

**MINUTES
SARATOGA PLANNING COMMISSION**

DATE: Wednesday, May 14, 2008
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

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

ROLL CALL

Present: Commissioners Cappello, Hlava, Kumar, Kundtz, Nagpal, Rodgers and Zhao
Absent: None
Staff: Director John Livingstone, Contract Planner Heather Bradley and Assistant City Attorney Bill Parkin

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – Regular Meeting of April 23, 2008.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Zhao, the Planning Commission minutes of the regular meeting of April 23, 2008, were adopted with changes to pages 6,15,17 and 18. (7-0)

ORAL COMMUNICATION

Mr. Robert Sandie, Resident on Saratoga-Los Gatos Road:

- Advised that his home is located on Highway 9 between Big Basin and Monte Sereno.
- Reminded that in February 2009, all television transmissions will switch to digital. Owners will need to switch from antennas to dish because in this area Comcast is unable to install its cable lines on Highway 9 due to Caltrans restrictions. Work already underway by Comcast will have to be removed. This leaves the only option for television reception to be the dish, which he believes will lead to blight in Saratoga and go against the City's rural character and beauty.
- Added that some houses will require more than one dish.
- Explained that he tried to switch to cable but Caltrans is refusing to budge in allowing Comcast to install the necessary overhead lines on existing poles.
- Asked the Commission what he should do about this problem. He asked for direction and help in resolving this matter.

Commissioner Kundtz asked staff for direction.

Director John Livingstone asked Mr. Robert Sandie to contact him directly as he needs to research the appropriate contact to deal with this situation.

Commissioner Hlava advised that City Manager Dave Anderson has a good relationship with Comcast and suggested that it would be most appropriate for Mr. Sandie to speak with Mr. Anderson.

Mr. Robert Sandie advised that he has already spoken with the City Manager's Office.

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 8, 2008.

REPORT OF APPEAL RIGHTS

Chair Cappello announced that appeals are possible for any decision made on this Agenda by filing an Appeal Application with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15-90.050(b).

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING - ITEM NO. 1

APPLICATION SUB07-0001 (386-47-035) Parker, 19161 Cox Avenue: The applicant requests Tentative Parcel Map approval to subdivide a parcel of land totaling 45,460 square feet located at 19161 Cox Avenue into two single-family residential lots. Parcel 1 would be 17,305 net square feet and Parcel 2 would be 23,024 net square feet allowing home sizes of approximately 4,284 square feet and 4,752 square feet respectively. Parcel 1 contains an existing residence currently listed on the City's Historic Resources Inventory, known as the Cox Residence, and Parcel 2 is vacant. The existing residence is proposed to remain on Parcel 1. The property is surrounded by: City property to the north (Brookside Park); and residential uses to the south, east and west. The access road to the Brookside Club abuts the property to the east. The property is located in an R-1-12,500 zoning district.

Ms. Heather Bradley, Contract Planner, presented the staff report as follows:

- Reported that an email from Linda Hillson was received today in opposition to this request. Her concerns included the removal of trees and shrubs, traffic and the unsightly condition of the property. A copy of this email has been provided this evening.
- Provided corrections to the draft resolution as follows:
 - Page 1, paragraph 2 – change the date listed from April 23, 2008, to May 14, 2008.
 - Page 1, paragraph 3 – change the date listed from April 23, 2008, to May 14, 2008.
 - Page 4, add condition to read: "Community Development: *The subdivision and development shall be located and constructed as shown on Exhibit A, incorporated by reference and date stamped February 12, 2008, and as presented to the Planning*

Commission this evening and in compliance with the conditions stated in the map resolution of approval. The subdivision and development will incorporate a pedestrian access to Brookside Park as described in conditions 11 and 13 of this resolution and any proposed changes to the approved map shall be subject to the review and approval of the Planning Commission.

- Describe the project as being a request for Tentative Parcel Map approval to subdivide a 45,460 square foot parcel into two lots.
- Informed that the existing residence on the site is included on the Historic Resources Inventory and is known as the Joseph Cox House.
- Advised that the Heritage Preservation Commission did not place any historic value on the vacant portion of the land. HPC did encourage the renovation of the existing residence. At this time, there are no plans for the house itself.
- Described Lot 1 as consisting of 17,300 square feet and including the historic residence. It currently takes access from Cox and there is no proposed change to that access. Lot 2 will consist of 23,000 square feet and it is proposed that access will be via a driveway from Brookglen Court.
- Said that there are no trees proposed for removal at this time. An arborist's report will be provided at the time that architectural plans are submitted.
- Explained that the Public Works Department has asked for a pedestrian easement to connect Cox Avenue to Brookglen Drive. This is called out for in the General Plan. The City Arborist will review and provide oversight on the construction of this path.
- Stated that this parcel map is consistent with CEQA, Zoning, the Subdivision Ordinance and General Plan goals and policies.
- Recommended approval.

Commissioner Nagpal asked Planner Heather Bradley if it is the City Traffic Engineer's preference that Parcel 1 continues to take access from Cox Avenue.

Planner Heather Bradley said that the City's Traffic Engineer was neutral. However, if Parcel 1 were to take access from Brookglen Court, the access onto Cox would have to be abandoned.

Commissioner Kundtz asked if the applicant wants the choice to choose which street from which to take access.

Planner Heather Bradley replied correct.

Commissioner Nagpal cautioned that the applicant must decide the access at the time of lot subdivision rather than at the time of design review. She asked for clarification that the house that is on the Historic list would be retained.

Planner Heather Bradley said that the HPC encouraged renovation.

Commissioner Nagpal asked if that is a condition.

Planner Heather Bradley replied no.

Commissioner Nagpal asked if the applicant would support such a condition.

Planner Heather Bradley replied that she thought so.

Commissioner Nagpal asked about trees.

Planner Heather Bradley said that there are no plans to remove Ordinance sized trees.

Commissioner Nagpal asked for details about the access easement.

Planner Heather Bradley said that it would be 10 feet wide and located along the eastern boundary. The setback is pulled in another 10 feet in this area.

Commissioner Nagpal asked if there was any discussion about incorporating part of the land into the park.

Planner Heather Bradley said that it was discussed but it was determined just the trail easement was required. She deferred to Public Works for elaboration on this decision.

Commissioner Rodgers asked City Attorney Bill Parkin if he is okay with the language regarding permanent conditions of approval.

Commissioner Zhao asked if the access for Parcel 2 is handled in the conditions of approval.

Planner Heather Bradley replied no, the conditions just reference the map.

Commissioner Nagpal pointed out that the map only shows access via Brookglen.

Planner Heather Bradley said that the assumption is that both could access from the Brookglen Court.

Commissioner Nagpal said that the specific access point for each lot has to be shown. She asked if it would be possible to specifically note either a Brookglen or Cox access point.

Planner Heather Bradley said yes, this could be added as a condition of approval.

Chair Cappello opened the Public Hearing for Agenda Item No. 1.

Ms. Pam Parker, Applicant's Representative:

- Said that she has a question regarding Condition 5 on page 2 that pertains to fees.
- Asked who would be responsible if someone were to be injured while on the pedestrian walkway.
- Stated that it is her plan to have the Joseph Cox house designated historic with the State.
- Added that it is her preference to have specific access for both lots determined with tonight's action.
- Stated that she is available for any questions.

Commissioner Hlava asked Ms. Pam Parker if she has a preference for access between Brookglen and Cox for Lot 1.

Ms. Pam Parker said it is up to whoever buys the lot.

Commissioner Hlava said that the access point is included on the map.

Commissioner Nagpal asked Ms. Pam Parker if she is okay with a condition to retain the historic house.

Ms. Pam Parker replied yes.

Commissioner Nagpal clarified that Lot 1 would retain access from Cox and Lot 2 would take access from Brookglen Court.

Ms. Pam Parker said she is fine with keeping the house access as it is now.

Mr. Carl Cymbal, Westphal Engineers:

- Said he was available for any questions.
- Stated that preferred access for Lot 2 is via Brookglen Court.

Commissioner Hlava asked Mr. Carl Cymbal if the easement for the trail leads right to the park.

Mr. Carl Cymbal replied yes.

Ms. Pam Parker said that she has a question about the Item 12 requirement for a gate. She also asked if she would receive a credit for the park access trail to satisfy the Parks and Recreation fee.

Planner Heather Bradley said that a part of the land that goes into Brookglen Court will be deeded to the City and incorporated into the Court.

Mr. Frank Myers, Resident on Brookglen Court:

- Reported that he lives across the street from the Cox House and has for 36 years.
- Stated that there is too much traffic and congestion in the Court. At 5 p.m. today the entire cul de sac was full of cars.
- Added that the back lot of this property that faces the cul de sac has been filled with junk cars for years.
- Reminded that per the City's regulations, one cannot pave within five feet of a tree's canopy in order to protect trees. With this development a very large tree would have to go.
- Reported that he spoke with all of the neighbors.
- Said that there is no objection to the subdivision but they want to see a permanent restriction on ingress/egress onto the Brookglen Court area.

Mr. Craig Scott, Resident on Cox Avenue:

- Said that he is the representative of the Richard Scott Estate, which is located on the eastern boundary line of this project site. This is a 50-year family property.
- Explained that his concern is the pathway and setback.
- Added that he is not exactly in favor of the path itself.
- Reminded that the speed limit on Cox Avenue is 35 miles per hour but people drive it at 45 miles per hour all day long.
- Said that with the pedestrian path, he would be compelled to fence his side of the property adjacent to the trail and assumes there will be a fence on the proposed building site side too. As this trail is only 10 feet wide, this 190-foot long corridor will be hard to patrol and to maintain. There is potential for a lot of problems there. A blind alley is not a good idea.
- Stated that his next concern is the setback. His is 25 feet and what is proposed for the new lot is 10 feet. He said he is asking that the new parcel also have a 25-foot setback in this location.
- Reported that he would see the new house from his front door.
- Concluded that everything else about this proposal is okay but the pedestrian path is neither necessary nor a good idea.

Commissioner Rodgers asked if there are a number of residents in the area with access directly off Cox Avenue.

Mr. Craig Scott said that Brookside Club has access to his drive.

Commissioner Rodgers asked Mr. Craig Scott if there are problems exiting onto Cox Avenue.

Mr. Craig Scott replied not so much. Having another driveway off Cox would not be a problem as long as it is a circular style driveway so cars can exit forward rather than backing out onto Cox.

Commissioner Hlava asked Mr. Craig to explain his issue with a fence.

Mr. Craig Scott said that he would feel compelled to install a fence to abut the lot on the property line with the pedestrian easement. He explained that people have no respect for private property at all and he does not want people coming off the pedestrian easement onto his road. This represents a liability.

Commissioner Hlava said that people could park on Cox to walk up this pedestrian access to the park. That way fewer cars are necessary.

Commissioner Kumar questioned whether parking is permitted on Cox, as there is a bike line there.

Mr. Craig Scott advised that parking is allowed on Cox.

Commissioner Nagpal said that the issue is side versus front setback requirements. In essence this setback in question would be 20 feet.

Mr. Craig Scott said that he would like to see a 25-foot setback here.

Ms. Pam Parker admitted that the existing driveway is narrow. She said she has a concern about fencing along the line, as there are trees there.

Chair Cappello closed the Public Hearing for Agenda Item No. 1.

Ms. Iveta Harvancik, Senior Engineer, Public Works Department:

- Explained the process for the dedication of the pedestrian easement trail and the corresponding liability.
- Said that initially the trail will be rejected. When the trail construction is complete, it will be accepted. That is when the City Council accepts the trail easement and at that time the City is both liable and maintains that trail.

Commissioner Hlava asked who pays for the gate.

City Engineer Iveta Harvancik said that this happens when Lot 2 is developed.

Commissioner Hlava asked if the applicant builds the trail and fence.

City Engineer Iveta Harvancik replied correct.

Commissioner Nagpal asked City Engineer Iveta Harvancik why the City is not interested in seeking land dedications on the park side.

City Engineer Iveta Harvancik said that this is not called out for in the City's General Plan. The City cannot ask for a land dedication unless it is included in the General Plan for future parkland.

Commissioner Hlava added that this is a tiny pocket park located in the middle of a residential neighborhood. There is little interest in making it bigger, either by the City or the nearby neighbors.

Commissioner Nagpal asked City Engineer Iveta Harvancik if Public Works has a preference for where Lot 2 takes access.

City Engineer Iveta Harvancik replied yes, Brookglen Court is the preference for Lot 2.

Commissioner Zhao said that without a specific residential design one could not know the actual setbacks as it could represent either the side, front or rear of the proposed house.

Planner Heather Bradley:

- Explained that the property boundary lines establish what is the front of a property rather than any house that is constructed on that property.
- Reminded that visually this would appear to be a 20-foot setback.
- Added that since this drive serves only four properties it is not a public road so this cannot be considered a corner lot.

Commissioner Nagpal:

- Said that the applicant is fine with maintaining the existing historic house and suggested making retention a condition of approval, with access from Cox.
- Explained that when a subdivision is considered, it is the time to look at opportunities for dedications.
- Said that the minimum lot size in this area is 12,500 square feet. These proposed lots are of decent size and way above the minimum. One is 23,000 square feet and the other is 17,000 square feet.
- Said that the additional 10 feet is needed for the pedestrian easement.
- Said that the driveway is set at subdivision and setbacks are defined.
- Supported going an extra five feet to a 25-foot setback from the pedestrian access.
- Said that she wants to hear what others have to say about fences.
- Expressed in interest in making sure the area stay vegetated.

Commissioner Kundtz:

- Agreed with Commissioner Nagpal.
- Said that it would be difficult to deny Lot 2 access to the cul de sac.
- Said he supports an additional 10 feet but no more.

Commissioner Zhao:

- Agreed with Commissioner Kundtz.
- Said that the access to the park is a safer choice.
- Stated that traffic on Cox is fast.
- Supported Lot 2 taking access from Brookglen Court.
- Said that the appropriate setback standards should be met.
- Reported that she can make all the required findings to support this subdivision.

Commissioner Rodgers:

- Said that she agrees with the need to retain the historic house and that requirement should be conditioned.
- Said that she is not sure about the dedication process for the pedestrian easement.
- Added that fences are regulated by Ordinance.
- Supported Lot 2 taking access from Brookglen Court.
- Said that she also prefers to see Lot 1 take access from Brookglen Court.

Commissioner Hlava:

- Disagreed saying that the Cox House should rightly take access from Cox Avenue, which is where the entry faces. This access point should continue.
- Agreed that Lot 2 should take access from Brookglen Court.
- Added that she is fine with the pedestrian access but is not in favor of adding more to the 10-foot required setback. This would make it harder to site a house on this parcel.
- Said that they are lucky to have such a large parcel. Both lots will still look good, spacious and very attractive.

Commissioner Nagpal asked if the drive is included on the map.

Planner Heather Bradley said if so conditioned by the Planning Commission.

Commissioner Kumar:

- Said that this project complies with the Zoning District.
- Added that he is okay with the setbacks.
- Stated that he believes that access for Parcel 2 is safer from Brookglen Court since the traffic on Cox Avenue is faster and more dangerous.

Chair Cappello:

- Said that he agrees with what has been said.
- Agreed that it is a tight squeeze to get in and out of this cul de sac.
- Added that he is happy to see Lot 1 maintain its access to Cox Avenue. This will offer some relief to Brookglen Court. However, access for Lot 2 only makes sense from Brookglen Court.
- Expressed agreement with the pedestrian easement and the proposed setbacks.
- Said he can make all required findings. This project complies with the General Plan and with the Subdivision Map Act requirements.

Commissioner Nagpal asked about the landscaping screening.

Chair Cappello said that this is better dealt with during design review.

Commissioner Nagpal said that future design review for this new lot will be both interesting and challenging.

Planner Heather Bradley reminded that the driveway would need to be designed to accommodate trees.

City Attorney Bill Parkin:

- Amended the Permanent Condition of Approval to be "reviewed and accepted by the Community Development Director."
- Replaced "etc" with "including but not limited to..."
- Correct typo on Condition 5 to read "required."
- Condition 7 – "to the City Engineer for examination and prior approval."

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission approved a Tentative Subdivision Map to subdivide a parcel of land located at 19161 Cox Avenue into two single family residential lots, as amended by staff, the City Attorney and as follows:

- The existing historic house (Joseph Cox House) will be retained on Parcel 1, and take access from Cox Avenue;
 - Parcel 2 will take access from Brookglen Court; and
 - The pedestrian easement and setbacks will be clearly indicated on the Parcel Map, including the access configuration for Parcel 2;
- by the following roll call vote:

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

PUBLIC HEARING - ITEM NO. 2

APPLICATION PDR07-008 (389-25-012) Brennan, 18605 Lyons Court: The applicant requests Design Review approval to add a second floor to the existing single-story residence. The proposal includes an approximately 897 square foot second-story addition and removal of approximately 53 square feet of the first floor of the existing 2,189 square foot residence (including garage). The total proposed floor area would be approximately 3,033 square feet (including garage). The maximum height of the proposed building will not exceed the 26-foot height limit. The maximum impervious coverage will not exceed the allowable 60 percent of the net site area. The lot size is approximately 8,408 square feet, located in the R-1-10,000 zoning district. Design Review approval is required pursuant to Saratoga Municipal Code Section 15-45.060.

Ms. Heather Bradley, Contract Planner, presented the staff report as follows:

- Reported that the applicant is seeking approval for a new second story addition to an existing single-family residence. The residence would retain 2,136 square feet of the existing first floor and construct an approximately 897 square foot addition on an 8,400 square foot lot.
- Said that exterior modifications would change the house from a Ranch style to Craftsman style architecture.
- Said that no Ordinance protected trees are proposed for removal.
- Advised that a great deal of neighborhood input has been provided including a petition in opposition. Concerns raised include view and privacy impacts.
- Explained that the applicant has tried to minimize impacts. They will remove decking around the pool to decrease hardscape.
- Added that there is precedence for a two-story in this neighborhood.
- Said that the project is exempt under CEQA.
- Recommended approval.
- Said that the color board is included in the packet (page 6 of the report).

Commissioner Zhao pointed out the 897 square feet proposed for the second floor and asked the specific sizes of the master and two bedrooms.

Planner Heather Bradley said she would defer this to the architect.

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

Mr. Tom Brennan, Applicant and Property Owner:

- Said he and his wife, Sheila, want to thank the Planning Commission for their site visit yesterday as well as for tonight's hearing. He also thanked Heather Bradley and John Livingstone as well as his neighbors.
- Assured that they want to mitigate issues.
- Explained that his family moved into this home in 2002.
- Reported that his family has outgrown their home that is 1,600 square feet in size. He said he has two middle-school aged children and also is part of a large extended family with 50 cousins.
- Stated that they need both an office and a guest room for visitors.
- Added that they want to be able to entertain at their house.
- Provided a PowerPoint presentation.
- Reported that a petition has been filed against his project.
- Advised that they had visited neighbors and held informal discussions about their project early in the process and responded to neighbor concerns. At that time, only two opposed. One neighbor, who was a strong supporter, regrettably passed away.
- Said that there are 87 homes in this neighborhood grid. In that group:
 - 26 neighbors are supportive
 - 2 are neutral
 - 16 had no response
 - 14 were opposed
 - Translated that to mean that 44 either don't care or support and 14 oppose
- Said that there is precedence because there are 16 two-story homes in this neighborhood or 18 percent of the 87 homes.
- Assured that he has worked hard to meet the guidelines.
- Said that they have three large oak trees to preserve and also plan to plant two additional large oaks.
- Added that they will also reduce hardscape and remove a structure from the backyard.
- Said that mitigations for privacy concerns include installing obscured glass in a bath window so it offers no view into the neighbor's yard from his home. They have placed a chimney and will plant cypress to screen another neighbor on the other side. The back windows will be placed at a five-foot, six-inch sill height, which also eliminates any view of the neighbors' properties.
- Questioned any impacts of scenic views as there are no dramatic scenic views from this neighborhood.
- Said that this is a reasonable design and does not represent an unreasonable addition.
- Reported that a shadow casting study was done and there is no cast onto neighboring properties.
- Said that this home is architecturally designed for this 8,400 square foot lot and includes a 900 square foot second story. The architectural style is Craftsman incorporating horizontal wood siding, ledge stone veneer and columns. It is a stunning house in this neighborhood.
- Displayed a materials board.
- Assured that there is minimal impact on the skyline. They will incorporate green building techniques and add landscaping. The existing structure in the backyard will be removed as will hardscape that will be transferred into landscape instead.

Commissioner Rodgers thanked Mr. Tom Brennan for installing story poles even if not required to do so. They are an immense help to this Commission and to the neighborhood. She acknowledged his neighborhood outreach and questioned the base color of the house as it appears grey rather than the stated color of Navajo White.

Mr. Ron Heikes, Project Architect:

- Explained that there are inconsistencies in color copies. It is a basic cream color with blue/green accents and brown trim.

Commissioner Rodgers said that the picture is not representative of that color combination.

Commissioner Nagpal said that the challenge of design review is the issue of compatibility of bulk and height. She asked how old and how large is the house on Metler Court that has a two-story home on it and when was it built.

Ms. Sheila Brennan, Applicant and Property Owner:

- Advised that the two-story on Metler Court was built prior to six years ago when her family moved in.
- Added that there are some really large lots that were extended to the railway after Highway 85 was built.

Commissioner Rodgers said that most two-stories are sensitively designed so that they cannot see into neighbor's houses or yards. The neighbor to the left will see a big blank and straight wall.

Ms. Sheila Brennan:

- Said that they are not placing windows to the left hand side of the property. Instead they have placed a closet and bath to that side.
- Added that they are willing to work with neighbors.

Commissioner Rodgers asked if some of the new square footage could not be moved up front on the first floor.

Mr. Ron Heikes:

- Stated that the primary concern with the design is to keep everything stepped back and the integrity of the neighborhood and Court.
- Advised that doing a single-story addition up front is a problem with this L-shaped original house with a garage on one end. It would result in a U-shaped house that buries existing rooms resulting in no light, ventilation or egress.
- Pointed out that this is a modest second story addition that represents just one-third of the house footprint.

Commissioner Zhao asked for the sizes of the three upstairs bedrooms and again asked if a portion of this addition could be relocated downstairs.

Mr. Ron Heikes said that the master bedroom is 12 x 15 and the other two rooms for the children are 11 x 11. These are modest sized rooms by today's standards.

Commissioner Kumar said that those figures don't add up to 900 square feet.

Another Commissioner pointed out that the remainder of the square footage likely represents baths, closets and hallway.

Commissioner Zhao again asked if the kids' rooms could be relocated to the first floor.

Mr. Ron Heikes said that they have only 3,045 square feet to work with and includes the dining room, family room, office and guest room. The first floor is maxed out.

Commissioner Zhao again asked if the first floor had been considered for the kids' bedrooms.

Mr. Ron Heikes reiterated that to do so buries the front entry and would require the front of the house to be completely reconfigured.

Ms. Deirdre Dunnion, Resident on Lyons Court:

- Identified herself as a 12-year resident of the neighborhood.
- Stated her objection to the two-story addition for a number of reasons.
- Recounted that a couple of years ago, she added to her home and ruled out a second story out of consideration to the neighborhood. They also had a large tree where the addition could go and they removed that tree with permission.
- Said that a two-story is not compatible in bulk or height in this single-story ranch style neighborhood.
- Stated that no effort was made to accommodate the wishes of the community.
- Asked that whatever it takes should be done to prevent the ruin of their neighborhood.
- Said that this has been an upsetting experience for all of the neighbors.
- Asked that their neighborhood be left as a one-story neighborhood and that all potential two-stories be blocked in the future.

Commissioner Rodgers said that there are lots of architectural styles in this neighborhood and asked Ms. Deirdre Dunnion, what unifies this neighborhood; as it is apparent that this neighborhood has a unified feel.

Ms. Deirdre Dunnion, said that the lack of two-story structures. She added that the other two-story structures in the area were at a better scale than this is proposed at. This is setting a precedent.

Commissioner Rodgers cautioned that single-story homes could be 18 feet tall.

Ms. Deirdre Dunnion, speaking on behalf of her neighbor, Mary Costanza:

- Read from a statement by Mary Costanza, who is present this evening but uncomfortable speaking in person.
- Advised that she, Mary Costanza, has been in this neighborhood since 1975.
- Added that one of her favorite things is her view of the mountains.
- Stated that she has spent happy hours looking at the pretty views.

- Reported that her neighbor, Sheila Brennan, told her that she was putting in a two-story addition no matter what.
- Declared herself to be 100 percent opposed to a second story.
- Reminded the Commission that the Polombo request for a two-story was turned down a few years ago.

Mr. Steve Allen, Resident on Lyons Court:

- Said that it was a please to meet at the site visit.
- Said that neighbors got together in September 2007 and 27 signed a petition.
- Added that they feel even more strongly eight months later.
- Stated that he is personally concerned about the impact of this two-story addition on his ability to place solar panels on his roof.
- Reported that he moved to Saratoga from Cupertino because he didn't want to live in an area full of two-story homes.
- Opined that this addition will unreasonably interfere with privacy, will increase the perception of excess bulk and will not be compatible in bulk and height with the surrounding neighborhood.
- Asked that this not be approved.

Mr. AG Salahieh, reading statement from Marjorie Robinson, Resident on Metler Court:

- Advised that his neighbor on Metler Court is present but too shy to address the Commission.
- Said that she, Marjorie Robinson, has lived on Metler Court for 49 years and is the original owner of her home.
- Said that most homes in the neighborhood are single-story homes with just a few two-story homes on the ends of cul de sacs.
- Cautioned that this one may start a trend.
- Stated that this neighborhood is a special place to live and raise children.

Mr. AG Salahieh, Resident on Metler Court:

- Reported that a neighbor's house is on the market.
- Advised that a recent potential buyer backed off when he learned of this pending two-story addition.
- Added that this buyer had a choice not to buy into the neighborhood. The rest of us are already here and don't have that luxury.
- Asked that they be allowed to continue to live in the type of neighborhood they all chose.
- Recounted that one neighbor had wanted to install a tile roof but decided to blend in instead.

Commissioner Rodgers asked Mr. AG Salahieh what he thinks is the definitive character of this neighborhood that consists of all types or architectural styles. She added that this is a nice looking home so why is it not in character? Can he describe the character?

Mr. AG Salahieh replied one-story homes.

Commissioner Rodgers said that there are some that are 1.5 story homes.

Mr. AG Salahieh said that this second story would be visible to him while he is seating at his dining table.

Ms. Camille Luckadoo, Resident on Espesi Drive:

- Said that it was a pleasure to meet the Commissioners yesterday at the site visit.
- Reported that she lives directly across the Court from the Brennan property.
- Stated that she strongly objects to this second-floor addition.
- Said that the Brennans are trying to push their project through and have been alienating the community.
- Advised that her house was L-shaped and is now U-shaped. It is a workable design.
- Said that she is a 14-year resident of the neighborhood and that she purchased here because this was a single-story neighborhood. This was an intentional choice.
- Added that they went to great lengths to stay within a single-story neighborhood and their roofline is just below 18 feet in height.
- Stated that a single-story ranch reflects the history of this area.
- Questioned the architect's comments that Bernice Keeble (lady next door to the Brennans) is too old to enjoy her backyard.
- Said that the timing of the application is deliberate. They are saying the trees serve as a screen and they do at this time of year but do not when these deciduous trees become barren in winter.
- Said that Saratoga residents enjoy an outdoor environment.
- Said that two-story homes belong on bigger lots. This is a new concept to this neighborhood.

Ms. Camille Luckadoo, speaking for Ms. Bernice Keeble, resident on Lyons Court:

- Said that she (Bernice Keeble) opposes this application due to its impacts on neighboring homes.
- Reported that she purchased her home in 1958. It was custom built.
- Added that neighbors take pride and comfort in their homes and in maintaining the flavor of this neighborhood.
- Informed that on two other occasions the Brennans remodeled homes and then moved shortly thereafter.
- Stated that there would be unreasonable views and privacy impacts as this addition would overlook her family room window.
- Said that she would also lose the privacy of her backyard as the Brennan home would have entire yard visibility from their windows.
- Stated that screening is inadequate and would take years to function adequately.
- Said that she is 87 years old.
- Opined that the Brennans do not currently maintain their trees.
- Asked that this remodel be denied as a second story addition.

Ms. Judith Walls, Resident on Lyons Court:

- Said that her home faces the Brennan property.
- Advised that she has lived in her home since 1974, which represents the second longest tenure on the Court.

- Said that she does not want any restrictions imposed upon her ability to change her own home in the future.
- Said that it is reasonable to be able to update a home.
- Said that her parcel is a trapezoid-shaped lot and she will face challenges for any addition without going upward.
- Asked that the Commission not simply rule against a second-story addition, as she wants the opportunity in the future to consider one.
- Stated that the Brennans have done a reasonable job.
- Added that this is not an overnight project and is a tasteful design.

Ms. Amelia Munro, Realtor for the Brennans:

- Said that she is speaking from her heart.
- Reported that she is the realtor who represented the Brennans when they bought this house on Lyons Court.
- Advised that they were specific in what they wanted including being on a cul de sac.
- Stated that she always urges her buyers to research local schools and to go to City Hall to find out what the guidelines are for any changes. With that research, they can then make an informed decision on whether to buy. They did the research and made the decision to buy based upon it.
- Said that 2.5 years later, they started to talk about expanding the house.
- Assured that the Brennans are not defiant people. Rather, they have worked so hard on this remodel. It would be wonderful if it could happen.

Ms. Ann Summers, Resident on Aspesi Court:

- Said that this would be a wonderful addition to the neighborhood.
- Advised that she has no objections whatsoever.

Mr. Todd Welke, Resident on La Paz Way:

- Informed that he while he is not an immediate neighbor he is in the general neighborhood.
- Added that he has been here for eight years, coming from Cupertino before that.
- Said that his family enjoys this neighborhood and being in Saratoga.
- Advised that he too is looking at a possible addition and has setback and tree constraints to work around.
- Stated that the Brennans have made significant efforts and done a very nice job.
- Said that he is here tonight in support of the Brennans.
- Added that he spends a lot of time in this neighborhood and there are many ranch-style homes here like his own that are between 40 to 50 years old.
- Stated that additions like this one are a definite improvement. They improve the neighborhood and increase values.
- Suggested that completely blocking the right to consider a two-story addition is a mistake. There needs to be an option for people as not everyone can do a single-story addition on their lots.

Mr. Srivats Ramaswami, Resident on Aspesi Drive:

- Advised that his home is located behind the Brennan property.

- Agreed that people look for a single-story neighborhood. If they wanted a two-story they would have bought one.
- Said that it is this neighborhood's privilege to have a single-story neighborhood.
- Reported that he met Sheila Brennan a few years ago.
- Stated that while he understands that the Brennan family's needs may have changed, should that come as a cost to the rest of the neighbors.

Mr. Mahmood Safa, Resident on Ferncrest Court:

- Said that he supports the Brennans.
- Added that they have done a lot of work with their architect.
- Explained that he is a general contractor and engineer.
- Advised that they really don't have a choice but to go up with their addition.
- Said that he does not want to be against all of his neighbors.
- Added that the Brennans want to stay in Saratoga and should be allowed to build according to the City's guidelines.

Mr. Amir Saduzay:

- Said that he came into a single-story neighborhood.
- Added that the homes are already close together.
- Agreed that there are a few two-story homes.
- Advised that his home is a two-story but his lot is large and it is therefore not obtrusive.

Mr. Ron Heikes, Project Architect:

- Assured that there would be no solar impact to the neighbor to the right. The house is setback.
- Said that it is unclear if the lot on Metler with the two-story is large or not. The house itself appears traditional from the street.
- Advised that the City's guidelines are what prevent any "monster home" syndrome in Saratoga.
- Reminded that the second story covers just one-third of the house's footprint and is stepped back.

Mr. Tom Brennan, Applicant and Owner:

- Said that his family fell in love with the big tree in front of their house and put a huge swing on it once they moved in. This tree would have to be removed if the addition were to be in the front of the house.
- Added that they also loved the existing pool.
- Advised that they did a lot of work in notifying the neighbors of their plans. They invited neighbors to come look at the plans but none of them came. Therefore, they had no true feedback from them.
- Said that to mitigate the back neighbor, they placed their window sill height at a five foot, six inch height. They cannot see into their backyard but rather just into the skyline from those windows.
- Said that they are using obscured glass in a window that opens to the left so that they cannot see into the yard to the left. The other window is also at the five-foot, six-inch sill height. Again no views of the neighboring property.

- Stated that they are offering to plant cypress trees to screen the neighbor to the right.
- Assured that they have met the Codes and guidelines.
- Opined that their Craftsman-style architecture is a stunning architecture for this neighborhood.
- Added that initially people appeared okay with this plan. As it progressed, opposition really took hold.
- Said that his family loves living in Saratoga. They love the area and the environment. They believe in preserving as much landscaping as possible including the removal of some existing hardscape.
- Advised that they don't want to cover any more ground.

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

Commissioner Rodgers:

- Said that she has served on this Commission for a long time and has seen lots of two-story homes proposed for single-story neighborhoods.
- Added that approvals depend upon each specific situation.
- Advised that she appreciates the views of all.
- Stated that this is a substandard lot that cannot expand outward but rather must go up.
- Reminded that a second-story addition is legal and allowed but must be sensitively designed.
- Said that this house has a beautiful design. It has nice proportion and details so in that sense fits into the neighborhood.
- Advised that the problem she has is with the design review criteria. This includes the privacy impacts on Ms. Keeble, the neighbor to the left. She is left with nothing but a big blank wall to look at.
- Suggested that some redesign of this elevation is required.
- Added that another neighbor has kitchen views blocked.
- Said that the neighbor to the right she is not as concerned about as it is not an unreasonable impact on views or privacy there.
- Said that the character of this neighborhood is in proportionality to homes and lots. It has a sense of warmth and welcoming, a sense of sensitivity and respect for layout of houses that don't impede any views.
- Added that the upkeep of this neighborhood is incredible.
- Stated that having a permanent condition of approval on a bathroom window and windowsill height is giving her some trouble.
- Reiterated that the back quarter of the left side of the house is the area that is most troubling.
- Reminded that this is the first house in this neighborhood to go up but others will follow.
- Agreed that the character of this neighborhood is currently single-story with less than 10 percent being either 1.5 or two-story per one neighbor's larger area statistics or 18 percent using the City statistics.
- Said that she is not sure this neighborhood is ready for transition.
- Reminded that this is a small lot and the addition has to fit into the character of the neighborhood.

- Cautioned that there is some subjectivity to the design review criteria including compatibility, bulk, height and views.
- Challenged the architect to eliminate the back quarter and put the space elsewhere on the site.
- Advised that she cannot make the design review findings as the design is not quite there yet.

Commissioner Kundtz:

- Reminded that there is no current prohibition for second story additions in Saratoga. Nothing prevents an applicant from proposing a second story.
- Added that the guidelines tend to be subjective and include compatibility; avoidance of unreasonable interference with privacy and views; and consistency with the character of a neighborhood.
- Advised that the role of this Commission is to be as objective as possible.
- Stated that the required findings cannot be met.

Chair Cappello asked which could not be met.

Commissioner Kundtz said the unreasonable interference with views, the appearance of excessive bulk and compatibility with the neighborhood.

Commissioner Kumar:

- Said he appreciated Mr. Brennan's presentation.
- Agreed that he is having difficulties in making the findings including compatibility and bulk and height.
- Added that homes with two-stories are mostly toward Saratoga Creek. One was on a sunken lot.
- Suggested a reduction in the second-story to help minimize the perception of bulk.
- Said that with an 8,400 square foot lot the setbacks are really minimal and the bulk is overwhelming.
- Stated it is difficult to make findings and also challenged the architect to redesign to deal with the issues of bulk.

Commissioner Hlava:

- Said that the house itself is very beautiful.
- Advised that she has nothing against two stories.
- Added that there are different expectations today than 30 to 50 years ago as far as houses. There is lots of demand to update older homes to meet current needs.
- Said that the proposed house looks good except for the fact that it is on a small lot surrounded by small lots. Everyone is so close. It looks like a very big house and has too much of an impact on surrounding neighbors. It is too big as seen from neighboring properties.
- Stated that it results in unreasonable impacts on views and/or privacy as well perception of bulk.
- Suggested that the neighbors are not giving the applicant sufficient credit for the efforts made to date.

- Announced that she cannot currently make the findings although she is not sure what the solution might be. At this time, she cannot approve this application.

Commissioner Zhao:

- Advised that she is not opposed to a second story as she understands the need to expand.
- Added that despite the efforts to mitigate the neighbors' concerns, she cannot make the privacy impact finding.
- Said that the story poles show a very imposing appearance from the neighbor's yard and dining room
- Stated that she is having a hard time with the perception of excessive bulk and compatibility with the neighborhood.
- Said that she cannot support.
- Agreed that this is a challenging situation and she is not sure how to fix it.

Commissioner Nagpal:

- Advised that she has a lot of empathy for the applicants as well as for the neighbors.
- Suggested that a Study Session might have been helpful.
- Expressed hope that there will be neighborhood healing in the future.
- Said that she too has trouble with the scale of this project as well as compatibility of bulk and height and privacy and view impacts.
- Pointed out that the biggest issue is the constrained lot.
- Stated that she likes when people can build the home of their dreams but she cannot make the findings to support this design.

Chair Cappello:

- Said that he can make all findings.
- Agreed that this is a second story in a predominately single-story cul de sac that must be scrutinized carefully.
- Said that both the applicant and architect have done a very good job at achieving the findings.
- Cautioned that there will always be impacts to views and privacy. The question is, is that impact reasonable. He stated his belief that this finding has been met.
- Pointed out that only one neighbor has lost a small portion of a hillside view.
- Said that the placement of a fireplace and planting of cypress mitigate some of the privacy concerns.
- Agreed that there is some impact from the Keeble property.
- Said that while the rear property is a tough one, the privacy impacts have also been addressed with the use of high sill heights.
- Said that the house would appear more bulky if it was designed as a single-story close to the street. This second story is recessed and hidden behind a large tree.
- Pointed out that all members of the Commission have their own opinions.

Commissioner Nagpal said that she agrees with a lot of what has been said but every house on this Court has come out with concerns.

Commissioner Rodgers said that this is a difficult decision.

Chair Cappello suggested either a vote or continuance, whichever the applicant may prefer.

Chair Cappello re-opened the Public Hearing for Agenda Item No. 2.

Ms. Sheila Brennan, Applicant and Owner:

- Said that the question of bulk is a surprise as it was not raised before.

Chair Cappello asked Ms. Sheila Brennan if she prefers a vote or a continuance.

Ms. Sheila Brennan said continuance.

Director John Livingstone explained to Ms. Sheila Brennan that the options for this Commission are to approve, to deny or to continue consideration to a future meeting. The continuance is intended to allow time for some redesign.

Ms. Sheila Brennan said that she can accept a continuance and thanked all Commissioners for being here. She added that she respects the opinions of each Commissioner as well as her neighbors.

Commissioner Nagpal asked if the continuance should be to a study session.

Chair Cappello suggested a date uncertain.

Director John Livingstone said that it should be continued to a date uncertain for now and whether the format in the future is study session or public hearing can be decided later.

Commissioner Zhao questioned whether the applicants and their architect have enough guidance.

Chair Cappello suggested leaving it to staff to determine what the best option might be between a study session or public hearing.

Commissioner Hlava said she likes the study session format as this is a hard lot to design. Rather than a confrontational public hearing type of meeting, a round table study session discussion is more productive.

Chair Cappello said he tends to agree but the applicant and neighbors could reach agreement without need for a study session. He said he didn't want to further delay this application if it were to become unnecessary to do so.

Director John Livingstone said that the advantage to continuing to a date certain is that no additional noticing is required. However, continuance to a date uncertain means the architect can take the necessary time to redesign and the next meeting is simply renoticed.

Ms. Sheila Brennan said she liked the idea of a specific date being set, the sooner the more desirable.

Chair Cappello asked staff for a potential date.

Commissioner Nagpal said it is hard to know as there is also lots of neighbor work to be done here.

Chair Cappello said he doesn't want to delay unnecessarily.

Commissioner Zhao suggested that the architect and applicant be asked when they can be ready with their redesign.

Director John Livingstone cautioned that the disadvantage to a date certain is if they are not prepared on time. They have to be ready as there is a 20-day notice. Continuing to a date certain usually means a quick return, usually in the next month.

Commissioner Kundtz said that the value of a study session is that it offers a brainstorming session with involvement by neighbors as well as Commissioners. He said that the applicant would be better directed to go forward to a study session to come up with a design that has a better opportunity for success.

Planner Heather Bradley added that for a study session the applicant does not have to have complete plans but rather just preliminary plans.

Ms. Sheila Brennan asked if the continuance could be to a study session and followed by a public hearing to a date certain subsequent to that?

Planner Heather Bradley said that the continuance could be date certain to a study session either four, six or eight weeks out. At the study session, the item could be continued back to a public hearing at a date certain.

Ms. Sheila Brennan said that they want to continue to move forward.

Commissioner Nagpal suggested a study session on a date certain.

Ms. Sheila Brennan agreed.

Director John Livingstone said that study sessions are typically held after site visits on Tuesdays. One could be set for June 10th or for June 11th immediately prior to the regular Planning Commission meeting.

Commissioner Nagpal said that there is a lot of work to be done and asked Ms. Sheila Brennan if she is sure they will be done by June 10th or 11th.

Ms. Sheila Brennan consulted with her architect, Mr. Ron Heikes, and advised that he suggested no set date at this time.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Kumar, the Planning Commission CONTINUED TO A DATE UNCERTAIN consideration of a Design Review Approval to add a second floor to an existing single-story residence on property located at 18605 Lyons Court. (7-0)

Chair Cappello called for a break at 10:24 p.m.

The meeting resumed at 10:33 p.m.

PUBLIC HEARING - ITEM NO. 3

APPLICATION CUP07-0005 (510-06-018) T-Mobile, Saratoga-Los Gatos Road right-of-way, adjacent to 19165 Austin Way: The applicant is requesting Conditional Use Permit approval to remove two existing antennas and replace them with two new antennas of approximately the same size and shape. The proposal also includes the addition of a second micro cell to the existing joint utility pole located within the Saratoga-Los Gatos Road public right-of-way adjacent to the property at 19165 Austin Way.

Ms. Heather Bradley, Contract Planner, presented the staff report as follows:

- Reported that the applicant is seeking a Conditional Use Permit to allow the removal of existing antennas and replacement with new antennas that are 4.5 feet tall instead of the existing 3-foot height.
- Added that a second micro cell equipment box would also be installed.
- Advised that this update will improve coverage and capacity as well as upgrade data transmissions.
- Explained that this request is Categorically Exempt under CEQA.
- Recommended approval.

Commissioner Kundtz reminded the Commission of Mr. Sandie's Oral Communication commentary at the beginning of this evening's meeting on the issue of Comcast being able to install equipment on Highway 9. He questioned whether the City has jurisdiction over antennas but not Comcast lines.

Director John Livingstone asked if the proposed Comcast installation was to be under ground.

Commissioner Kundtz said this might be an avenue to consider.

Commissioner Hlava said that the FCC might trump Caltrans.

Commissioner Kundtz said it is a point of curiosity.

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

Mr. Michael, Representative for T-Mobile:

- Said that this installation has been here since 1999.
- Added that it needs routine maintenance.
- Asked if Condition 4 could be stricken that requires painting the new micro cell equipment box brown.
- Explained that the box is a hard case plastic to which paint does not bind/stick to that well.
- Added that there is already another box in place that is white.
- Added that if said painting is necessary, both should be painted not just one.

Chair Cappello asked for help locating this installation on the five-year coverage map provided.

Mr. Michael showed it on the bottom center on the left.

Chair Cappello asked if there are future sites or modifications pending in the near future.

Mr. Michael said if necessary.

Chair Cappello asked if there are any new sites proposed.

Mr. Michael said that a different team handles new sites while he focuses on modifying existing sites.

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

Chair Cappello said he likes the box painted and thinks both should be.

Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Kundtz, the Planning Commission approved a Conditional Use Permit to allow the replacement of existing antennas and the addition of a second micro cell to the existing joint utility pole located within the Saratoga-Los Gatos Road public right-of-way adjacent to the property at 19165 Austin Way, with the added condition that the second micro cell box be painted brown as well as the existing micro cell box, by the following roll call vote:
AYES: Cappello, Hlava, Kumar, Kundtz, Nagpal, Rodgers and Zhao
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING - ITEM NO. 4

APPLICATION PDR07-0015 (386-46-013) Liebelt, 12490 Paseo Cerro: The applicant requests Design Review approval to demolish the existing one-story residence and construct a new two-story residence. The total proposed floor area would be approximately 3,199 square feet. The maximum height of the proposed building will not exceed the 26-foot height

limit. The maximum impervious coverage will not exceed the allowable 60 percent of the net site area. The lot size is approximately 10,000 square feet and the site is located in the R-1-10,000 zoning district. Design Review approval is required pursuant to Saratoga Municipal Code Section 15-45.060.

Ms. Heather Bradley, Contract Planner, presented the staff report as follows:

- Reported that the applicant is seeking approval to demolish an existing single-story residence and construct a new two-story residence totaling 3,200 square feet on a 10,000 square foot lot.
- Described the architectural style as being contemporary ranch using wood siding and stone veneer.
- Explained that no Ordinance protected trees would be removed. The house has been designed around an oak tree.
- Reported that no negative comments have been received.
- Said that this project is Categorically Exempt under CEQA.
- Said that design review findings can be made.
- Recommended approval.

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

Mr. Herb Liebelt, Applicant and Property Owner:

- Said that he and his wife, Laura, want to thank the Commission for its visit.
- Said that the home they are demolishing has been a rental that they have owned for five years. They now plan to make this into their home.
- Explained that they purchased this property due to its large size and oak trees and have designed this new house themselves over the last two years.
- Reported that they are outdoors people who are runners and play sports. They like backyards and gardening.
- Said that they would be adding additional oak trees to the property.
- Stated that they want as much natural light as possible especially in the kitchen and dining room. They also like an open floor plan.
- Assured that they have been sensitive to their neighborhood and neighbors and meet bulk and privacy standards.
- Said that the center of their home is their kitchen and eating area where they convene with their boys. It is at the back of the house with vaulted ceilings. The rest of the house has views to the backyard. There are three bedrooms on the upper level.
- Informed that they were asked during the site visit if they had considered a single-story design. Explained that doing so would infringe on the oak trees. For their requirements, the two-story option was the right answer.
- Added that the second level is on one side of the house and screened off by a large oak tree. The story poles are barely visible. It is hard to see the second story from the back. There are no side windows and no direct view into neighbors' houses. One window, a bedroom, faces the yard from upstairs. The immediate neighbors impacted have signed off.
- Said that they have moved the garage to the opposite side of the house to get the driveway away from the large oak tree.

- Advised that they would install drought tolerant landscaping and remove an existing shed from beneath another tree's canopy.
- Reiterated that the oaks are important to them.
- Said that there are few two-stories in the neighborhood there are approximately four within a one to two-block range.
- Agreed that this area is predominately single-story.

Commissioner Rodgers asked Mr. Liebelt if he is aware that the two-story kitchen element is double counted square footage.

Mr. Herb Liebelt said yes, it represents about 250 square feet.

Commissioner Rodgers said that she liked the use of the second floor to get light into the kitchen.

Mr. Herb Liebelt said that it offers a view into the backyard and its oak trees.

Mr. Chuck Sonntag, Resident on Paseo Cerro:

- Said that he is a great fan of neighborhood integrity and thinks that a single-story should be considered.
- Said that two-stories represent a privacy issue although not so much in this case.
- Explained that he has a two-story, called the Great Whale, located behind him. It is a huge home that looks into his living room.
- Added that he is not sure how that ever got approved.
- Said that a 10,000 square foot lot can accommodate a pretty large footprint on it.
- Said that the orange netting seems huge to him and he would prefer a higher single-story structure that looks back.
- Advised that he is supporting the integrity of the neighborhood and has nothing against these folks.

Mr. Herb Liebelt agreed with Mr. Chuck Sonntag that his house is different because of the mature oak trees on it. That should result in an exception to the rule.

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

Commissioner Kundtz pointed out that Mr. Herb Liebelt had considered a single-story design but was unable to accomplish such a design because of the trees. He accomplished a design that is suitable for his family.

Commissioner Hlava:

- Said that this neighborhood has such a mix of houses. It is a neighborhood in transition.
- Added that this design is really nice.
- Said that with the design and the size of this lot it is easy to make design review findings.
- Advised that the house would not look bulky. There are no privacy impacts. There is currently no consistent character in this neighborhood as it is in the process of being remodeled.

- Said that this project is compatible with the neighborhood.
- Said that this looks like a lovely design and she has no problem supporting it.

Commissioner Rodgers:

- Said that she too has no problems making the design review findings.
- Pointed out that the lot is constrained by trees and she is in favor of saving the trees in this case as they are magnificent trees.
- Reported that some neighbors have recently cut trees in order to put in large single-story homes.

Commissioner Kumar:

- Agreed that this is a neighborhood in transition and newer homes are coming up.
- Stated that this is a good design for this neighborhood.
- Said that he too likes to preserve oaks.
- Added that the setbacks are sufficient for this expansion.
- Advised that he can make all required findings.

Commissioner Zhao:

- Said that she struggled a bit as the design is not to her taste.
- Added that she can make all design review findings.
- Said that the rooflines were of concern but in general as the second floor is only 600 square feet she can support it.

Commissioner Kundtz thanked the applicant for his patience in waiting so late this evening. He also thanked the neighbor for his comments.

Commissioner Nagpal said that this is the second two-story design considered this evening. Due to different sites and different neighborhoods, the result was different. She expressed concern about use of metal garage doors and suggested wood or wood-like appearance.

Commissioner Kumar said that metal doors are more resistant over time but could incorporate a wood-like finish.

Commissioner Nagpal agreed that a wood-like finish would be sufficient.

Chair Cappello said that each project is looked at based upon its own merits. This applicant did a superb job of addressing issues that typically come up with two-story additions. He agreed that he too could make the findings to support.

Motion: Upon motion of Commissioner Hlava, seconded by Commissioner Rodgers, the Planning Commission granted Design Review Approval to demolish an existing one-story residence and construct a new two-story residence on property located at 12490 Paseo Cerro, by the following roll call vote:

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

ABSENT: None
ABSTAIN: None

DIRECTOR'S ITEMS

Director John Livingstone advised that June 10th is the tentative date for an affordable housing tour. The PC members of the Housing Element Update Committee should plan on tentative meetings on June 17th and August 5th.

Chair Cappello asked when the Fence Ordinance would return.

Director John Livingstone advised that it would be discussed at a study session on May 27th. He added that May 25th is the tentative date for the St. Michael's project.

Commissioner Rodgers asked what time the housing tour would take place.

Director John Livingstone said 3:30 p.m., prior to the regularly scheduled site visits.

COMMISSION ITEMS

There were no Commission Items.

COMMUNICATIONS

There were no Communications Items.

ADJOURNMENT TO NEXT MEETING

Upon motion of Commissioner Kundtz, seconded by Commissioner Hlava, Chair Cappello adjourned the meeting at approximately 11:13 p.m.

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