the telephone pole.
- Added that she is not sure why it is such a big and tall pole. However, it is not under the City's control once a subdivision is done.

Chair Cappello responded that he believes there is enough information to assess each of the findings.

Commissioner Kundtz said he too was okay.

Commissioner Kumar:

- Said that unfortunately he was unable to make the site visit as he was on business travel.
- Added that after listening to the neighbors he is struggling quite a bit.
- Stated that this is difficult terrain.
- Suggested a continuance to do another site visit.
- Advised that if a decision must be made tonight, he said he finds the home bulky and is not in favor of it. However, he prefers a continuance to making that decision this evening.

Commissioner Rodgers:

- Said that she is fine with proceeding tonight
- Stated that it can be difficult when putting a new house into a neighborhood where there are houses that have been there for 40 years or longer. It is difficult when the types of houses built are changing.
- Added that there are statutory criteria that this Commission evaluates. The only ones that might give some concern are those of bulk, height and compatibility with the neighborhood. However, there are similar houses in the nearby area.
- Suggested that this home will be better for neighbors as it uses muted colors, a slate roof and includes a landscape plan.
- Expressed support for conditioning a full landscape plan rather than just a conceptual plan.
- Said that concerns about bulk are addressed by articulating the house. She said that she thinks that this design makes that effort. There is not an unreasonable appearance of bulk.

- Stated that regarding views, she is willing to say that impacts will be quite reasonable and perhaps less of an impact than neighbors might think.
- Said that while she has concerns about potential flooding on the lower level, she will trust the Building Department to make sure the site drainage is properly handled.
- Pointed out that the evaluation criteria for spec houses are no different from that used to evaluate a home being built for someone specific. Every house is looked at on an even playing field.
- Advised that she can make all the findings for this project.

Commissioner Kundtz:

- Agreed.
- Said that he too supports requiring a full landscape plan within the approval resolution.
- Advised that he stood in neighbors' yards. They have lovely homes on flat properties. The Jeans are on a hillside.
- Stated that this proposed house is compatible with the neighborhood. There is not an unreasonable impact on views and privacy. It is not excessively bulky.
- Concluded that he could support this proposal.

Commissioner Hlava:

- Said that the impression of bulk will not appear excessive when the house is built and it is evident that the second floor is stepped in.
- Pointed out that there are larger homes in this neighborhood.
- Added that future owners will likely rebuild existing smaller homes in the neighborhood with larger ones.
- Stated that this project is compatible with the neighborhood and is not excessive in bulk.
- Agreed that the pole is awful but there is nothing that can be done about that.
- Opined that there would not be much impact from this house on views and privacy.
- Supported the requirement for a landscape plan.
- Said that putting in screening trees across the existing driveway that currently provides access to the vineyard area and creating a new access is a good idea.
- Asked if Condition 22 is to be recorded as permanent.

Director John Livingstone said that there is a natural break on the plan where there are no trees or anything that could offer an alternative access to the vineyard.

Commissioner Kumar said that he has already had his say and is not comfortable with the bulk and height or with the concerns raised about view and privacy impacts. Therefore he cannot make the necessary findings to support this project.

Chair Cappello:

- Said that most points have been said already.
- Stated that on the perception of bulk, the design cuts into the hillside quite nicely. The first floor is reduced by two feet as compared to the current house on site. The second floor has half the square footage of the first floor.
- Added that the second story portion is visible but represents a small portion of this home.
- Reiterated that a one-dimensional drawing gives a false impression.

- Said that there is not an “unreasonable” or excessive impact on views. This house is far from neighboring homes.
- Said that he can make the findings and can vote for approval with the requirement of a landscape plan with an access point to serve the vineyard.

Mr. Bill Parkin suggested adding a requirement, “for a final landscape and access plan subject to approval by the Community Development Director,” and making Condition 3 a permanent condition.

Chair Cappello said that sounds good.

Motion: Upon motion of Commissioner Rodgers, seconded by Commissioner Hlava, the Planning Commission granted Design Review Approval (Application #PDR08-0034) to construct a new two-story, 5,754 square foot, single-family detached residence, with 1,724 square foot basement, on property located at 14966 Sobey Road, as amended by the City Attorney and adding a sentence at the end of Condition 3 reading, “This shall be a permanent condition of approval,” by the following roll call vote:

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

DIRECTOR’S ITEMS

There were no Director’s Items.

COMMISSION ITEMS

There were no Commission Items.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Hlava, seconded by Commissioner Kundtz, Chair Cappello adjourned the meeting at approximately 8:41 p.m.

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