

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, May 13, 2009
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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, Assistant Planner Cynthia McCormick and City Attorney Jonathan Wittwer

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of April 22, 2009.

Motion: Upon motion of Commissioner Bernald, seconded by Commissioner Cappello, the Planning Commission minutes of the regular meeting of April 22, 2009, were adopted with a correction to page 9. (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 May 7, 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.

PUBLIC HEARING - ITEM NO. 1

APPLICATION PDR08-0036 (393-39-020) Mohazzab, 13581 Saratoga Vista Avenue: The applicant requests Design Review approval to demolish an existing home and construct a new two-story single-family dwelling with a total floor area of approximately 3,704 square feet. The height of the proposed home is approximately 25 feet. The applicant will remove ten (10) existing trees and replace them with eleven (11) new trees and three (3) screening shrubs. The lot is 12,764 square feet and the site is zoned R-1-10,000. (Cynthia McCormick)

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

- Advised that the applicant is seeking approval of a new two-story single-family dwelling with 3,704 square feet and a maximum height of approximately 25 feet.
- Explained that the new home includes two gas fireplaces. No wood burning fireplaces are proposed.
- Added that 10 existing trees would be removed, five of which are dead or dying, with 11 new trees and three screening shrubs. The value of the new trees and shrubs is \$8,550, which exceeds the required replacement value by approximately \$2,000.
- Said that the project is consistent in allowable floor area, heights, setbacks and lot coverage in this district.
- Reported that this project has undergone several design iterations to address neighbor concerns regarding privacy, protection of trees, bulk and neighborhood compatibility. The perception of bulk and height are reduced by the articulation of the walls and the stepping back of the highest portions of the home. The variation of the rooflines helps minimize interference with views, light, air and solar energy.
- Said that the home's proposed earth tone colors and slate style roof tiles help blend the home with the natural surroundings and compliment the adjacent residences.
- Stated that new and existing trees and hedges will surround the perimeter of the property minimizing privacy impacts to the adjacent neighbors from the first and second floors. Setting the second story approximately 33 feet from the northern property boundary line, where only 15 feet is required, has further minimized privacy impacts. The second story is approximately 97 feet from the home located at 13555 Saratoga Vista Avenue and approximately 120 feet from the home located at 20170 Thelma Avenue.
- Informed that the applicant has also removed three windows from the northern side of the house; obscured the remaining second story windows on the northern side of the house; removed the balcony on the northeastern portion of the house; and reduced the size of the balcony on the southwestern portion.
- Reported that a permanent condition of approval has been included in the resolution requiring a deed restriction to permanently obscure all second story north-facing windows. She said that additional Public Works conditions of approval have also been added to the resolution.
- Recommended that the Commission find this project to be Categorically Exempt under CEQA and adopt the resolution approving this project.

Commissioner Rodgers asked staff to clarify whether the story poles are situated at the proposed ridgeline rather than at the plate line.

Planner Cynthia McCormick said that is her understanding and the applicant could correct that if she is wrong.

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

Mr. Majid Mohazzab, Applicant and Property Owner:

- Said he wanted to structure his presentation to provide a background on the project, a discussion on privacy impacts, outlining the unique features of this property, explaining why a two-story home, acknowledgment and questions.
- Reported that he purchased this property in July 2008. They decided to construct a two-story home based on the existing limitations including the position of this property relative to the neighbors' houses and trees that already exist inside and around the property. The design was finalized in November 2008 and adjacent neighbors were notified. Most of the neighbors did not have any issue with the design. Two neighbors, at the north/right hand side of the property raised privacy issues. The design was changed to address their privacy issues. In December 2008, those two neighbors were notified of the changes and asked for feedback. None was received after that second notification and the project was submitted to the Planning Department.
- Continued that in March, during the Planning Commission's site visit, they heard some comments and decided to postpone the hearing to address those comments. Since then, several design changes were made to incorporate the City Arborist's, City Planning and neighbors' feedback. To deal with privacy impacts raised in December, the main window for bedroom #1 was removed. They also obscured the windows in the bath and laundry room.
- Assured that they had tried to address all of the privacy issues.
- Said that the latest design, following the Planning Commission visit, includes the removal of three additional windows on the north (right) side of the house. Now there are only two windows on the north side. They removed the balcony on the north side and reduced the balcony on the south side.
- Pointed out that they have proposed additional trees and screening shrubs over that which is required by Code; moved the entire house by 20 feet to the right for added protection of trees; and stepped back a portion of the second story to reduce the bulk and minimize impacts to views.
- Mentioned that the two small windows on this north elevation are at a 5 foot, 2 inch height and obscured.
- Described unique features of the proposed new house. One, the lot is much lower than the above neighbors' houses. The proposed new house has more than 33 and 37 feet (instead of the normal 10 feet) distances on the right side. The second story is approximately 97 feet from the home at 13555 Saratoga Vista Avenue and approximately 120 feet from the home at 20170 Thelma Avenue.
- Added that the existing trees give enough privacy to the neighbors and additional trees will also be planted.
- Said that the garage is 21 feet from the north property line. The rest of the home is 33 and 37 feet set back on the first floor and 40 and 50 feet set back from the property line to the second floor.

- Stated that the house to the right is six feet higher and the house to the left is four feet higher than what is proposed here.
- Showed an aerial view of the property and pointed out that as shown here there are plenty of trees.
- Said that as the Planning Commission saw at the site visit yesterday, one can barely see his house as depicted with the story poles from these two houses. There will be additional screening trees added to reduce privacy impacts even more.
- Stated that neighbors can see him but he cannot see them from his property. The subject property is sitting on the lowest point when compared to the other houses on Saratoga Vista Avenue and Thelma Avenue.
- Added that the neighbors on the right and left of his property are about six and four feet above his property and have a complete view to his house.
- Cautioned that if his house were to be a single-story, these neighbors to the right and left would have complete views to the rooms and bedrooms of the new house. To make the house a single-story, they would need just a 10-foot setback from the right hand side. They would have to cut additional trees including several protected trees.
- Pointed out that there are several other houses on Saratoga Vista Avenue that are two-stories. Having a two-story is not unusual in this neighborhood.
- Showed photographs of several two-story homes located on Saratoga Vista Avenue.
- Acknowledged the efforts of the Planning Commission for their feedback and site visit. Thanked his project planner, Cynthia McCormick, and the City Arborist, Kate Bear. Expressed appreciation to his architect, Mr. Bryan Tham Do, who worked hard to come up with a nice design. Thanked his neighbors.
- Assured that this proposed house is very compatible to this neighborhood and will add value to the neighborhood.

Commissioner Hlava said that she could not see the story poles from the neighbors' house. She pointed out that there are a couple of dead trees with ivy growing on them. When construction begins those will need to be cut down.

Mr. Majid Mohazzab said that the trees being removed are where the driveway will go. These removals will not have a privacy impact.

Commissioner Hlava asked what replaces the dead trees.

Mr. Majid Mohazzab said that the City Arborist has recommended a particular shrub that grows to 15 feet.

Ms. Zari Mohazzab, Resident on Russell Lane:

- Said that they purchased the property in July 2008. Since that time, they have done lots of designs to make sure that they can save trees as much as possible; keep a large open space; protect neighbors' privacy; and be compatible with the neighborhood.
- Reminded that the height of this new home is at the same level approximately as the two houses at the north hand side and does not have a view impact to those two houses. The house is completely isolated from the neighbors' by the trees around this property.

- Reiterated that if this were to be a single-story home, the setback is just 10 feet and additional trees would have to be cut. If that were done, these neighbors would have views into their house.
- Advised that they have sacrificed a lot to address all issues. This design is very nice and elegant and will add value to this neighborhood.
- Questioned what these neighbors are willing to do to protect their own privacy. At the site visit, she mentioned that she noticed that there is no covered fence in the backyard of the neighbors'. Also they are requesting to remove more trees.

Ms. Azam Golshan, Owner of adjacent vacant property on Saratoga Vista Avenue:

- Reported that she is the neighbor to the left hand side.
- Advised that she saw the plan and believes it is a good plan that fits into this neighborhood and property.
- Opined that a single-story home would look odd here.
- Said that as to the privacy issue, there are lots of trees on this property.
- Suggested that the neighbors put more trees on their own properties to protect their own privacy.
- Stated that this is a really nice project that adds lots of value to the neighborhood. It will benefit the County, City of Saratoga and schools with added property tax revenues.
- Said that neighbors should work to solve issues and not just oppose a new house.
- Reiterated that a single-story footprint would be much bigger and require the cutting of lots more trees.
- Stated again that this plan fits.

Commissioner Hlava asked Ms. Azam Golshan if her house would be built at the same time as this one.

Ms. Azam Golshan said she is not sure. It depends on all involved and when approvals are received.

Mr. Zabi Golshan, Owner of adjacent vacant property on Saratoga Vista Avenue:

- Reported that they are in the process of getting their permits to build their home.
- Stated his support for the two-story house that Mr. Mohazzab is applying for here. It will dedicate more open space and green area and offers larger setbacks.
- Reiterated that a one-story house requires a bigger footprint and leaves less open space. Therefore a two-story option is much better.

Mr. Mohammad Estahbahanty, Resident on Elva Avenue:

- Advised that he was the builder of the house behind this one (located on Thelma Avenue).
- Added that he has since sold that house.
- Stated that a single-story house would require removal of trees.
- Opined that this house is not bulky due to its varied roof slope and lots of setbacks.
- Said that a single-story does not make sense here.
- Stated that this applicant has done what the neighbors have asked of them.

Commissioner Bernald asked Mr. Mohammad Estahbahanty if the house he built on Thelma was a one or two-story home.

Mr. Mohammad Estahbahanty said that it was a one-story because most homes on Thelma Avenue are one-story. On Saratoga Vista Avenue there are several two-story homes.

Ms. Rose Ng, Resident on Thelma Avenue:

- Introduced her husband who is beside her, Mr. Yitman Liang.
- Thanked the Planning Commissioner for giving them the chance to voice their opinion today.
- Asked the Planning Commission to reject this proposal to build a two-story based on a couple of points. The first point, they believe that it is incompatible with the open space environment of this neighborhood, which are predominately low-profile single-story homes.
- Said that this property/area is known as the "Secret Garden or Park" to long time neighbors who have enjoyed it for over 20 years. Regrettably, the adjacent lot was recently applied to construct a two-story, 3,500 square foot home. Now this proposed project is planned for a two-story, 3,700 square foot home with similar mass and forms to replace an existing low-profile single-story home. Now this open space is going to be filled with two giant block structures side by side. The new homes will stand out like a sore thumb and be out of character with the surrounding neighborhoods.
- Advised that the Commissioners have received a petition signed by approximately 20 homeowners who live in the immediate area of this project and who all have the same sentiment against this project.
- Urged the Planning Commission to consider and address their concerns.
- Said that her second point to address is that Mr. Mohammad Estahbahanty made no effort to preserve the neighborhood.
- Reported that in the past few years, many of the older homes in the neighborhood have been replaced with new homes or gone through remodeling projects but they are all single-story. They all have their unique character that allows them to have unique designs and landscaping.
- Stated that one difference in Saratoga is that they all have large lots.
- Said that Mr. Mohazzab's lot is not small. In fact, it is bigger than her lot. Said that she believes that Mr. Mohazzab can actually build a single-story house on such a large lot.

Mr. Yitman Liang, Resident on Thelma Avenue:

- Said that the nearby homeowners want to integrate with the community and work hard to preserve and align with existing single-story homes in the neighborhood.
- Said that one great concern, among the homeowners who signed the petition that the Commissioners have received, is that once this trend of two-story homes gets started, two-story homes start sprouting from empty lots and older homes nearby destroying the unique open space environment that homeowners worked so hard to preserve.
- Assured that they welcome Mr. Mohazzab and his family to the neighborhood but they are requesting that they redesign the proposed construction as a single-story home to fit into the surrounding neighborhood.
- Stated that potential view intrusion to the site by neighbors is a concern. Existing trees and future foliage do not completely isolate the combined mass of these two homes from

the immediate neighbors as claimed by Mr. Mohazzab's petition to solicit support from neighbors and reiterated here this evening. They do not isolate the neighbors. The assumption is that the pine trees and future foliage along the fence will shelter the structure from their view but what is not taken into consideration is that many of the pine trees in the neighborhood have been infested with beetles, including one of theirs, which will get worse with the drought and some trees may have to be cut down.

- Added that if that happens, this massive structure will be exposed.
- Stated that during construction they believe that some branches of existing pine trees and vegetation will have to be trimmed or thinned out in order to accommodate the tall structure nearby and possibly harm the root systems of these trees. In addition, this massive structure will block or reduce sunlight to the old or new pines nearby and they will not have the optimal conditions to flourish as before.
- Said that his fear is that they will be staring into this exposed structure instead of into the open space while having to wait for the new plants to grow.
- Urged the Commission members to consider this potential risk and the impacts on them as well as Mr. Lee.

Mr. Jehyoung Lee, Resident on Saratoga Vista Avenue:

- Thanked the Commission for the opportunity to raise his concerns.
- Thanked Planner Cynthia McCormick for answering his questions.
- Said he is here to voice neighborhood concerns.
- Described Design Review Technique #1, which requires a structure to be located so as to minimize view blockage.
- Provided a dual photograph taken from his master bedroom. One side depicts the existing view and the right side had a paper cutout that he says depicts what he anticipates his view of this new residence will be as seen from this window.
- Pointed out that trees take time to grow.
- Questioned the accuracy of the grading levels depicted on the exhibit provided by the applicant of his house in relation to the homes on either side.
- Asked if what is considered is just the height of a structure or rather the profiles in line with the natural grading.
- Said that neighbors were surveyed. Twenty-three objected to this project. Two later changed their minds and asked to remain neutral. A third also changed their mind.

Commissioner Robertson:

- Asked Mr. Lee if the applicant were hypothetically to build a single-story house instead, would he be able to see Mr. Lee's house from his lot given that Mr. Lee's house is up higher on the hill there?
- Pointed out to Mr. Lee that he is in an urban area with lots adjacent to him. He has been very fortunate over the years to have this view that they have had. However, just because he is in a neighborhood where he has had that view for 25 years, someone was going to build on that lot eventually.
- Asked Mr. Lee if he expected there to be no impact at all from the neighbor in terms of being able to see any part of that house. Is that correct? Would he expect that there would be no impact from an adjacent neighbor that builds a house there? In other words, does he expect to see no part of that house?

- Cautioned that even if this applicant were to build a single-story house, he believes that Mr. Lee would still see a portion of that house. Isn't that true?

Mr. Jehyoung Lee agreed.

Commissioner Robertson:

- Suggested that if additional screening were put in place and the existing trees are maintained, would that not do a pretty good job of screening out much of what Mr. Lee would see rather than if there was no vegetation there?
- Said that he is just trying to understand because this new house will also have an impact by seeing Mr. Lee's home given that Mr. Lee's home is up sort of on a hill.
- Stated that he wanted to understand the difference between the impact of what they might see and what Mr. Lee might see.

Mr. Jehyoung Lee said that they would not see his house.

Chair Zhao said that she did not understand what Mr. Lee is trying to show with the two pictures taken from his master bedroom.

Mr. Jehyoung Lee:

- Said that basically some existing trees will be removed.
- Added that it will take time for the new vegetation to grow sufficiently so as to screen this new two-story house.
- Reported that from his living room, most of his view will be of this two-story structure.

Chair Zhao:

- Asked Mr. Jehyoung Lee what he would like to see happen. Would he ask for more shrubs or taller trees to start with?
- Cautioned that there is nothing in the Code that prevents a two-story house from coming into his neighborhood.
- Reiterated her question as to what Mr. Lee would like to see put in place to ensure his privacy is protected?

Mr. Jehyoung Lee:

- Replied that if the trees remain and he does not have blockage of views.
- Advised that personally he does not have a problem.
- Added that he is delivering his neighbors' message here that outlines what the neighborhood worries are rather than the privacy issue between the applicant and himself.
- Said that he spoke with many neighbors yesterday and during the last weekend – approximately 30 families. Most have lived in the neighborhood for more than 20 years.

Chair Zhao pointed out that these neighbors aren't here this evening.

Mr. Jehyoung Lee said that he is presenting their petition for them. He said again that this is not just his problem or the applicant's problem but rather a neighborhood problem.

Mr. Greg Mathews, Resident on Saratoga Vista Avenue:

- Described his home as a split-level located at the top of the hill.
- Reported that he moved to Saratoga because he wanted a yard.
- Advised that he has a forest in his back yard that he is very proud of. He has redwoods with trunks so big that he can't even wrap his arms around them. He advised that he is really thrilled about that.
- Stated his preference for two-story houses. Why? Because if you want to live in a concrete jungle, move to Cupertino.
- Said that Saratoga is a wonderful place because there are yards and there are trees and he likes that.
- Added that he actually is in favor of this two-story house because it leaves more yard. It leaves more likelihood that there will be trees.
- Said that if one goes down Thelma Avenue, there are some nice houses but quite a few of them are paved over. It's quite sad from his perspective. On the other hand, if you go down Saratoga Vista Avenue, you don't see that. Mostly, in the single-story houses they have trees. The two-story houses also have trees.
- Stated his belief that a two-story house maintains the neighborhood and maintains the characteristic of why he moved to Saratoga in the first place.

Mr. Nim Cho Lam, Resident on Thelma Avenue:

- Said that he is a nearby neighbor to this house but not right next to it.
- Said that he does not have issue with the height or whoever can look into whoever's yard. That's not his issue.
- Stated that what he would like to address is neighborhood characteristics.
- Said that he bought his house 10 years ago because he liked the trees and the low-density feeling of single-story homes.
- Said that the last four or five homes updated on Thelma Avenue have been single-story.
- Pointed out that there is already an approval for one new two-story adjacent to this subject parcel. Now they risk having a cluster of two-story homes.
- Asked what is the plan of the City for the Golden Triangle Area?
- Stated that this is a common law society where precedence has its effect.
- Said that people can always find a design to meet the minimum standards of the Code.
- Cautioned that if the character of Saratoga is allowed to change, it will look like Cupertino.
- Said that he does not know what Saratoga's vision is.

Commissioner Bernald asked Mr. Nim Cho Lam where his home is located in relation to Mr. Lee's home.

Mr. Nim Cho Lam said that his home is across the street from Mr. Lee.

Mr. Majid Mohazzab:

- Clarified that although the house on the corner is single-story, it is also sitting on a double lot. That's why it can afford to be single-story without cutting down trees.
- Advised that despite Mr. Lee's accusation to the contrary, his engineer has assured him that his lot section drawings are accurate to within one to two inches.

- Added that the highest point of his lot is pretty much at level with Mr. Lee's house and lower than Mr. Liang's.
- Disputed their claims of bulkiness saying that his house is not as big as their houses.
- Questioned the information provided by Mr. Lee when he was distributing his petition to the neighbors.
- Asked whether those neighbors had even reviewed the design or if they just relied on Mr. Lee's comments.
- Stated that he is not clear what Mr. Lee showed them.
- Reported that he contacted six neighbors who objected but they would not talk to him so it was impossible for him to determine what they wanted him to do.
- Advised that another neighbor said he signed the Lee petition simply because he did not want to have a bad relationship with Mr. Yitman Liang or Mr. Lee.
- Said that he spoke with four other neighbors.
- Pointed out that this petition was done on March 8th. By March 8th they had already addressed the privacy issues.
- Said that Mr. Lee claimed that these two new houses would have exactly the same design, that they are tract houses and will involve cutting trees.
- Said that he spoke with neighbors who signed the petition. Mr. McDonald signed and later called to say he had no objection to the design. Another neighbor who opposed later changed her mind when she saw the new design.
- Stated that he has a lot of supporting neighbors who love the design.

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

Commissioner Hlava:

- Explained that the point here is that this is not a battle of neighbors and who can get how many neighbors on their side. The point of this matter is that the Commission has certain findings it has to make. While the Commission certainly takes the neighbors' and neighborhood view into consideration, what it comes down to is for the Commission to determine if it can make the findings.
- Stated that she thought that this neighborhood has been lucky because it had one small single-story house that was occupying two lots. In this beautiful wooded area, this allowed for a whole lot of trees to grow up. In fact, these two lots together are about a half of an acre. So one house for half an acre is pretty luxurious as far as density especially in this zoning district, which happens to be R-1-10, which means one-quarter acre lots.
- Added that while it is nice that the neighborhood has had this "park" for that long, these are two legal lots of record from this subdivision when it was subdivided years ago.
- Outlined and rationalized the required findings.
- Said that two findings, to preserve the natural landscape and preserve native and heritage trees, can easily be made because there are all kinds of beautiful trees that will be maintained on this lot.
- Pointed out that this applicant has already moved the location and size of their house to accommodate that preservation.
- Said that for another finding, to avoid unreasonable impacts on views and privacy, the key word to consider is "unreasonable." What is reasonable versus what is unreasonable? To do so one has to look at what the requirements are for a particular zoning district. In this

case, the requirement is for a 10-foot side setback while the applicant is providing 33 and 37-foot setbacks. That is a lot larger. When one adds the existing setbacks of 40 to 50 feet on the neighboring property from their house to the property line, there is a huge buffering setback between them in terms of privacy and view issues.

- Said that as for the proposed structure itself, the Commission always looks at minimizing bulk and height so that it is compatible with the existing neighborhood. In this case, the two-story does a lot to preserve trees and the natural landscape.
- Stated that the applicant has done a lot with the design of the house from taking off one balcony to moving the second story inward to minimize the perception of any excessive bulk and height.
- Advised that she has no problem making the findings for this house. This owner has been receptive to making changes and not all applicants are so willing. They have been very cooperative.
- Said that she thinks this house will be a good addition to this neighborhood. It will look good. It will go with the other houses on the street immediately near it.
- Stated that she can make all the findings.

Commissioner Rodgers:

- Stated that in Saratoga the decision has been made that there can be a second story on a house in any neighborhood unless there is an overlay on that neighborhood that says that it is limited to only single-story homes.
- Pointed out that there is one neighborhood in Saratoga that has that overlay designation and the houses there are extremely modest. The rest of the neighborhoods in Saratoga can permit a second story to be added or a new two-story home constructed. That being said, the City has a lot of neighborhoods with older houses where people have become accustomed to having the open relaxed feel of modest homes on a street that is very homey.
- Advised that when the Commission is looking at a design of a two-story home in a neighborhood for the first time or the first few times, it tries to be extremely sensitive to make sure it is going to fit in, that its not going to be something that sticks out and creates something in the neighborhood that is entirely different than the other houses on the street.
- Said that this house is an excellent house because it is off Thelma Avenue. It's in that little dip that goes down Saratoga Vista Avenue. That street is a wooded street with homes that have lots and lots of greenery around them. A two-story home allows for extra garden area. This house has a lot of garden area in the back that is going to be preserved. The house is going to be moved back to accommodate those trees and make sure that they are going to live so the neighbors continue to have all of the greenery to see from the street and from the neighbors' properties.
- Said that the Commission really appreciates that fact.
- Informed that the list of Design Review findings that this Commission has got to consider allows it to evaluate a proposal for any unreasonable interference with views and privacy. That does not mean close up (short term) views but rather long-range vista views. The standard is privacy, which is not an unreasonable impact in this case given the long distance between this house and neighboring homes. The fact that the builder will reduce windows and use obscured glass on the north second story to ensure privacy. That requirement is on the deed as a permanent requirement.

- Said that she likes this house because it preserves this landscaping.
- Said that she wanted to talk about the perception of bulk and the compatibility of bulk and height with the neighborhood.
- Pointed out that this house is well articulated. Some parts are forward and other parts are pushed back. This results in a lot of different shades, shadows and colors that make it three-dimensional, which equals articulation. These features help to avoid impacts of what could be a square and boxy appearance of a home without them.
- Stated that she could make all the findings.
- Said that she does not like it when neighbors are upset as she wants to see good neighbors and positive relationships.
- Pointed out that everyone has been respectful. While the neighbors' comments and concerns are taken into consideration, they cannot design their neighbor's house.

Commissioner Reis:

- Advised that he was at the site yesterday.
- Added that when standing on Mr. Lee's property in the yard, he had to walk around a bit before he could even see the story poles on the subject site.
- Assured that there is a whole lot of privacy there.
- Stated that he can make the required findings to support this request.

Commissioner Bernald:

- Stated her support for what she has heard the other Commissioners say.
- Reported that she had a second-story built behind her existing home so she really has an appreciation for view impacts and loss of privacy.
- Advised that she put in redwood trees, which grew quickly. She worked with her neighbor, who also put in additional redwood trees.
- Added that she has what is now pretty much of a park-like setting despite what was built on the flag lot behind her house but in the beginning it was very unsettling.
- Suggested that there is an opportunity to work together when change occurs but change is never easy.
- Informed that she looked at the landscape plans. Five trees that are coming out are dead or dying. Some trees on site are impacted by ivy that is growing on it. It's not a healthy situation for anybody, least of all for Mother Nature.
- Reminded that the applicant would be replanting these trees with 10 new trees, including six large redwoods and three flowering plums, which will create a wonderful screen.
- Said that the neighbors would get something that is going to be beautiful with those flowering plums rather than the existing ivy and dead branches.
- Added that she wants the applicants to understand just how important these trees are to their neighbors and to be sure that they do everything possible to make them grow and be healthy.
- Continued to say that they should work together to preserve a neighborhood that everyone so rightly appreciates.
- Stated that she wanted to commend the applicant for changes made in response to neighborhood concerns with regards to windows, articulation and changing the balconies. While it has been very difficult for the applicant to go through the redesign process, they

have come through with a very attractive home design. Once it is built, it will be an attractive asset to the neighborhood.

- Assured that this Commission has heard all that has been said this evening. It will be documented in this meeting's minutes.
- Added that it is not like the Commission has not heard those who came to speak. The Commission really does appreciate neighbors coming and being a part of the process. She thanked all for their participation.

Commissioner Robertson:

- Said that he agrees with his fellow Commissioners.
- Advised that he also lives in a single-story home and can understand the impacts. At the same time, values of property in Saratoga are so great. You cannot force owners to build a single-story home. They are trying to get the most for their value.
- Cautioned that if the City restricts the building of two-story homes, it actually decreases the value of the surrounding properties. Perhaps not in all cases but in many cases that can happen.
- Said that it is difficult to impose that restriction on neighborhoods in Saratoga as well as other cities when the property values are so high.
- Added that he also feels that the applicants have gone out of their way to provide quite a setback to Mr. Lee's side. The required setback is 10 feet, 15 for the second story. The applicant has provided 33 feet.
- Reminded that if the applicant decided to build a single-story home instead, there likely would be added trees impacted and the neighbors would lose some of the foliage that currently serves to obscure the view. The view might be more impacted by a single-story home than it is going to be with this two-story home.
- Said that he could support all findings for this project and appreciates everyone's time in coming this evening.

Commissioner Cappello:

- Stated that he agrees with what has been said so he won't repeat it.
- Said he wanted to address the concern raised about precedence.
- Assured that that is not the case. The Commission looks at each application on its own merits and how it relates to the findings that the Commission must judge it by. That does not mean that a two-story will or will not be approved in the future. The Commission looks at each one relative to its impact to the neighbors relative to the findings.
- Said that he hopes this helps the neighbors to some degree.
- Stated that he can make all the findings.

Chair Zhao:

- Said that she too understands concerns regarding views and privacy.
- Added that she finds this applicant has made tremendous effort to address the concerns of neighbors by putting in more trees, bushes and shrubs along the property lines.
- Said that if the applicants have further concerns, they should talk with the applicant or write to the planning staff.
- Said that the Design Review findings seek to avoid an unreasonable impact on views or privacy.

- Stated that she agrees with the comments made by the other Commissioners on this issue.
- Reiterated that each project is evaluated on its own merits. There is no domino effect.
- Said she can make all findings.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Cappello, the Planning Commission granted Design Review approval (Application PDR08-0036) to allow the demolition of an existing home and construction of a new two-story single-family dwelling with a total floor area of approximately 3,704 square feet on property located at 13581 Saratoga Vista Avenue, by the following roll call vote:

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

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 Hlava, seconded by Commissioner Bernald, Chair Zhao adjourned the meeting at approximately 8:33 p.m.

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