

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, March 25, 2009  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Bernald, Cappello, Hlava, Kumar, Kundtz, Rodgers and Zhao  
Absent: None  
Staff: Director John Livingstone, Associate Planner Eric Lentz, Assistant Planner Cynthia McCormick, Intern Rina Shah and City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of March 11, 2009.

**Motion:** Upon motion of Commissioner Rodgers, seconded by Commissioner Bernald, the Planning Commission minutes of the regular meeting of March 11, 2009, were adopted with amendments to page 4. (7-0)

**ORAL COMMUNICATION**

There were no Oral Communication Items.

**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 19, 2009.

**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.

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**PUBLIC HEARING - ITEM NO. 1**

**APPLICATION #CUP09-0001 (517-14-008) Adams, 15401 Bohlman Road:** The applicant requests approval of a Conditional Use Permit for the installation of a generator to provide an emergency backup power supply for an existing single-family residence. The generator is to be located on a pad approximately 25 feet below the residence and near the southwest access road. The generator would be surrounded on two sides by a three-foot redwood fence and green vines, which would screen the generator from view and provide a visual barrier. The lot is approximately 1.2 acres in size and is located in the HR zoning district. Conditional Use Permit approval by the Planning Commission is required pursuant to Saratoga Municipal Code Section 15-80.030(k). (Rina Shah)

Ms. Rina Shah, Planning Intern, presented the staff report as follows:

- Advised that the applicant is seeking approval of a Conditional Use Permit to allow a generator to provide emergency back up power for a single-family residence only during power outages.
- Said that this generator would be located on a pad 25 feet below the residence, closer to the southwest access road. A three-foot redwood fence and green vines would surround this generator on two sides.
- Described the lot as approximately 1.2 acres and located within the Hillside District.
- Reported that the Noise Ordinance limits daytime noise levels to 60 decibels and nighttime levels to 45 decibels. This installation meets those standards.
- Informed that there have been no negative comments received and that this request meets the findings for a Conditional Use Permit and to be considered Categorical Exempt under CEQA.
- Recommended that the Commission approve this Use Permit with findings and conditions by adopting the draft resolution.

Commissioner Rodgers asked if the nighttime noise levels were new as she had been under the impression that the standard was 60 decibels at all times of day.

Intern Rina Shah said that this is not a new standard.

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

Mr. Adams, Applicant, spoke without benefit of turning on the microphone so his comments were inaudible to document for the record.

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

Commissioner Bernald said she could make the findings for approval.

Commissioner Kundtz said he could too. This generator would be virtually hidden. He said as long as the decibel level standards are met, he is happy to support this request.

**Motion:** Upon motion of Commissioner Rodgers, seconded by Commissioner Hlava, the Planning Commission granted Conditional Use Permit approval (Application #CUP09-0001) to allow the installation of a generator to provide an emergency backup power supply for a residence on property located at 15401 Bohlman Road, by the following roll call vote:

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

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## **PUBLIC HEARING - ITEM NO. 2**

**APPLICATION #MOD09-0006 (510-26-001) Byrd, 19930 Sunset Drive:** The applicant requests Design Review approval to modify pre-approved plans to construct a new two-story single-family dwelling with a total floor area of approximately 6,302 square feet. The height of the proposed home is less than 26 feet. The proposed modifications include landscaping, exterior windows, outdoor lighting and minor architectural elements. The lot is 86,249 square feet and the site is zoned HR. (Eric Lentz)

Mr. Eric Lentz, Planner, presented the staff report as follows:

- Advised that the applicant is seeking approval to modify plans for a home currently under construction.
- Described the project as a new two-story single-family residence and secondary dwelling unit with a total floor area of approximately 6,302 square feet, not including the basement.
- Said that the proposed modifications include landscaping, exterior windows, outdoor lighting and minor architectural elements.
- Said that the lot is 86,249 square feet and the site is zoned HR.
- Reported that Council approved the original project on September 6, 2006. The building permit has been issued and construction is near completion.
- Listed changes as including: a reduction in window mullion quantity while retaining the same design, theme ad materials of the approved windows; distances between corbels were increased throughout the residence and corbels were added to the second unit; several lighting fixtures were either added, removed or relocated throughout the residence; stone veneer on the exterior wall adjacent to the garage has been replaced with stucco; exterior glass door adjacent to the garage has been changed to wood to match the approved garage doors; new retaining walls have been added to further stabilize the landscape areas.
- Assured that the project still retains all runoff on site.
- Added that the materials and colors of the proposed modifications are consistent with the previously approved plans. The modifications maintain or enhance the overall quality of the project.
- Informed that no negative comments were received and this project meets the required Design Review findings.

- Recommended that this project be deemed Categorical Exempt under CEQA and that the Commission approve this application.

Commissioner Hlava pointed out that the staff report talks about removing a chain link fence and replacing it with a wrought iron fence. At the site visit, however, they were told that this issue would come to the Commission at a separate meeting. Is that correct?

Planner Eric Lentz said that is correct. He added that it was a typo in the staff report. While it was a part of the original project, once the new Fence Ordinance was adopted, the applicant decided to go with the new rules and will come at a later date with a Fence Exception application.

Commissioner Hlava said she did not see this reflected in the draft resolution.

City Attorney Jonathan Wittwer said that Condition A-2 reads that a Fence Exception is required for a five-foot setback and an application for that will come later.

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

Mr. Mike Byrd, Applicant and Owner:

- Said he had nothing to add to the great staff report.
- Advised that he and his architect are available for any questions.

Mr. Alan Giberson, Resident on Glen Una:

- Note: Initial comments made without turning on the microphone so they could not be recorded for the record.
- Stated that there have been several modifications and a better process might be required.
- Said that he is not in favor of cutting the redwood trees. They were there when the applicant bought the property. Although it is claimed that these trees are threatening the power lines, they could be trimmed rather than removed.
- Added that there is no rush to remove these trees.
- Concluded that redwoods are native trees and it is reasonable to keep them.

Ms. Meg Giberson, Resident on Glen Una:

- Questioned the justification for removal of the nine native redwoods rather than pruning.
- Pointed out that there was no discussion of leaving these trees included in the report.
- Advised that redwoods store the highest amount of carbon dioxide.
- Said that there is no analysis of greenhouse gases impacts of this project.
- Stated that the proposed replacements are only non-native species. If it is found to be reasonable to remove the redwoods, they should be replaced with many of the existing native species. It would be beneficial if this Commission were to require replacement with native species.

Mr. Mike Byrd, Applicant:

- Assured that he has undertaken extensive efforts and cost to retain a number of trees on his property.

- Stated that these trees are growing right into the PG&E lines and that he has received notices from PG&E asking that they be removed.
- Advised that all of the landscaping they have added more than compensates for these removals.

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

Commissioner Hlava asked staff if the removal of the nine redwood trees were included in the original Design Review Approval or is this part of the modifications being requested.

Planner Eric Lentz said that it was a new request.

Director John Livingstone clarified that staff didn't bullet point that aspect but it is described in the landscaping section and within the arborist's report.

Commissioner Zhao asked which specific trees are to replace the nine redwoods to be removed.

Planner Eric Lentz explained that the requirement is simply for tree replacements that represent equal or greater value that can be planted anywhere on the property.

Commissioner Rodgers:

- Reported that she was already on the Planning Commission when the original approval occurred.
- Said that she considers this home to be one of the finest houses the Commission has approved over the last several years.
- Added that she drives by the property often to see the progress of construction.
- Advised that she has no problems with the proposed changes. Although she is not fond of some of the window replacements she said that she loves the front doors.
- Stated that she can make all of the findings and wished the applicants good luck with the rest of construction.

Commissioner Bernald said that she wasn't on the Commission at the time of original approval but finds this house to be beautiful and a tremendous gift to Saratoga. The changes clean up the design and make it look very sharp.

Commissioner Kundtz said that he could make the findings. He asked the applicant to be sensitive on the issue of trees and consider California native trees as possible.

Commissioner Zhao said she too could make the findings.

Commissioner Hlava said that she can also make the findings and agreed with Commissioner Kundtz's recommendation on sensitivity in using native replacement trees and to be careful in where they are planted.

Commissioner Kumar said he could make the findings and finds that the changes accentuate the design very well. He said he is in favor of this project and recognized the comprehensive arborist review prepared by Kate Bear.

Chair Cappello:

- Thanked the Gibersons for coming this evening to address the issue of trees.
- Told them that trees are important to this Commission too.
- Added that he is comfortable with the arborist's recommendations for replacement trees of equal to greater value.
- Assured them that this Commission is not pushing aside their concerns over trees.
- Said that he can make the necessary findings and finds this to be a fantastic design. The changes don't adversely impact that design.

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Bernald, the Planning Commission granted Design Review Approval to modify pre-approved plans to construct a new two-story single-family dwelling on property located at 19930 Sunset Drive, by the following roll call vote:

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

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

**APPLICATION PDR09-0001 (378-25-009) Brent Fairbanks and Christy Rohrig, 11970 Walbrook Drive:** The applicant requests Design Review Approval to construct a new 26 foot tall single-story single-family dwelling and basement with a total floor area of approximately 3,590 square feet. The applicant will remove one (1) protected tree and replace it with a new tree, equivalent in value. The gross lot size is 27,751 square feet and the site is zoned R-1-15,000. (Cynthia McCormick)

Ms. Cynthia McCormick, Assistant Planner, presented the staff report as follows:

- Reported that the applicant is seeking Design Review Approval to construct a new 3,590 square foot single-family dwelling with a basement. The height would be under the 26 foot maximum allowed. The project is consistent with floor area, heights and setbacks.
- Described the lot as consisting of 27,751 square feet that would allow a home up to 4,739 square feet.
- Advised that the applicant has chosen a basement to reduce the appearance of bulk.
- Said that the architectural style reflects the historic home that is located across the street that was built in 1890. Details include a shed dormer, lattice fence and a chimney to help break the mass of the roof.
- Stated that neighbors' views of the creek are maintained. Privacy is achieved through increased setback along the northern side and rear of property.

- Said that one tree to be removed will be replaced with two native California buckeye trees.
- Stated that the design includes one gas fireplace. No wood burning fireplaces are proposed.
- Informed that staff recommends that the Commission find this to be Categorical Exempt under CEQA and approve this application.
- Said that the owner and designer are present.

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

Ms. Christy Rohrig and Mr. Brent Fairbanks, Applicants and Property Owners, introduced themselves.

Mr. Brent Fairbanks:

- Advised that both he and his wife grew up on the east coast and moved here at different points in the early 1990's.
- Said that for three years they searched for property on which to build a house where they could raise a family.
- Reported that they were amazed by this particular piece of land including the beautiful creek.

Ms. Christy Rohrig said that they had also looked at houses that perhaps they could remodel but both of them fell in love with this land and its creek although the existing house on this parcel would not work for them.

Mr. Brent Fairbanks advised that everything was paved.

Ms. Christy Rohrig said that they worked with an architect and tried not to remove any trees from the site. They ended up selecting Richard Hartman to design their house. She added that she wanted a side-entry garage, which was difficult to implement in the design because their lot is narrow. However, they found a good way of accomplishing that feature.

Mr. Brent Fairbanks said that another important feature to his wife was the inclusion of a basement. She has fond memories growing up with one. A basement can expand as their family grows.

Ms. Christy Rohrig said they have designed a house that they can retire in. It is single story that would be accessible when they are older and perhaps with more limited mobility. That way they won't have to move. She said that although neighbors are expressing concerns about the potential for a future second story addition, they have no intent to have one.

Mr. Brent Fairbanks said that they have tried to pull stylistic elements from the historic farmhouse across the street. They have incorporated a Craftsman architectural style using river rock, a stone chimney and consistent colors.

Ms. Christy Rohrig added that they selected their builder based on his competency in building Craftsman style homes. They saw one he did down in Santa Cruz. They also liked the fact

that he was excited about working with actual river rock as opposed to faux stone. He also attended high school in Saratoga.

Mr. Brent Fairbanks said that throughout the process they have tried to get to know their immediate neighbors and have shown them different versions of design and asked for input. They have tried to engage them in the process.

Mr. Richard Hartman, Project Architect:

- Showed the Commissioners a 3D model of the proposed house.
- Said that a concern was raised during the site visit about the perceived height and bulk of this house.
- Stated that the house fits nicely in the scale of the site with the height of the trees.
- Added that it is taller than adjacent houses that are ranch-style homes with eight-foot ceiling heights. He said that his clients are both tall and want taller ceiling heights.
- Advised that the historic house across the street offered a lot of inspiration in this design.
- Assured that this house would add great value to the neighborhood. It is in scale with the trees on site.
- Stated that he used the City's Residential Design Handbook and incorporated many of the elements called out there. They have used colors and materials that will blend with the neighborhood and minimized the mass of the home.
- Added that the height is in keeping with two-story homes in the neighborhood (four of which are within a stone's throw distance).
- Said that there are no impacts on privacy as no windows overlook a neighbor's home or yard.
- Said that they have gone beyond what is required to make this house fit in.

Commissioner Rodgers asked Mr. Richard Hartman to describe the house.

Mr. Richard Hartman:

- Said that a concern was raised about the placement of the house on the property.
- Explained that only the porch and garage project forward on the site from where the original house was sited.
- Stated that they have worked at length to preserve trees on the property and only one is to be removed.
- Added that they cannot excavate within the drip line area of a mature oak tree.
- Said he was available for any questions.

Commissioner Hlava said that she has no problem with the design. The big problem for her is the height. Agreed that there are two-story homes in the area but they are not right next door to smaller single-story homes. Said that she understands the applicants' desire for higher ceilings but asked if they can't bring down the roof pitch by three feet.

Mr. Richard Hartman replied, if required. He explained that the roof pitch is 7.5 & 12, 8 & 12 for the garage. He said they could consider a more shallow pitch and lower ceilings.

Commissioner Bernald asked about the dormers.

Mr. Richard Hartman said that one is over the entry, another the living room and another in the kitchen. They are acting as clearstory windows bringing in light.

Ms. Barbara Beach:

- Explained that her backyard backs to this house.
- Agreed that it is a beautiful house.
- Said that the reason she is here is that the view from her background changes drastically with this structure that would tower over her yard.
- Reminded that privacy and preserving views are called out for in the Residential Design Handbook.
- Added that one can see the top of this house over the roof of her house when entering into the neighborhood.

Chair Cappello asked Ms. Barbara Beach if the applicants have seen her photographs.

Ms. Barbara Beach said that she just printed them today and is happy to share them with the applicants.

Commissioner Rodgers asked Ms. Barbara Beach if she met with the applicants.

Ms. Barbara Beach said yes, several times. She said that she is excited to have them as neighbors and her kids have played with their children. She added that her concern was raised once the story poles went up.

Commissioner Rodgers asked Ms. Barbara Beach if her concern would be reduced if the peak were to be lowered.

Ms. Barbara Beach said yes, if it were more in line with the previous home on this site.

Commissioner Zhao asked Ms. Barbara Beach if she had communicated her concerns to the applicants. She asked Ms. Beach what she would like to see happen.

Ms. Barbara Beach said that they have talked and looked at the house together from her couch. The ultimately agreed to discuss it further here tonight.

Mr. Jeff Mitbo, Resident on Walbrook Drive:

- Said that he is an across the street neighbor.
- Said that while his yard will not be visible from this new house, he is concerned about the impact on the neighborhood and its character.
- Pointed out that his home is located right next to the historic farmhouse and has no privacy impacts from that house.
- Added that he does not think that this farmhouse is an apt comparison to this proposal as there is great visual impact from the front. While the full impact of the height is mitigated by the roof design as seen from the front, from the side it will appear very large.
- Reported that when the story poles went up the neighbors were all shocked and said that it was very tall.

- Stated that he is tall himself at 6 foot, 6 inches in height. The bottom of their roof gutter is at about the 12-foot level.
- Said that the scale of this house is enormous.

Mr. Gary Arango, Resident on Shadybrook Court:

- Said that he too reviewed the Residential Design Handbook.
- Said that his objection is not personal against these new neighbors. Rather, his concern is over preserving the neighborhood's character and feel.
- Stated that this is a tight knit and close neighborhood.
- Said that the bulk of this proposed home is out of scale with the neighboring residences.
- Stressed the importance of minimizing the height of the building and avoiding large attic spaces.
- Stated that the high pitch of the roof and the home's size is not in line with this neighborhood.
- Asked that this home not be allowed to overwhelm this existing neighborhood.
- Pointed out that the 1890 circa historic farmhouse is set far back on the property and is surrounded by trees.
- Added that the larger two-story homes in the immediate neighborhood are located on courts.
- Said that the design guidelines call for avoidance of large wall expanses without windows.
- Cautioned that this is a precedent setting home that makes him afraid for his neighborhood.

Mr. Larry Hernandez, Resident on Walbrook Drive:

- Said that his home is two houses to the right when facing the proposed house.
- Said he is "joining the chorus" of those expressing surprise when the story poles were installed.
- Stated that the poles demonstrate something much bulkier than the drawings had inferred. It is maxed out on setbacks and height limits. It is not consistent with the rest of this neighborhood.
- Reiterated his belief that the farmhouse is not a consistent example of this home.
- Reported that there have been many remodeled ranch-style homes in this neighborhood. It can be done. There is plenty of footage potential, especially with a basement.
- Expressed concern with this design that is pushed too far against the front of the site. It blocks views of the greenbelt.
- Provided a map exhibit that illustrates existing two-story homes in the neighborhood.
- Explained that of 92 homes, only 7 are two-story and that includes the old 1890 farmhouse. Three of the two stories are located on cull de sacs where they are inconspicuous.

Commissioner Bernald asked Mr. Larry Hernandez if he and his neighbors have ever considered pursuing a single-story overlay for their neighborhood to limit construction to single-story homes, as was requested by the neighborhood on the other side of Prospect Road.

Mr. Larry Hernandez replied no, not to his knowledge.

Mr. Brad Paulsen, Resident on Sunnybrook Court:

- Said that his is a two-story home located on a court.
- Stated that his chief concern is the proportion of this new house as it fits into this neighborhood.
- Pointed out that his home is set back 35 feet both in the front and sides, not 25 feet like this one.
- Said that the owner needs to be respectful of their lot and their immediate neighbors. Their home needs to be proportional to the neighborhood and larger community.
- Showed a mock up he drew of the setback proportion of his home versus the ridgeline.
- Added that this proposed new home is 37 percent taller than his home. It is 40 percent closer to the street than his home is located. The height versus property line ratio for his home is .54 while this proposed home's ratio is over 1. That is pretty significant.
- Stated that this home is taller than it is set back.
- Said that it is a gorgeous house but it is too close to the street. If it were set back 10 feet more, it would fall within the ratios of the rest of the neighborhood. If it were taken down a few feet in height and left within the current setback, it would also fall within the ratios of the neighborhood. Ratios within the neighborhood are between .4 and .7.
- Said that his biggest concern is that this home is so large it blocks the greenbelt and so far in front of the lot that it just doesn't fit.
- Advised that he waited a number of years to move into this neighborhood. This neighborhood is very embracing.
- Assured that they want to welcome Brent and Christy but they just wish their home was a little shorter.

Mr. William Martin, Resident on Walbrook Drive:

- Said that his home is five houses to the north on the creek.
- Thanked the members of the Commission for their service, which he appreciates.
- Advised that he takes no pleasure in speaking out against his new neighbors' dream house that they have put so much energy into designing.
- Reported that he went to the Planning Office last week and saw the plans. He said that he loved it. The house is beautiful and a great improvement over what was there.
- Stated that he loves Craftsman architecture.
- Added that it was only when the story poles were in place that he realized just how large this structure was going to be and had to come to speak against it.
- Said that he moved into this neighborhood in 1984. It is a very close-knit neighborhood.
- Stated that he loves his neighborhood.
- Reiterated that objecting to their proposed home design is not what he wants to do as a welcome to his new neighbors.
- Said that over the last 25 years there have been lots of major remodels in this neighborhood. None have been two-story.
- Stated that his lot is 2/3 of an acre and his house is 3,300 square feet.
- Reminded that he likes this home's design, materials and Craftsman style. He just doesn't like the proposed height.
- Said that he would like to see the ridgeline lowered and welcome this family to the neighborhood.

Ms. Lisa Malek, Resident on Walbrook Drive:

- Said that her home is three houses away on the creek side.
- Said that she also wants to welcome Christy and Brent.
- Added that she invites them to her home so they can see the tops of all trees from her house, which has eight-foot ceiling heights.
- Said that the architect listed things he did to minimize the mass of this house. If those things are necessary, the house is too big.
- Said that she wouldn't want this structure looming over her house.
- Suggested that a house should not be built in scale with trees. One needs to see nature first and houses that fit within that nature.
- Said that she remodeled her house.
- Stated that she loves her neighbors and welcomes these new neighbors but wants their house to fit in.

Mr. Cliff Moore, Resident on Walbrook Drive:

- Said he lives across the street.
- Thanked the Planning Commission for listening.
- Reported that he is the "rookie" in this neighborhood and he is excited to have Brent and Christy in the neighborhood so he won't be anymore.
- Said that he toyed with a Tudor-style home but decided against it as it doesn't match the neighborhood.
- Pointed out that there is an exhibit in the Residential Design Guidelines that is labeled as a "no" that reflects what is proposed here.
- Said that this is the wrong design and height for this location. Something that better fits with the look of the neighborhood is needed.

Ms. Terry Martin, Resident on Walbrook Drive:

- Stated that she finds it very distasteful to speak against this plan.
- Added that she very much wants to welcome these new neighbors with children who will grow up on our street.
- Said that Walbrook is like a park.
- Begged the Commission not to allow this house to ruin the view.
- Said that speaking from the heart, she loves her street and does not want to see a house that will dominate it because she wants to see the trees.

Ms. Kristi Hernandez Resident on Walbrook Drive:

- Said that she also wants to welcome Christy and Brent to the neighborhood. It is a great neighborhood.
- Advised that she lives two doors down from the proposed construction.
- Said that an issue was raised the day the story poles went up, which was the day after letters were due to the City on this project.
- Said that the poles showed this house to be out of scale.
- Said that the issue is the 26-foot height, which is six-feet taller than the two-story homes in this neighborhood. It doesn't fit into this neighborhood.

- Reiterated that she looks forward to these new neighbors but just wishes their house were shorter.

Ms. Christy Rohrig:

- Said that when they saw the story poles they too were surprised by how tall 26 feet appeared as well.
- Added that as a result they asked their architect to go back and see if they could still keep with the Craftsman style of the home and change the pitch of the roof.
- Said that they haven't seen the plan reflecting that change yet but she believes it will lower the height by four feet.
- Stated that they are willing to consider that as they really do want to fit in with the neighborhood and don't want to adversely impact peoples' views.
- Said that in the summertime, trees help mitigate issues but in winter this house appears pretty dominant from the neighbor's yard.

Mr. Brent Fairbanks:

- Said that it is very interesting to listen to a committee of 10 telling them how to design their house.
- Added that he has no idea how to make everyone happy.
- Said that in response to the setback to street comments made earlier, they are constrained on the back side by an existing pool that they don't want to have to dig up and move. They are also constrained on the south side by the full-grown oak tree and by another on the north side.
- Reminded that there is a fairly small area to site the house in despite the fact that it is a 6/10 of an acre site. It is only on the front third of the lot that they can build.

Mr. Richard Hartman:

- Said that a wall of trees will block view of this home from Ms. Barbara Beach's home most of the year. For only about three months of the year would she see that gable through the trees.
- Reminded that only a small portion of the house is at the 26-foot height. Only 37 percent of the roof area is above the 18-foot height.
- Opined that it is not excessive.
- Said that a large gable wall was pulled back from the property line because of that height. The gable is 41 feet from the property line and 53 feet from the curb.

Commissioner Hlava:

- Said that it doesn't look like this steep a roof is required for Craftsman-style architecture.
- Asked if the house is not too tall.
- Added that if it was not so tall she could make the findings because of the constraints they are dealing with on this lot. While the lot is large, the build-able area is not.
- Reiterated that the structure is too tall.
- Asked what the applicant could do with the roof or perhaps reduce the interior ceiling heights from 15 feet to 12 feet.

Mr. Richard Hartman said that he did feel there is some room to bring the height down a little bit if that is the direction the Planning Commission is asking them to take. He said they would be happy to explore that.

Chair Cappello:

- Said that he would like to have the Commission provide feedback.
- Added that if it appears that this project would not pass this evening, it could be continued to a future meeting or to a study session, which offers a more informal exchange with neighbors and members of this Commission.
- Asked staff to clarify if neighbors could speak again if this item were continued and brought back to a future meeting.

City Attorney Jonathan Wittwer said yes, they could speak again as it would be a different project once changed.

Chair Cappello asked the applicants how they would feel about those options. He added that some applicants prefer an up or down vote over a continuance so they can pursue an appeal before the Council.

Director John Livingstone suggested to Chair Cappello that the applicants be allowed to hear comments from the Commission first and then give them their options and obtain their preference without having to re-open the public hearing,

Commissioner Bernald:

- Reported that she drove through this neighborhood very slowly today.
- Said that she found very few two-story homes in this neighborhood and those that were there were well situated.
- Advised that “as is” this project is not compatible for this long-existing neighborhood.
- Stated her appreciation that there are neighborhoods like this still to be found in Saratoga with its original character.
- Added that she applauds having the garage as a side-facing one but is concerned about the impact of that on the north side neighbor.
- Pointed out that while there are no second-story windows, the large flat side creates a looming effect on the Beach home.
- Said that she is not a proponent of neighbor-designed homes, as that can become overwhelming. For that reason, she said that she would like to see a revised plan come back to the Commission in a follow up public hearing.
- Reminded that this neighborhood has its own atmosphere and feeling.

Commissioner Kundtz:

- Said that required findings are necessary that include interpretation on issues such as “unreasonable” interference on views and privacy. He added that he does not feel that there is an unreasonable impact here based on existing foliage that is in place for nine months of the year.
- Added that for the issue of perception of excessive bulk and compatibility with a neighborhood, he agreed that he too is loathe to have members of a neighborhood design

this home for the applicants but finds that neighbors have raised valid points about consistency and theme.

- Advised that he is against this application as it is proposed due to compatibility issues.

Commissioner Zhao:

- Said that when she first saw this project, she thought it was nicely done and reflected the semi-rural character of Saratoga.
- Stated that the architect did a nice job in minimizing the perception of bulk using architectural details that break up the mass.
- Added that her only issue is the compatibility of bulk and height with this neighborhood.
- Said that if on a different lot, this would be a nice design but here it is too close to its neighbors and is overpowering.
- Stated that she is glad that the applicant is willing to reconsider their design.
- Said that other than that, this is beautiful.

Commissioner Rodgers:

- Declared that this is a beautiful place.
- Suggested that this will be a warm and welcoming neighborhood for this family when they move in.
- Reported that she spoke with a young girl in the neighborhood who told her how much she loves living in this neighborhood.
- Agreed that a committee of neighbors cannot do the design of a home but these owners do have to be sensitive to how something fits into an existing neighborhood.
- Advised that she has a problem with height because it is a little closer to the street and because this is a narrow lot at the front. A wide wall faces the side neighbors to the north.
- Stated that it is possible that a single-story house with 26-foot height could turn into a two-story home in the future. This could be done legally as this house is not maxed out as far as square footage.
- Added that we have to be careful.
- Reminded that only 6 of 92 homes in this area are two-story homes. These existing two-story homes have second story portions that are sensitively located.
- Said that landscape screening does not affect her view on that. The design guidebook does not want landscaping to cover up problems with architecture.
- Said that bulk is the only issue as seen from the neighboring property to the northeast.
- Said that this is a Saratoga-type neighborhood. It is green and verdant with houses that are set gracefully on their lots.
- Opined that this proposed home is bigger and would be better with a lower roof that slopes in a different way.

Commissioner Hlava:

- Explained that she has seen a lot of unhappy neighbors over the years but these are the nicest unhappy neighbors she has ever seen.
- Said that it is clear that they have a wonderful neighborhood that takes pride in their community.
- Added that these applicants are lucky to be moving into this neighborhood.

- Advised that she could make all of the findings if this house were shorter. It is way too tall when compared to houses right next to it.
- Suggested that there is a huge amount of attic space that they may not need.
- Reiterated that the height is a major issue.
- Asked the applicants to come back to a future meeting with a plan that is closer to 22 feet in maximum height that would be more compatible and offer less impact.
- Reminded that she loves the architectural design and feels it will fit in well if the building height is shortened.

Commissioner Kumar:

- Agreed that this is a very beautiful neighborhood. There is a quiet elegance. It is coherent.
- Said that Brent and Christy have made the right choice in neighborhoods.
- Added that their proposed home utilizes a beautiful design that incorporates great features. However, there are some differences with the historic farmhouse that is across the street. That was built in 1890 and was situated under different circumstances from today's circumstances.
- Reminded that only 7 of 92 homes in this neighborhood are two-stories. Mostly in the periphery of the neighborhood by Prospect Road where impacts to the rest of the neighborhood are fairly diminished.
- Said that this lot has side yard setbacks of 28 and 12-feet. One side is at the minimum (12 feet).
- Stated that this house is overwhelming in size. The roof is quite massive as is the height.
- Suggested that it could be reworked to diminish the impacts.
- Advised that three design criteria stand out for him: views and privacy, perception of bulk and compatibility in bulk and height.
- Reported that he has difficulty making the findings despite the excellent design.
- Asked for changes to make it fit into this neighborhood better.
- Said he is open to either a study session or public hearing format.

Chair Cappello:

- Advised that he can make the findings except for the bulk as it appears at the top of the ridgeline.
- Added that minimizing that would do it for him.
- Said that he prefers a study session in this case.
- Reiterated the need to lower the maximum height.

Director John Livingstone:

- Reported that an unusual circumstance is happening here.
- Advised that this project architect has an optional drawing available this evening with lowered roof height.
- Suggested that the Chair might choose to give a recess and allow the applicants to discuss this alternative with their neighbors and show them these revised plans.

Chair Cappello asked if additional input would be offered.

Director John Livingstone said that the Chair would be able to re-open the public hearing for additional comments.

Commissioner Kundtz asked the applicants if this is what they would like to do this evening.

Ms. Christy Rohrig replied yes. She explained that she is expecting a baby in July and wanted to get started on this new home.

Chair Cappello suggested continuing this item to later in the meeting after Item 4 is complete. This would allow the applicant and neighbors time to consult on the proposed changes.

Mr. Bill Martin:

- Said that he is sensitive to the applicants' time constraints.
- Said that these revised plans would not include revised story poles.
- Reminded that the design is loved but the current building height and bulk are not.
- Suggested that this item be brought back in a month, or even next week.

Chair Cappello cautioned that story poles are not a requirement in Saratoga and are costly to install. He said that even if this item were continued there still might not be new story poles put up to reflect the change in height and mass.

Mr. Richard Hartman:

- Distributed revised drawings to the members of the Commission identified as Exhibit B.
- Informed that in these revised plans the roof pitch is reduced by 2 & 12. What was 7.5 & 12 is now 5.5 & 12.
- Added that the plate height at the garage and porch are lowered by one foot.
- Said that the overall height is reduced by 3 feet, 7 inches, to a maximum roof height of 21.75 feet.

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, the Planning Commission CONTINUED (until later in the meeting after the hearing for Item 4 is completed) consideration of the application for Design Review Approval (Application PDR09-0001) to construct a new 26-foot tall single-story single-family dwelling with basement on property located at 11970 Walbrook Drive. (7-0)**

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

**APPLICATION PDR08-0014 (517-18-026) Murabito, 15253 Montalvo Road:** The applicant proposes a second story addition to an existing single-story home for a total floor area of approximately 5,841 square feet. The owners are proposing a 30-foot roof, which exceeds the 26-foot height limitation and thus requires findings for a conditional use permit. The gross lot size is 38,146 square feet and the site is zoned R-1-40,000. (Cynthia McCormick)

Ms. Cynthia McCormick, Assistant Planner, presented the staff report as follows:

- Reported that the applicant is requesting Design Review Approval to allow the construction of a second story addition to an existing single-story home.
- Informed that the existing home is 23-feet high and has 2,452 square feet. The proposed home would have 5,835 square feet and have a maximum height of 30 feet in roof height.
- Advised that this exceeds the 26-foot height limits, which requires special findings for any additional height above 26 feet. Such additional height is allowed under Code in order to adhere to a specific architectural style.
- Informed the Commission that the resource, "A Field Guide to American Homes," by Virginia McAllister is the City's approved resource for assessing architectural purity.
- Said that the French Eclectic architectural features include things such as arched windows, dormers and entry, porch and balcony balustrades and coin detailing. While the lower pitched hip roof is more indicative of the Beau Arts Movement, it is much more compatible with the neighborhood in terms of bulk and height.
- Said that this home would be constructed of high quality materials that are in keeping with the surrounding neighborhood. Exterior finishes include neutral color smooth stucco, slate roof, travertine trim and shaped copper details. The home will be located in an area where other two-stories exist.
- Reported that there would be three gas fireplaces and one existing wood burning fireplace would remain.
- Said that trees on site would be protected.
- Recommended that this project be found to be Categorical Exempt under CEQA and that the draft resolution be adopted approving this application.

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

Mr. Marty Williams, Project Designer:

- Said that he is happy to have had the previous study sessions with the Commission in light of the immediately preceding item heard this evening.
- Explained that the reason his client wants to expand to a two-story home is to accommodate his large family.
- Reported that there are a lot of two-story homes in this area in many architectural styles including French, Spanish and Mediterranean.
- Said that this site is a down sloping setting that is a heavily wooded and treed property.
- Stated that the second story is set back at the front of the house. Bedroom windows, including the master bedroom, face the road (front) side of the house. They have attached and set back the garage and reduced the garage height. Two side elevation windows are obscured glass bath windows.
- Said that they are asking for a height of up to 30 feet to maintain a French Eclectic architectural roof height. Materials and features of this home are French Eclectic.
- Reported that the recognized expert, Ms. Virginia McAllister offered feedback on the desirable features to this architectural style. She wrote the resource, "Field Guide to American Architecture."
- Said that based upon her feedback they made changes that created more symmetry including placement and spacing of windows and the dormers.

Commissioner Bernald:

- Explained that she is new to the Planning Commission and did not participate in the previous study sessions on this project.
- Asked the designer to explain what dictated the 30-foot height for this design. Why could the ceiling heights not be lowered?

Mr. Marty Williams replied that many of the Beau Arts features are size. He added that the existing ceiling height inside is already at 10 feet.

Chair Cappello reminded that there have been quite a few study sessions where this applicant was asked to go back and later come back with new options.

Commissioner Bernald said she agrees that the option at the 26-foot height did look disproportionate.

Commissioner Zhao agreed that there are large homes in the Montalvo area. She asked about the pattern as far as setbacks at the front of many of these homes.

Mr. Marty Williams advised that he drove around the area to survey what was there and provided photographs of sample homes from the area. He cautioned that he did not stop to measure other properties, as it would have been intrusive on his part to do so. He said that he found that some looked to be a bit closer or at a similar distance to the front property line. He said that this house itself is 43 feet away from the front property line. The entry is 37 feet away.

Commissioner Bernald asked Mr. Marty Williams if he could provide the building heights for those homes he photographed.

Mr. Marty Williams said that he did not have that information. He added that he intended those photographs just to depict the types of two-story homes in the vicinity.

Commissioner Rodgers asked Mr. Marty Williams to verify that he is proposing to implement the revisions provided by Ms. Virginia McAllister or is he seeking approval of his previous Exhibit A.

Mr. Marty Williams said that he wants to adapt Ms. Virginia McAllister's revisions.

Director John Livingstone advised that although Mr. Marty Williams just brought those revisions with him this evening, staff is comfortable and supportive of them.

Commissioner Rodgers added, as a disclosure for the record, that she went to the project site by herself. The downhill neighbor was home and invited her and Commissioner Kumar, who was also visiting the site individually, into his backyard. She advised that they saw the story poles as visible from his yard. She added that this neighbor likes the garage pushed back as proposed. She said that when she mentioned her idea of asking the applicant to move the two-story portion further back onto the house, he advised that he prefers to have the taller (two-story) elements located to the front of this home as proposed.

Ms. Donna Butcher, Resident on Montalvo Road:

- Reported that her home is up the hill from this location.
- Cautioned that asking the two-story portion to be moved back would impact her backyard.
- Said she too is in favor of the second floor being kept in its forward placement as proposed.
- Said she had two requests. One is that the City be vigilant about the height at 30 feet. It is important to make sure that height is not exceeded in any way. She also asked that some screening be planted on the side she shares with these neighbors. By installing this vegetation now, by the time the house is finished there will be nice blockage in place.

Commissioner Bernald told Ms. Donna Butcher that her home is very beautiful and appears to be about 26.5 feet tall. She asked what is the architectural style of her home.

Ms. Donna Butcher said that it is a Federal or Georgian style but she thinks the people who built it took a few liberties.

Commissioner Rodgers said that when she was on site she noticed new plantings on the project site but none were on the Butcher property side.

Ms. Donna Butcher said that she doesn't want anything that is too tall as she has a large rose garden in that area of her yard and doesn't want it to become too shaded.

Mr. Fred Murabito, Applicant and Property Owner:

- Reported that he has put in over 90 redwood trees on his property.
- Said that the decision not to plant anything too close to the Butcher property was out of respect for her rose garden.
- Explained that previously there were olive trees near the shared property line. Ms. Butcher's landscapers would trim them back drastically as they interfered with the preservation of her rose garden.
- Said that he is agreeable to planting along that side over the next few months.
- Added that the end result will be that he would have planted about 75 percent of his property while still preserving his neighbor's sunshine.

Commissioner Rodgers said that olive trees have to be thinned out in the center to thrive. She questioned the trees planted on the lower side by the garage. Will these new trees end up growing into the tree canopy of those trees already at the property line?

Mr. Fred Murabito said that those trees are Carolinas, which grow to a maximum height of 10 to 12 feet. He added that the redwoods he planted were put in areas where there are no oaks.

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

Commissioner Hlava:

- Said that she could support the Use Permit to allow a maximum height up to 30 feet.
- Added that so much time has been spent in developing this design.

- Stated that she is happy with these changes. The changes offered by Ms. Virginia McAllister make the façade look less busy. Since Ms. McAllister has signed off on the architectural purity of this design, she is convinced that this architecture is authentic and can support it.
- Said that she could make the findings for both Design Review and Conditional Use Permit approvals.
- Stated that this is a pretty neighborhood and this home is a good addition to it.

Commissioner Bernald:

- Explained that she has checked into a lot of things in preparation for this item.
- Said that while there are numerous massive homes in this area, they are well situated on their lots. The taller homes seemed to be set back further on their lots.
- Reminded that when Saratoga was incorporated in 1956, it was with the slogan, "Keep it rural."
- Added that this project appears to be more suburban than rural in style.
- Said that through her research she read that the 30-foot exception in height was intended to allow the continuance of architecture in vernaculars already existing in Saratoga.
- Said that she had asked Planner Cynthia McCormick to look up those houses in Saratoga approved up to 30 feet. There are three. In 2004, a French Country home was approved. It is set back 56 feet. In 2007, a shingle house was approved at 29 feet in height on Los Gatos-Saratoga Road. That home is set back 83 feet. In 2008, a Queen Anne style home was approved at 30 feet. It was a well articulated home that was set back 89 feet.
- Agreed that there are plenty of two-story homes in the Montalvo area achieved at the maximum allowed 26 feet in height.
- Expressed concerns including the use of quoins, the large expanse of flat surface and the proximity of the home to the road.
- Added that this home is just under being taller than the setback.
- Stated that she is not able to support this request.

Commissioner Kundtz:

- Advised that each property is reviewed on its own merits.
- Added that the three previous approvals for height extensions were not precedent setting for the approval or denial of this project.
- Said that there are subset communities within Saratoga including Montalvo.
- Stated that Montalvo is not rural, except for the wildlife.
- Said that the person considered to be this region's architectural expert has deemed this design to be consistent as far as architectural purity.
- Opined that this home is indeed compatible with the Montalvo area.

Commissioner Zhao:

- Reminded that there had been several study sessions on this project.
- Said that the design findings for a height exception are to allow a home to achieve architectural purity.
- Stated that with the input and revisions offered by Ms. Virginia McAllister, she can make the findings for architectural purity.

- Said that she too is concerned about the house being too close to the street but can see that is occurring because of the constraints of the lot.
- Agreed that there are a lot of bigger houses in Montalvo. She has no problem with a home of this size in the Montalvo area.
- Added that privacy and view impacts are not a concern to the neighbors.
- Said that she would support this project.

Commissioner Rodgers:

- Said that at one time she did not think this house fit in Saratoga or this area.
- Reported that the applicant had once said that he wanted an aristocratic house. While the Montalvo area is elegant, it is a quiet and reserved elegance.
- Said that the review of American architecture as contained in Virginia McAllister's guide, is defining architecture as utilized in America since early in the 20<sup>th</sup> Century.
- Explained that one of the homes approved for extra height was on a parcel that had an earthquake fault line across it. Those owners had to go taller to avoid constructing directly on said fault line. She explained that she voted against that proposal but it passed.
- Said that the shingle house Queen Anne was researched thoroughly and was an exceptional house. Virginia McAllister also reviewed and verified that design.
- Stated that the Victorian on Hume was on a parcel adjacent to the County line, where there are 30 to 35-foot high homes as is allowed by the County. She added that she voted in favor of that extension in height.
- Said that because Virginia McAllister has approved this design as architecturally pure, she is okay with it and can support the Use Permit and Design Review.

Commissioner Hlava said that if the ratios offered by the previous application range between .4 and .75, this project is at .689. The setbacks range between 30 and 43.6 feet. This project is setback like most homes on Walbrook.

Commissioner Kumar:

- Expressed his thanks to Mr. Murabito for putting the story poles back.
- Added that the neighbor showed him his backyard.
- Questioned whether this home is too close to the street is a real issue as there are a lot of tall trees close to the road to screen and no homes in front of this lot.
- Reminded that it is only after a number of iterations that this design was developed.
- Pointed out that from the perspective of the two closest neighbors, they prefer the design as it is with the second story located to the front of this home.
- Said that he likes the fact that Virginia McAllister has endorsed this design as architecturally pure. Her changes help accentuate the design.
- Agreed that lots of alternatives were evaluated in place of exceeded the 26-foot maximum height allowance.
- Said that this proposal is acceptable to him. When one looks at the Montalvo area, there are many unique designs. This is a wonderful addition to that.

Chair Cappello said that he agreed and can also make the findings necessary to support the Use Permit and Design Review approval.

City Attorney Jonathan Wittwer made some modifications to the draft resolution as follows:

- Page 4 of 8, Section 1, last two lines. “...Planning Commission Design Review approval (with supporting Use Permit for variation from height standards).”
- Page 5 of 8, Condition 2. “As shown on the approved plans dated March 16, 2009, known as Exhibit A (as modified by Exhibit C presented to the Planning Commission at its meeting on March 25, 2009).”
- Paragraph 4 (Fences/Walls/Hedges), correct second sentence: “Any existing fences or walls not meeting the Zoning Ordinance standards shall be removed or made compliant if that is possible, prior to final ~~Planning inspection~~ issuance of a Building permit.”

**Motion:** Upon motion of Commissioner Kundtz, seconded by Commissioner Hlava, the Planning Commission granted Design Review Approval (Application PDR08-0014) to construct a new 30-foot maximum roof height second story addition to an existing single-story home on property located at 15253 Montalvo Road, as modified by the City Attorney, by the following roll call vote:

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

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Chair Cappello invited the applicants for Agenda Item No. 3 to return.

Mr. Brent Fairbanks said that they have tried to make a very generous compromise after seeing the story poles and hearing the neighbor feedback this evening.

Ms. Christy Rohrig added that their architect provided an alternate plan with a roof pitch that goes from 22.4 to 14.11. This reduces the impacts on the Beaches.

Mr. Brent Fairbanks said that this change would restore the views of trees as seen from the Beaches property.

Mr. Bill Martin, Resident on Walbrook:

- Said that it is hard to say exactly where everything is.
- Said that he understands that story poles are not required and the applicants don't plan to put new ones in place.
- Suggested that this process seems rushed to him.
- Recommended having a study session.
- Said that the numbers being offered are confusing and that some of the neighbors still feel that this is too high.
- Added that he is old fashioned and does not feel that the neighbors should be designing their home for them.
- Pointed out that he only knew about this for about one week and feels rushed by the whole thing.

Ms. Terry Martin, Resident on Walbrook:

- Said that she is impressed with Commissioner Bernald's comments made during the previous item.
- Stated that Saratoga should be rural and this doesn't feel rural.

Mr. Gary Aranjó, Resident on Shadybrook Court:

- Stated that it is the consensus of the group that this feels rushed at this point.
- Said that everyone was surprised by new plans showing up at the last minute. This feels like an ambush. There was no notification and not enough time for due process.
- Reminded that there are compatibility issues and there are no other homes in this neighborhood on that setback.
- Suggested that a study session is the reasonable way to go. It gives everyone the time to try and get through it. More discussion is appropriate.
- Said that he gave more thought to the question asked earlier about consideration of a single-story overlay for their neighborhood. His wife did research at one time. They never thought it was necessary but might need to revisit the idea.

Ms. Barbara Beach, Resident on Sunnybrook Court:

- Said that it is hard to visualize how these changes might improve the view from her backyard.
- Said that the trees between her house and this project site are scrawny liquid ambers.
- Reminded that a house at 21.5 or 22.5 is still taller than the two-story homes in the neighborhood. It is still taller than the tallest two story and is still towering.

Mr. Cliff Moore, Resident on Walbrook Drive:

- Said he echoes the previous comments.
- Said that they have tried to talk with the applicants.
- Advised that no one fully understands what they are proposing as an alternative.
- Supported the use of a study session but the applicants said no.
- Asked that this project be denied as currently proposed. It is bigger than anything in this neighborhood.

Ms. Christy Rohrig, Applicant, said that they are willing to consider a study session but are not sure that this home would be better designed by committee. She said they want to hear the Commission's discussion.

Mr. Brent Fairbanks pointed out that he thought several members of the Commission had indicated that they thought that a study session was unnecessary.

Chair Cappello advised that study sessions are not always design sessions. They provide an opportunity to discuss what is liked and not liked in an informal setting.

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

Commissioner Bernald asked if this is not on shaky legal ground considering that Exhibit B was just put forward at the last minute this evening.

City Attorney Jonathan Wittwer replied no. What is proposed is very similar to what was advertised. It is common for modifications to be made as part of the planning process.

Commissioner Zhao said that she liked the original design in the first place. If they are willing to reduce the height, she could make all the findings except for compatibility. Lowering the height helps with that concern.

Commissioner Hlava said that she empathizes with the neighbors. This does seem to be rushed. She said that everyone must go back and evaluate the impact of a 21.5-foot height on adjacent properties. Asked staff if it would be possible to continue this to the next meeting without having to renotice it.

City Attorney Jonathan Wittwer replied yes. This item absolutely could be continued to a date certain.

Commissioner Hlava said that this reduction in height more or less solves the problem. She added that she could also appreciate that the applicants do not want a lengthy delay. She suggested continuing for two weeks to the next meeting.

Commissioner Rodgers suggested that the applicants install a different color of tape to show the lowered heights. This does not require new poles.

Director John Livingstone cautioned that the meeting on April 8<sup>th</sup> already has four items. A fifth item was already moved to April 22<sup>nd</sup>.

Chair Cappello asked how many items were set for April 22<sup>nd</sup> now.

Director John Livingstone replied two items.

Commissioner Rodgers asked why the fifth item was moved forward to the following meeting.

Director John Livingstone replied the need to conduct site visits within the short time frame available. Additionally, there is a study session set for after the site visits on April 8<sup>th</sup>.

Commissioner Kundtz proposed starting the site visits at 3 p.m. instead of 3:30 p.m.

Commissioner Kumar:

- Said that he finds the merit of a study session is the input received from neighbors and members of this Commission. They generally lead to a finer design that the applicant can be excited about.
- Advised that he too is feeling a little bit rushed.
- Stated that he is in favor of continuing to a future meeting or study session on a date certain.
- Added that his preference would be a study session.

Commissioner Rodgers:

- Stated that the design with the shorter roof looks much better.
- Said that part of their charge as a Commission is to make sure that neighbors feel that their views have been considered.

Chair Cappello:

- Agreed that the design is improved by the lowered height to 21.5 feet.
- Added that he could make all of the findings and does not find this home to represent excessive bulk
- Said that the modified design does it for him but he is not sure if he is in the majority viewpoint.
- Suggested that this item be continued to a date certain public hearing and not to a study session.

Commissioner Kundtz:

- Said that he is against a study session.
- Stated that with the reduction in height he could make the findings except for compatibility with the character of the community.
- Said that his only opposition is to rushing to judgment.
- Added that the first story poles had such an impact.

Commissioner Bernald agreed. She supported a continuance to a date certain and no study session.

Chair Cappello asked if that date should be April 22<sup>nd</sup>.

Commissioner Hlava said that it should be April 8<sup>th</sup>. The members of the Commission could go to the site individually rather than as part of the organized site visits. She said that adding green lines to the existing story poles would help define the reduced heights.

Commissioner Kundtz agreed that there is need for a visual perception of the reduction

Commissioner Zhao questioned if the applicant's plans could be ready for the next meeting.

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Bernald, the Planning Commission CONTINUED TO ITS MEETING OF APRIL 8, 2009, consideration of the application for Design Review Approval (Application PDR09-0001) to construct a new 26-foot tall single-story single-family dwelling with basement on property located at 11970 Walbrook Drive, with each Commissioner committing to visit the site individually prior to that meeting. (7-0)**

Mr. Gary Arango asked if there is a way for the neighbors to get copies of the revised plans once they are ready.

Director John Livingstone asked the neighbors to stay in touch with the project planner, Cynthia McCormick.

**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 Zhao, Chair Cappello adjourned the meeting at approximately 10:42 p.m.

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