

**MINUTES  
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, April 22, 2009  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Bernald, Cappello, Hlava, Reis, Robertson, Rodgers and Zhao  
Absent: None  
Staff: Director John Livingstone, Senior Planner, Christ Riordan, Assistant Planner  
Cynthia McCormick and City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of April 8, 2009.

**Motion: Upon motion of Commissioner Bernald, seconded by Commissioner Hlava, the Planning Commission minutes of the regular meeting of April 8, 2009, were adopted with a correction to page 15. (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 April 16, 2009.

**REPORT OF APPEAL RIGHTS**

Chair Zhao 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 MOD09-0003 (503-24-046) The Inn at Saratoga, Inc., 20645 Fourth Street:**

The applicant requests modifications to an approved Design Review application. Original October 22, 2008, approval was for a 2,052 square foot addition to the west elevation of the existing five-story Inn at Saratoga. Proposed modifications are for redesign of the second-story roof on the south elevation. The lot is 29,839 gross square feet and is zoned CH-1. (Chris Riordan)

Mr. Chris Riordan, Senior Planner, presented the staff report as follows:

- Distributed a color and materials board.
- Explained that the applicant is seeking approval of a modification to a Design Review application approved by the Planning Commission on October 22, 2008. That application was for a horizontal extension to the existing two-story elevation facing Big Basin Way. This approximately 2,050 square foot addition would be used for a conference room, two new guest rooms and a small office.
- Reported that as originally approved, the mansard roof would encroach 2 feet, 9 inches above the airspace of the parking lot for approximately 62 feet. The proposed modifications include the redesign of the proposed mansard roof. Instead of projecting over the airspace of the parking lot, the mansard roof is redesigned to be flush with the face of the building.
- Said that the roofing materials would match those on the remainder of the building.
- Advised that during the site visit, some members of the Commission expressed concerns about the flat appearance of each of the roof. The applicant has redesigned the roof so the roof ends are consistent with the appearance of the rest of the building and revised elevations are provided this evening.
- Pointed out that he has also provided a revised resolution with a correction to a typographical error.
- Recommended approval of this modification.

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

Mr. Lee, Applicant and Owner of The Inn at Saratoga:

- Stated that he is available for any questions.

Commissioner Bernald stated for the record that she went by The Inn today, as she had not made the site visit tour. She mentioned that she encountered Mr. Lee while there and discussed a few matters with him.

Commissioner Hlava clarified with Mr. Lee that the roof has been redesigned to make curves at the ends. It still looks like the same design as before but no longer encroaches into the airspace.

Mr. Lee replied yes.

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

Commissioner Rodgers:

- Reminded that she had originally objected to the Use Permit for this new conference room due to its lack of accessibility for those with mobility issues.
- Opined that there is not sufficient access to the Village.
- Added that in her opinion a hydraulic lift could easily be installed at a cost of less than \$10,000.
- Said that she remains disappointed that Mr. Lee has decided not to put that lift in so her objection to the Conditional Use Permit still stands.

**Motion: Upon motion of Commissioner Cappello, seconded by Commissioner Reis, the Planning Commission approved modifications (Application MOD09-0003) to an approved Design Review application for The Inn at Saratoga to allow for the redesign of the second-story roof on the south elevation on property located at 20645 Fourth Street, by the following roll call vote:**

**AYES: Cappello, Hlava, Reis, Robertson and Zhao**

**NOES: Bernald and Rodgers**

**ABSENT: None**

**ABSTAIN: None**

Commissioner Hlava explained that while she agrees with Commissioner Rodgers' point regarding the importance of accessibility, she also believes that the site does have access that meets required standards. There are legal constraints in imposing more than what is required.

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

**APPLICATION FER09-0002 (410-37-001) Shakeri, 15410 Quito Road:** The applicant requests Design Review Approval for a fence exception. A fence exception is allowed pursuant to 15-29.090 of the City code. The property is located on Quito Road where a fence, up to eight feet in height may be located no closer than ten feet from the street line. The applicant is proposing a six foot high wrought iron fence, two six foot high wrought iron gates and pillars approximately two feet from the street line. (Cynthia McCormick)

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

- Advised that the applicant is seeking approval for a six-foot tall wrought iron fence, gates and pillars located approximately two feet from the street line or four feet from the pavement for a property on Quito Road.
- Explained that Code allows fences up to eight feet in height no closer than ten feet from the street line.
- Said that the applicant is asking for a fence exception, as allowed under Section 15-29.090, for fencing that is closer than ten feet to the road. The proposed fence is two feet shorter than the maximum allowed ten-foot height.

- Reported that the fence would be painted dark brown. It will be constructed of a high quality wrought iron material with vertical bars and a horizontal decorative element across the top. The columns will be stucco that is painted dark brown to match the fence and gates.
- Stated that this fence will replace the existing wire fence in the same location as an existing wood picket fence that will also be removed.
- Added that several fences along Quito are set back less than the required ten feet from the street line. The home next door has a fence of approximately the same height and location as the proposed fence. The design, quality and materials are similar to existing fences in the neighborhood.
- Reminded that neighborhood notification forms were signed. The applicant contacted his neighbors.
- Informed that a permanent condition of approval for a landscape agreement has been added to the resolution. The applicant proposes to plant red, orange and pink bougainvilleas.

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

Mr. Omid Shakeri, Applicant and Property Owner, said he was available for any questions.

Commissioner Bernald thanked Mr. Omid Shakeri for putting up the little poles. They were very helpful.

Commissioner Rodgers said that this will be such a beautiful house that she had hoped there would be more visual access to see it but that this fence meets all requirements.

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

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Cappello, the Planning Commission granted Design Review Approval (Application FER09-0002) to allow a fence exception for a six foot high wrought iron fence, two six foot high wrought iron gates and pillars approximately two feet from the street line on property located at 15410 Quito Road, per the revised resolution, by the following roll call vote:

**AYES:** Bernald, Cappello, Hlava, Reis, Robertson, Rodgers and Zhao  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

**APPLICATION PDR08-0039 (508-18-014) Liu, 12969 Pierce Road:** The applicant requests Design Review approval to construct a new two-story single-family dwelling. The proposed floor area is approximately 4,984 square feet and the maximum height is less than 25 feet. The applicant will remove one (1) existing tree and relocate one (1) existing tree. The

applicant will replace the trees with new trees equivalent in value. The gross lot size is 26,388 square feet and the site is zoned R-1-40,000. (Cynthia McCormick)

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

- Advised that the applicant is seeking approval for a 4,957 square foot home with a maximum height less than 25 feet. The home includes a 3,454 square foot basement that is not included in the floor area. There is also a pool and gazebo. The home is of a Mediterranean style.
- Described architectural details as including a mission-tile roof, turrets, stone veneer, columned entry, arched windows and a three-car garage. The proposed basement would include a light well with wrought iron railing. The proposed home would also include three gas fireplaces. No wood burning fireplaces are proposed.
- Said that this neighborhood is a mix of one and two-story homes. The majority of the front elevation is 21 feet or less in height. The second story is approximately 12 percent of the first floor footprint.
- Explained that the property is surrounded by several trees that minimize privacy impacts to adjacent neighbors. The second story windows have been kept to a minimum and recessed for added privacy.
- Said that the house uses neutral colors, articulation of the walls and varying rooflines to minimize the perception of bulk.
- Said that the basement design further minimizes the appearance of bulk by locating a large portion of the home underground.
- Reported that the draft resolution has been amended and a copy given to the applicant.
- Recommended that this project be deemed Categorically Exempt under CEQA and that the Commission approve this request.

Commissioner Bernald asked about the fencing that is depicted on page 1. Is this something that requires additional approval?

Planner Cynthia McCormick explained that this fence is three-feet tall with a five-foot gate. This is allowed without need for an exception.

Commissioner Rodgers disclosed for the record that she visited the site independently and ran into the project designer, Mike.

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

Mr. David Ald, Applicant and Property Owner:

- Reported that he is here tonight with his wife.
- Said that he is in the high tech industry and his wife is an internal medicine physician working in Saratoga, off of Cox Avenue.
- Stated that they both love Saratoga and in particular this neighborhood.
- Advised that they bought this property in 2007 and have been working on their plans for the last two years.

- Thanked the Planning Commissioners for their site visit. Thanked Planner Cynthia McCormick and Director John Livingstone for their assistance. Thanked City Arborist Kate Bear for her help in finding a contractor qualified to relocate a tree on site.
- Informed that they have relocated the driveway and garage to the other side of the property. They have designed a side-entry garage so they can turn before entering onto Pierce Road.
- Explained that the new house is further back from the front property line. The single-story portion has high ceilings. The second story is just 15 percent of the FAR to help minimize the appearance of bulk.
- Described the green features as including: solar hot water panels on the southern roof, which are not visible from the street; roof materials that are compatible with California's Cool Roof Program; windows that are double paned with low E-glass; overhangs to provide shade to the windows in the summer; interior lighting will feature LED down lights, which are more energy efficient; engineered lumber instead of dimensioned lumber, which is stronger and uses less wood; their driveway is permeable concrete block, which reduces runoff; and the existing house will be recycled.
- Said that they met with their seven immediate neighbors, some for the first time. They have been friendly and supportive and their feedback was taken into consideration in the final plan.

Commissioner Rodgers said that she did not see the solar panels on the drawing. Are they to be located on the garage?

Mr. David Ald said the panels would be on the family room roof that is on the south side. It is not a photovoltaic system but rather is a hot water solar, which takes less space than photovoltaic. Said that this system is included on the roof plan but the Commission may not have that sheet. This system looks like skylights.

Commissioner Rodgers asked if the solar panels would be visible at all from Pierce Road.

Mr. David Ald replied no.

Commissioner Robertson asked if the panels would need to be propped up.

Mr. David Ald replied no.

Commissioner Rodgers said that it appears that they are closer to the northwestern side.

Mr. David Ald assured that they are not visible from Pierce Road and should function okay where situated.

Commissioner Rodgers reported that Mike had shown her a nearby house that has the same roofing tiles proposed for this home. She said that they use four types and colors of tiles and the result looks somewhat bright. She asked Mr. David Ald if he would mind pulling out the brightest color of tile so the roof looks browner in tone.

Mr. David Ald pointed out that the lighter color is needed to meet the State's Cool Roof requirement. If the roof were made darker it potentially would not comply.

Commissioner Rodgers said okay.

Commissioner Hlava said that she sees no mention of grading in the report. She asked how much grading is being done here.

Planner Cynthia McCormick said that she spoke with the project engineer who prepared the grading plan. He reports that 70 cubic yards will be removed for the pool. There is no other cut except for the basement. There is going to be a retention pond in the lower right hand corner for drainage. There is no further excavation.

Commissioner Hlava asked if as long as it is a net wash, the Commission does not care? Instead of cutting and/or filling they are just relocating soil on site.

Director John Livingstone assured that the City does care. There are two thresholds. One is whether or not a project requires a grading permit. This one does. The other threshold is 1,000 cubic yards of grading, which is applicable for Hillside districts. This project is not over the 1,000 cubic yard threshold. Grading for a basement does not count.

Commissioner Hlava said she now understands and thanked the Director for his clarification.

Commissioner Robertson asked for clarification on how water would drain and/or whether the house height would be raised.

Mr. Mike Amini, Project Designer:

- Said that there would not be a huge amount of grading. There is six-inch difference in grade from the garage to the house.
- Added that the house will have eight to ten downspouts with channels.
- Stated that the permeable driveway allows 90 percent of the water to percolate through and eliminate any runoff.

Commissioner Robertson asked if there would be no catch basin on the driveway.

Mr. Mike Amini said one is not needed.

Ms. Kristin Hensman, Resident on Pierce Road:

- Said that she is a 22 year resident of this neighborhood and is looking forward to these new neighbors.
- Reported that the neighbors are concerned about height and the potential that the side of the house facing towards the east could end up higher than foreseen.
- Said there is a fear that when the site is cut and balanced, the height of the finished grade might be higher than anyone currently understands and higher than current existing grade.
- Asked that the final height of this new home be no more than 26 feet taller as seen from where the fence is right now.

- Said that this new home will be wonderful and great. The neighbors want this family to have the house that they want as long as the final height is 26 feet or less from existing grade.

Commissioner Cappello sought to find out what specific impacts Ms. Kristin Hensman is anticipating. Is it privacy and/or view impacts that are feared?

Ms. Kristin Hensman said that if the house is 26 feet tall or less, there are no concerns. Anything taller than 26 feet would be a cause of concern.

Commissioner Cappello asked if the added height creates a privacy impact, perhaps from a window.

Ms. Kristin Hensman said that there are no concerns over windows as proposed as long as the house does not exceed 26 feet from current grade. However, if the building pad were to be elevated through grading changes, everything else gets taller too as seen from adjacent properties. She reminded that there is a balcony on that side and windows facing the neighbor's home.

Planner Cynthia McCormick advised that one neighbor, Mr. David Stellman, called in and left a message in support of this project.

Mr. Mike Amini, Project Designer:

- Said that they had met with seven neighbors who were fine with this proposal.
- Assured that the maximum height would be less than 26 feet. Right now, it is 24 feet, 6 inches.
- Reminded that the window in the direction of the neighbor's home is at an above eye level height per that neighbor's request. They are fine and have no objection.

Commissioner Hlava clarified that Ms. Kristin Hensman's request is simply to ensure that the house height shown on the plans is the house height that is finally constructed. She added that taller structures can appear to loom over smaller neighboring homes.

Mr. Mike Amini:

- Said that he is a builder for 28 years.
- Assured that he obeys all of the regulations of any City, especially Saratoga's.
- Added that this home's height is below the City's maximum allowed.
- Reiterated that the story poles reflect exactly what will happen.

Mr. David Ald, Applicant and Property Owner, added that the grading plan is correct. He assured his new neighbors that they don't intend to add anything to the height of this home.

Commissioner Robertson pointed out that the height from grade is actually 23 feet, 6 inches and not 24 feet, 6 inches. They are more than 1.5 feet below the City's maximum.

Director John Livingstone:

- Explained that the City requires a benchmark that equals the zero line by which everything is calculated against. A benchmark has been established for this site.
- Added that staff takes all figures and incorporates them into the staff report. These figures are in the plans, report and on the elevations. There is plenty for us to check.
- Stated that when there is doubt, a surveyor would go out and shoot that benchmark and certify the accuracy. There are checkmarks in place.

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

Commissioner Cappello said that he is convinced that the plans depict that this home will be well within the 26 foot maximum allowed height. He said that all of the required findings could be made including those on views and privacy.

Commissioner Bernald said that she went to the site today individually to view the story poles missing during the group site visit. She commended the applicant for all of the green features of this project.

Commissioner Rodgers agreed.

**Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Cappello, the Planning Commission granted Design Review Approval (Application PDR08-0039) to allow the construction of a new two-story single-family dwelling on property located at 12969 Pierce Road, as revised and with inclusion of the drainage plan submitted at this meeting, by the following roll call vote:**

**AYES: Bernald, Cappello, Hlava, Reis, Robertson, Rodgers and Zhao**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

There were no Commission Item.

### **COMMUNICATIONS**

There were no Communications Items.

### **ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Bernald, seconded by Commissioner Hlava, Chair Zhao adjourned the meeting at approximately 7:58 p.m.

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