

**MINUTES**  
**SARATOGA PLANNING COMMISSION**

DATE: Wednesday, August 27, 2008  
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA  
TYPE: Regular Meeting

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

**ROLL CALL**

Present: Commissioners Cappello, Hlava, Nagpal, Rodgers and Zhao  
Absent: Commissioners Kumar and Kundtz  
Staff: Director John Livingstone, Assistant Planner Michael Fossati and Assistant Planner Cynthia McCormick and Assistant City Attorney Jonathan Wittwer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – Regular Meeting of August 13, 2008.

**Motion: Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission minutes of the regular meeting of August 13, 2008, were adopted. (5-0-2; Commissioners Kumar and Kundtz were absent)**

**ORAL COMMUNICATION**

Mr. Jim Hwong, Realtor:

- Identified himself as a real estate broker representing buyers for a property on Brookglen Court. His buyers are under contract.
- Reported that in talking with the neighbors they were advised that there is an easement to the park at the back.
- Said they have no problem with that, it sounds good.
- Added that the neighbor will be installing a fence, as would his clients, which will leave the 10-foot wide easement enclosed on both sides for a 200-foot distance. This creates a tunnel.
- Questioned what might happen in this area after dark. What sorts of illegal activity as there will be no lighting. How about sanitary issues.
- Advised that they appeared at a recent Council meeting at which time the Council advised them to come to the Planning Commission and make a three-minute presentation, which will be documented in the minutes.
- Claimed that the city owns the liability over this easement area.
- Added that there is nothing they can do but that they see the liability of a potential hazard.
- Stated that the city owns this pathway.
- Said that they have a few options to propose but their goal tonight is to get this issue into the minutes.

Commissioner Hlava asked staff to verify that the Commission just did the subdivision on that same property at which time a big discussion was held on the easement.

Director John Livingstone replied yes. The easement to the park was a part of the subdivision requirement on the map.

Chair Cappello asked staff if permits are required for the fence.

Commissioner Nagpal said that it might not be required to obtain permits for the fencing. She asked if this item should be agendaized.

Chair Cappello said that it should just be included on the record.

Commissioner Nagpal asked if there are other situations like this in the city.

Director John Livingstone reminded that just last month they saw one example.

Commissioner Rodgers said that there is another one near Redwood School as well.

Commissioner Zhao asked staff if the city is liable.

Director John Livingstone replied no.

Ms. Sherry Dan:

- Explained that she is the buyer in contract for this Brookglen Court property.
- Reiterated that the issue is the very long enclosure that might attract interesting activity there.
- Said that she does not see why another easement is needed for this very small park that is hardly used.

Commissioner Hlava asked staff who owns the property that the easement is located on.

Director John Livingstone said that the easement is simply a right to pass while the property remains privately owned.

### **REPORT OF POSTING AGENDA**

Director John Livingstone announced that, pursuant to Government Code 54954.2, the agenda for this meeting was properly posted on August 21, 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.

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Chair Cappello advised that as the architect for Item No. 1 has not yet arrived this evening, Item No. 2 would be heard first.

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**PUBLIC HEARING - ITEM NO. 2**

**APPLICATION #ADR08-0016 (503-68-014) Loo/Posadas, 14141 Palomino Way:** The applicant requests Design Review Approval to construct a lower level addition to an existing single-story home. The project will add 996 square feet to the existing ground level, 131 square feet to the existing garage and 874 square feet to a new lower level floor. The total floor area of the home will be 5,049 square feet. The net lot size is approximately 54,276 square feet and the site is located in the Hillside Residential zoning district. Design Review Approval is required pursuant to Saratoga Municipal Code Section 15-45.060(2). (Cynthia McCormick)

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

- Reported that the applicant is requesting approval for a lower level addition to an existing single-story home.
- Described the existing home as being 19.5 feet high with an FAR of 3,078 square feet. The proposed single-story height would be maintained with a total FAR of 5,049 square feet.
- Added that a new 874 square foot, deed-restricted, second dwelling unit would be added on the lower level and 996 square feet will added on the ground level.
- Advised that the applicant is asking for a one time 10 percent increase in additional square footage and a waiver for the three-car parking garage as allowed by Section 15-56.030.
- Said that the resolution also includes a permanent condition of approval requiring the applicant to record a deed restriction that limits the rental of the second dwelling unit to BMR (below market rate) households.
- Stated that the resolution also includes another condition of approval requiring the applicant to designate an open parking space for the second unit somewhere on the site.
- Said that staff has also added conditions for exterior paint color and the garage door.
- Informed that the applicant has brought in color sample alternatives for the consideration of the Commission.
- Distributed color sample alternatives as well as garage door alternatives.
- Reported that the color mentioned at the site visit was "Fun in the Sun."
- Added that the garage door alternative is fiberglass that is made to look like wood.

Commissioner Nagpal asked what was the final color recommendation for the garage door. Is it walnut?

Planner Cynthia McCormick said that it is the top left option on the flyer.

Commissioner Nagpal read that option out as being oak.

Commissioner Hlava said that she did not see on the plan where that additional outside parking space would be situated.

Planner Cynthia McCormick:

- Explained that the applicant is planning on resurfacing the driveway and would designate that required space on the building submittal plans for that resurfacing project.
- Said that there are also alternatives being offered for roof tiles.
- Stated that what is being proposed are concrete tiles that are made to look like slate. She said that there are a couple of color options on page 10 with the favorite indicated as No. 1 (charcoal brown blend) and two secondary options.
- Reported that the building official is okay with this proposed roofing material.
- Advised that there is also a proposed change to the front façade roof, as depicted on plan sheet A-9.

Chair Cappello asked if the alternate garage door style is on the picture.

Planner Cynthia McCormick replied yes.

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

Commissioner Hlava asked the applicants if they are okay with the single gable at the front with the bay windows.

Mr. Posadas, Applicant, replied yes.

Commissioner Hlava:

- Said that she is okay with the preferred roof tile color.
- Stated that as for the exterior color proposed, "Fun in the Sun," she had thought that color was best during the site visit but now thinks that it looks very yellow.
- Explained that it is preferred to have houses blend into the hillsides.
- Asked how wedded they are to this color.

Ms. Anna Loo, Owner/Applicant, assured that their proposed color is no way near what is depicted on the photo of a house on Pierce Road.

Mr. Posadas, Owner/Applicant, asked if the Commission is asking that their color be lightened or changed in hue.

Commissioner Hlava said that she would like to see it become more beige in color, paler, more of a cream.

Ms. Anna Loo agreed that a lighter paler, less yellow color such as the house on Herbert Way would be acceptable. She gave some color samples to the Commissioners and stated that she wants a cheerful house. She reminded that the home is not too visible from the street and their neighbors are fine with it.

Chair Cappello pointed out that it would be difficult for five Commissioners to come to agreement on color and suggested settling on a photo example and letting the applicant work the color out with staff.

Commissioner Nagpal said she is supportive of a slightly more earth tone color while still being cheery, as the applicant desires.

Chair Cappello asked about the new connection between the garage and the existing home.

Mr. Posada said that they would be connecting the currently detached garage. The intent is to extend the wall that is facing the house to the point that it meets.

Chair Cappello asked if there would be some sort of hallway.

Mr. Posada said yes.

Commissioner Rodgers asked if the roofing on the two bay windows would be copper or the same tile as the rest of the house.

Ms. Anna Loo said that it matches the rest of the roof with no use of copper roofing.

Commissioner Rodgers said that she is having trouble with the 3D visualization and asked about the appearance of a pop out area and whether it would be as it currently is.

Mr. Posada said that there currently is no pop out but rather it is flat.

Commissioner Rodgers asked if the windows would come out.

Mr. Posada replied yes.

Commissioner Zhao asked if the lower level is visible from the street from the east elevation. She asked what is the total height.

Commissioner Rodgers asked if the garage door would be wood.

Chair Cappello said that the garage door is fiberglass with a wood-like appearance.

Commissioner Nagpal said that they saw a sample at the site visit.

Mr. Posada said that what they will actually use is much darker in color than the sample.

Commissioner Zhao asked if the sliding doors would be visible.

Mr. Posada said that from the east elevation the house appears single-story with no visibility of the lower level.

Chair Cappello asked Commissioner Zhao why she is concerned even if it were to be visible.

Commissioner Zhao replied that if the appearance was of two stories it could look bulky.

Ms. Anna Loo reported that she took their plans to the Rossi's and they had no problems and were fine with it.

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

Commissioner Nagpal:

- Said that she is glad that the front portion has been reconfigured.
- Stated that she is fine with the use of a fiberglass garage door with a wood-like appearance and she is fine with the proposed roof tile material.
- Suggested that the exterior color be as earth tone as possible and let staff work out the color selection with the applicant.
- Advised that she can make the findings to support this application.

Commissioner Rodgers said that she still has problems with the exterior colors and does not think that any of the provided samples meets the standard of an earth tone color. She said that use of low RF values is important in the hillsides. She said that as for the doors she prefers wood doors.

Commissioner Nagpal said that she is okay with wood-like doors as they are more durable and can deal with the elements.

Chair Cappello said that he tends to agree. He said that the important aspect is the aesthetics. The upkeep and beauty of the door lasts longer if they are not actual wood.

Commissioner Hlava agreed.

Commissioner Zhao said she could make all the findings.

Chair Cappello said he could too and listed required findings for the record as follows:

- Avoiding unreasonable impacts on views and privacy.
- Preserving natural landscape.
- Preserving native trees.
- Minimizing the perception of excess bulk.
- Compatible bulk and height for the neighborhood.
- Grading methods.
- Design policies and techniques for Saratoga being adhered to.

Commissioner Rodgers said to make sure changes made are amended on the plans.

City Attorney Jonathan Wittwer offered the following amendments to the draft resolution as follows:

- Page 1, last Whereas, second line, after the word approval, insert, “*as consistent with the below General Plan policies...*” Delete text, “*have been determined*”
- Section 1, add text, “matter, *the exemption from CEQA is approved, the required findings are made, and...*”
- Condition 1, second line add text, “restriction, *satisfactory to the Community Development Director...*”
- Condition 3, revised to read, “The applicant shall ~~upgrade the proposed metal garage door with~~ *install a carriage style wood-like door subject to the approval of the Community Development Director...*”
- Condition 4, already requires an exterior earth tone color subject to approval by the Community Development Director.
- Condition 5, “The proposed home shall be constructed as ~~conditioned~~ *as shown on Exhibit A dated 7/20/2008 on file with the Community Development Director and hereby incorporated by reference, as modified by an 8.5 x 11 drawing identified as Exhibit B dated 8/27/2008.*”
- Condition 14, at the end, “an explanatory note shall be provided on the plan *and be subject to approval by the Community Development Director.*”
- Condition 18, last line, “... geotechnical consultant letter submitted to the City Engineer for review *and approval* prior to final occupancy.”

**Motion:** Upon motion of Commissioner Nagpal, seconded by Commissioner Hlava, the Planning Commission granted Design Review Approval to construct a lower level addition to an existing single-story home adding 996 square feet to the existing ground level, 131 square feet to the existing garage and 874 square feet to a new lower level floor on property located at 14141 Palomino Way, with conditions as amended by the City Attorney, by the following roll call vote:

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

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## **PUBLIC HEARING - ITEM NO. 1**

**APPLICATION #PDR08-0022 (393-03-0210 Yang/Ma, 20215 Blauer Drive:** The applicant requests Design Review Approval to demolish an existing ranch style single-story, single-family detached residence and construct a new single-story, Mediterranean influenced ranch style home. The total floor area of the proposed residence will be 3,709 square feet, including an attached three-car garage. Two ordinance-size trees will be removed per approval by the City Arborist. The maximum height of the proposed residence will be 20 feet, 6 inches. The proposed impervious coverage will be 41.5% of the net site area, well below the allowable 55%. The net lot size is approximately 13,000 square feet and the site is zoned R-1-12,500.

Design Review Approval is required pursuant to Saratoga Municipal Code Section 15-45.060. (Michael Fossati)

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

- Said that the applicant is seeking Design Review approval for a new single-story single-family residence.
- Reported that the project is Categorically Exempt under CEQA per Section 15.303.
- Described the project as having a Mediterranean-influenced ranch style with reddish brown clay tile roof and khaki colored cement plastered exterior walls with sandstone window trim.
- Distributed a color board.
- Said that the proposed home would total approximately 3,709 square feet on a 13,000 square foot lot.
- Advised that the garage door is like what was seen with the previously heard item on this evening's agenda. It is a wood-like fiberglass garage door.
- Reported that he learned from the applicant that fiberglass is lighter and easier to lift. With a battery backup, a fiberglass door can be opened while said battery backup is not sufficiently strong to open the weight of a wood garage door when the power is out.
- Stated that he contacted a few garage door companies and they verified that fact.
- Informed that the main door (front) would be wood in a cherry finish using clear glass and a matching transom.
- Said that the overall height of the house would be 20 feet, 6 inches. Setback requirements are met.
- Provided a history on the trees on site. He reported that in May a Tree Removal Permit application was received for five trees. Of the five, four were granted permits for removal. A poplar was dead and allowed to be removed. One ash, one walnut and one mulberry were diseased and approved for removal. One pine was denied for removal.
- Advised that later this Design Review request was submitted and an arborist report was prepared that requested removal of two additional trees (juniper and pine).
- Added that the remaining trees on site would be protected, as conditioned in the resolution, with a \$35,250 bond.
- Stated that staff believes that all Design Review findings can be made.

Commissioner Rodgers asked about locations on site for the replacement trees.

Planner Michael Fossati said that the Tree Removal Permit required that four 24-inch box trees be planted by September 23, 2008, but that was prior to the Design Review application for the site. The City Arborist is recommending that the trees be installed prior to final building clearance.

Chair Cappello asked the color of the garage door.

Planner Michael Fossati said he believes it is walnut.

Commissioner Rodgers:

- Brought to the attention of the Commission Tree #3, which is a magnificent deodar cedar that is located in the front yard and has utility lines underneath.
- Asked that no trenching be done and that the Arborist be there, if anything happens near that tree.

Planner Michael Fossati said that per the landscape plan, there is no trenching in that area. They will be planting mulberry bushes. He said that a condition could be added that prevents trenching around this tree.

Commissioner Rodgers said that chain link fencing would be required around this tree.

Planner Michael Fossati assured that the applicant loves trees as well.

Commissioner Nagpal reminded that tree protection would be required and asked staff if protective fencing is put up before construction begins.

Commissioner Hlava said it is installed before demolition.

Commissioner Zhao asked where the four new trees would be located on the site.

Planner Michael Fossati said that the City Arborist conditioned it so the applicant could replant wherever they chose on the property.

Commissioner Nagpal asked if the City Arborist could work with the owners on placement.

Planner Michael Fossati said that request could be relayed back to Kate Bear.

Commissioner Hlava pointed out that one could see on the landscape plan just where they are going.

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

Ms. Yang, Applicant/Owner:

- Stated that they have tried to put as many trees as possible to make it look nice as well as to block the sun and provide shade.

Mr. Ma, Applicant/Owner:

- Pointed on the landscape plan the location for the four large replacement trees.
- Assured the Commission that they want to preserve the cedar.

Chair Cappello asked why they decided to go with the 20-foot, 6-inch height when they could have received over-the-counter approval with an 18-foot maximum height.

Mr. Ma said that with an 18-foot maximum height, the interior ceilings look very low. They decided with their architect to go a little higher even if it required Planning Commission review and approval.

Chair Cappello asked what is the interior ceiling height.

Mr. Ma said it ranges between 10 and 12 feet.

Chair Cappello asked what the roof pitch is.

Mr. Ma said 4 and 12.

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

Commissioner Hlava pointed out that the garage door is the same as just approved for the Palomino project. She recounted that she has a wood garage door and thinks fiberglass looks good if it is high quality with a wood-like appearance.

Chair Cappello asked what particular model is proposed for the garage door.

Mrs. Yang said that it is the one with glass on top.

Commissioner Hlava said that she could make all findings. The house is not too tall and fits into the neighborhood nicely. There are no bulk or tree issues. She said to make sure that the landscape plan is incorporated by reference.

Commissioner Rodgers said that she wants to condition that the City Arborist supervise any trenching done under or near Tree #3.

City Attorney Jonathan Wittwer said that Commissioner Rodgers suggestion could be incorporated into Condition 18.

**Motion:** Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, the Planning Commission granted Design Review Approval to demolish an existing residence and construct a new 3,709 square foot single-story residence on property located at 20215 Blauer Drive, as amended by the City Attorney and to incorporate the landscape plan and require supervision by the City Arborist if any trenching should be necessary near Tree #3, by the following roll call vote:

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

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### **DIRECTOR'S ITEMS**

There were no Director's Items.

### **COMMISSION ITEMS**

Commissioner Nagpal asked staff to provide the date for the Village Economic Development Committee meeting.

Director John Livingstone advised that it is set for September 16, 2008, at 6 p.m., in the Arts & Crafts Room.

**COMMUNICATIONS**

There were no Communications Items.

**ADJOURNMENT TO NEXT MEETING**

Upon motion of Commissioner Hlava, seconded by Commissioner Nagpal, Chair Cappello adjourned the meeting at approximately 8:04 p.m.

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