

1 Mr. Bowie said he understood that the Commission wanted a re-study of lot 8 and possible relocation.
2 Also that Commissioner Chastain wanted more proscribed uses in relation to privacy concerns without
3 annotations of existing schematics and that they should set forth parameters.

4
5 Commissioner Chastain said no, he asked for design guidelines to allow the Commission to look at a
6 better strategy to provide development of houses.

7
8 Commissioner Holt said regarding lots 2 and 5, they are prominent and look down and they need design
9 guidelines that show how to minimize privacy issues. They are looking for heavy grading/orientation of
10 the house/visibility/privacy issues, not to design the house but guidelines per site.

11
12 **Commissioner Holt moved and Commissioner Chastain seconded to continue TR6569 and HDP86-**
13 **04 to the Commission meeting on April 20, 2006.**

14
15 **AYES: Ateljevich, Chastain, Holt, and Lovitt**
16 **NOES: None**
17 **ABSENT: Harris, Humann, and Mitchell**
18 **ABSTAIN: None**

19
20 The Commission took a break at 9:16 PM.

21
22 The Commission resumed its meeting at 9:27 PM.

- 23
24 **B. HDP38-05 Thomas and Donna Amen (Applicants & Owners), LR-10 Zoning:** Request
25 for a Hillside Development permit pursuant to Section 6-2015 of the Lafayette Municipal
26 Code to establish a building site for a new 5800 sq. ft. +/- single-family residence within
27 the Hillside Overlay District and within a Class II Restricted Ridgeline Setback at 3315
28 Hillside Terrace. APN 230-030-065.
29 **Recommendation:** Take testimony from the applicant and public, and provide direction
30 to the applicant that Scheme 8 remains the appropriate building site.
31 **Project Planner:** Greg Wolff, Tel: 925-299-3204, gwolff@ci.lafayette.ca.us

32
33
34 Mr. Wolff said this was a request for Hillside Development Permit for a single-family residence on a
35 vacant lot within a Class II ridgeline setback. The applicant proposes to construct a 5800 sq. ft. home
36 within 100-feet of a Class II setback, which will come back to the Planning Commission for final action
37 after referral to the Design Review Commission for review and recommendation. The scope for
38 consideration this evening is the appropriate building site on the lot. The application has a 7-year history,
39 when in 1998, an application for design review for a home at about 7500 sq. ft. was submitted. This
40 application lasted a couple of years. There were 8 different sites proposed and direction at that time from
41 the Commissions was to move the site lower off the knoll. Subsequent sites were further along the spine
42 of ridge. Scheme 8 was proposed in the center of the lot, which is the least vertical/horizontal. The
43 Planning Commission was supportive of this site because it did not silhouette above the ridgeline. The
44 applicants have resubmitted an analysis that shows slope less than/ greater than 30%. The map shows
45 that every site on the lot is within 15-degree declination. Staff concludes the ridgeline previously
46 extended from the high point where the Warner residence is located southeast through the subject lot to
47 the adjacent lot. The applicant has submitted an updated geology report, which states that the proposed
48 ridgeline is a geologically superior site in the middle of the site on the eastern slope. The current
49 proposal is in the vicinity of former site 5. Staff is not prepared to recommend approval of a home on the
50 ridge and therefore recommends that site 8 is the preferred site consistent with the finding in the prior
51 1998 application.

52
53 Chair Ateljevich asked what the size of the proposed house was.

54
55 Mr. Wolff said the proposed house was 5800 sq. ft., which is reduced from the original proposal, including
56 a 3-car garage.

1 Chair Ateljevich asked about the access to site 8.

2
3 Mr. Wolff replied that it would be by the existing fire trail.

4
5 Mr. Wolff passed out photos 1-12 taken by staff, the original color exhibits, and photo simulations
6 prepared by the applicant.

7
8 Bill Wood, William Wood Architects, has been working on this project for 9 years. He passed out some
9 information with pictures to the Commission. They initially met with the Design Review Commission in
10 1997 who recommended some changes. The final application is for the site on the ridge. He passed out
11 exhibits A and B showing the proposed site and alternative site 8, and an overlay of the site locations.
12 The proposed site would have the least amount of grading. The alternative site would take an enormous
13 amount of work to get minimal grading due to the topography, which has a 35-60% slope. Areas adjacent
14 to the driveway are 50% slope and near the house it is a 35-40% slope. There is 800 feet of driveway
15 and even if they came in the back way there would be 400-500 feet to meet fire department requirements.
16 They would need 5-8 foot retaining walls and two 7-foot and 8-foot walls. On the County map, Mr. Wood
17 showed a slide area and with a combination of 50% slope and 3000 yards dirt to come out of the site just
18 doesn't make sense. There is no part of the proposed site that would be over 15% slope. There is a 2:1
19 slope in the building area in alternative 8. They would abandon the fire road and re-grade it to natural
20 grade. The story poles show the house coming into the grade and with landscaping would be completely
21 screened from neighbors. The average height of the house is below 12 feet. On site 8, for staging it
22 would be tough to get trucks up and down.

23
24 Martin Lysons, applicant's attorney, said there were practical reasons that the proposed site is better from
25 a feasibility standpoint than site 8. Mr. Lysons quoted directly from the geotechnical engineer's letter that
26 "We conclude that the feasibility of developing on the eastern slope (site 8) for residential usage would be
27 marginal from a geotechnical and practical standpoint and most likely infeasible from an economic
28 standpoint. Should you decide for reasons other than geotechnical not to follow the above
29 recommendation for selecting the building site location and pursue development of the eastern site
30 location, be advised that EnGeo Inc. cannot be held responsible for performance of the improvements
31 and any and all claims based on your decision." Their contractor, Mr. Grimaldi, estimated construction to
32 cost double at that site as well as being hazardous. This is not a feasible site. He wondered how the
33 alternative site preserved the hillside and said it doesn't. The massive retaining walls and it would require
34 a higher and wider structure. The proposed site would be less visible than the alternative site. The
35 proposed site would maintain the semi-rural character, as it would leave the hillside untouched. There
36 would be massive grading on the alternative site. The proposed site is the only site on the parcel that
37 only has less than 30% slope, and would require less grading and no retaining walls. The proposed site
38 is better for the applicant and the City.

39
40 Commissioner Lovitt asked what the size of the proposed house was.

41
42 Mr. Lysons replied that it was 4800 sq. ft. plus the garage.

43
44 Chair Ateljevich opened the meeting to public comment on this item.

45
46 David Rey, 15 Windsong Way, lives adjacent to the proposed site and supports the points in staff's
47 recommendation. He said the ridgeline extends through their property and is opposed to an exception for
48 ridgeline setbacks. He is concerned with drainage onto his property, and utility and sewer access. The
49 proposed site in relation to his home, which is to the southwest, is on the setbacks close to his property.
50 The main argument for the applicant is a taking of his property because the approved/alternate site would
51 be uneconomical. He has no problem with the alternate site and would be willing to buy the property
52 himself.

53
54 Alira Moiceanu, 1537 Rancho View Drive, complimented staff on considering this location because it
55 results in less visual impact. With the heavy rains, she has seen slides over the Jensen's property, which
56 is to the right of her property. There has been continuous drainage even after the rain. An environmental
57 analysis shows this area has a fragile ecosystem.

1
2 Gary Jensen, 1541 Rancho View Drive, has lived there for 27 years and has concerns with zoning
3 requirements and variances. He is opposed to development because of drainage and slide issues. He is
4 concerned with fire hazards during the summer months. There is an absorption problem with the site.
5
6 Commissioner Chastain asked if Mr. Jensen was for or against any particular site.
7
8 Mr. Jensen replied he supported staff's report but would like as little development as possible because
9 this is a fragile environment.
10
11 Commissioner Chastain asked about the site proposed by the applicant.
12
13 Mr. Jensen said he was opposed to any development on the property.
14
15 Chair Ateljevich said that preventing any building on the property is not an option.
16
17 Mr. Jensen asked why not.
18
19 Chair Ateljevich said because the law requires that an owner has a right to develop on this property.
20
21 Margaret Koenig, 1545 Rancho View Drive, lives below the Jensen's and does not want houses built on
22 the ridgelines because they would be visible. She has lived there for 46 years and there have been slides
23 over the years. She would like the drainage issues looked into.
24
25 Gloria Duffy, 1501 Rancho View Drive, lives on top of the hill and is concerned with the stability of the hill.
26 Her comments have been included in the staff report. The only good place for building this project is near
27 her home but she would like the home built as far from her home as possible. She feels the story poles
28 do not show the mass and is concerned with noise that could come from the garage. She is also
29 concerned with density. She recommends a site visit by the Commission and would like the applicant to
30 have insurance regarding property moving.
31
32 Commissioner Chastain said that some of Ms. Duffy's concerns have to do with design review.
33
34 Clifford Tong, 9 Dianne Court, represents burtonvalley.com, and is not familiar with the different sites but
35 is familiar with the property. At the recent joint meeting of the Design Review Commission and the
36 Planning Commission size expectations were discussed and feels this house may still be too big for the
37 Hillside Ordinance. He feels staff should look at other sites not proposed by the applicant.
38
39 Diane Portnoff, 3350 Hillside Terrace, has lived there for 33 years and cannot see the site from her
40 house. She is supportive of staff's report and against the applicant's choice. She is interested in
41 drainage at the bottom of Hillside Terrace as there have been recent slides. She would like the
42 Commission to maintain development within the constraints.
43
44 Mr. Worth said the alternative site proposes 16-foot cuts near to Mr. Jensen. He feels it would be insane
45 to build on the alternative 8 site because of stability and the 50% slope. The proposed site is better
46 because there is less of a slope and with landscaping would provide more privacy to neighbors.
47
48 Chair Ateljevich said there was mention of getting rid of the roads and asked if they would be allowed to
49 get rid of the fire road.
50
51 Mr. Wood answered they would eliminate the major road that comes down now. To widen the road to 16-
52 feet requires a double retaining up to 16-foot high.
53
54 Mr. Lysons said the ridgeline extends across the property and assuming it does, the alternative site is
55 within the setback in the constraints analysis. He didn't only state that building would be uneconomical as
56 well as infeasible, and that is also a standard. Regarding the high retaining walls and fragility of the
57 eastern slope, fire danger, and home size, the proposed site is still superior to the alternative site. There

1 would be no retaining walls on the proposed site. There would be no turnaround issues, and the size has
2 been reduced in mass and height.

3
4 Chair Ateljevich closed the public comment period on this item.

5
6 Commissioner Lovitt asked for staff comments on the retaining walls and fire roads.

7
8 Mr. Wolff said his understanding of the site regarding the 16-foot retaining walls is hypothetical at this
9 point. Previously site 8 was preferred by the Commissions, however, the applicant did not pursue
10 approval of the house design. He feels there are alternatives to the suggested 16-foot retaining walls. In
11 regards to an earlier question about how large the house was, Mr. Wolff said the cover sheet of 4/29/05
12 shows a structure of 5800 sq. ft.

13
14 Commissioner Chastain said this was a difficult site and feels building in site 8 is the best place to put the
15 house. There is a problem with geology but it was not clear that makes it infeasible. He feels the
16 proposed site could be moved north and west allowing the applicant to be creative. They could move
17 around the contours, as the alternative seems to be possible. He has a hard time imagining a house at
18 the top. He could consider a house at the top if the house were smaller.

19
20 Chair Ateljevich said they needed to definitely consider mass at this location. What she does not like
21 about the lower site is the two-story nature, which has a more "boxy" look.

22
23 Commissioner Lovitt said he feels both sites were too visible.

24
25 Mr. Wolff said staff concludes that neither site would satisfy all of the goals of the General Plan and
26 Hillside Ordinance. The proposed plan clearly silhouettes above the ridge although grading could be
27 significantly less. Alternative 8 does not silhouette but would need significantly more grading and does
28 not have vegetative backdrop so it would need additional landscaping.

29
30 Commissioner Holt said that grading is a more significant, and potentially a problem and he could be
31 persuaded to go with the ridge and a smaller house. He is concerned about the geology and with less
32 grading at the top and assuming sandstone is close to the surface (1-2 feet down); he is concerned with
33 stability and cutting into the hill. He likes the site in the saddle but perhaps they could utilize screening
34 factors.

35
36 Commissioner Lovitt said he did not like the silhouette.

37
38 Chair Ateljevich asked if the applicant were willing to re-design a small house.

39
40 Commissioner Chastain said currently all storm drainage dissipates on the site and that does create
41 problems. He wondered if Mr. Coe thinks it would be feasible to transport water off site. Between the two
42 proposed sites, if they could take the house and move it down a bit, they would still not be in the heavy
43 grading.

44
45 Commissioner Holt asked if the City engineer has reviewed this application.

46
47 Mr. Wolff responded that he had reviewed the application with Mr. Coe regarding drainage. There has
48 been no final conclusion and neither site was better or worse from a drainage standpoint.

49
50 Commissioner Holt asked if Mr. Coe was aware of the grading and cutting for both sites.

51
52 Mr. Wolff responded in the affirmative.

53
54 Chair Ateljevich asked whether the applicant would be willing to reduce the size of the house.

55
56 Mr. Wood responded that this was a compact house minimizing the silhouette. The back and sides of the
57 home would have oak trees to screen it.

1
2 Thomas Amen, applicant and owner, said that they have reduced the size of the home already.

3
4 Chair Ateljevich asked if they could successfully move the house down 50-feet.

5
6 Mr. Wood answered that it was not as steep as the alternative site. They could bury it back down and compact it down a little.

7
8
9 Commissioner Holt wondered if the owner would reduce the size of the home to 3500-4000 sq. ft.

10
11 Commissioner Lovitt noted that the home was very exposed.

12
13 Chair Ateljevich said the home would be exposed on either site.

14
15 Commissioner Chastain suggested a smaller home and how size is generated on exposed sites. This is
16 a different quantifier and is a design issue. He feels it is reasonable to start in the design process and
17 demonstrate that more is not more visible. They should make this clear to the Design Review
18 Commission that 3500-4000 sq. ft. is a reasonable place to begin. They need to maximize the best place
19 and move it down a bit to the corner of that lot which would not be a big grading issue.

20
21 **Commissioner Holt moved and Commissioner Chastain seconded to forward this application to**
22 **the Design Review Commission with the recommendation that the applicant consider moving the**
23 **site lower in the saddle, explore moving the house away from the corner down the hill (elevation**
24 **658 to 645), and that the size of the house should start at 3500 sq. ft. and the applicant must**
25 **demonstrate that making it larger would not have any significant impacts.**

26
27 **AYES: Ateljevich, Chastain, and Holt**

28 **NOES: Lovitt**

29 **ABSENT: Harris, Humann, and Mitchell**

30 **ABSTAIN: None**

31
32 This application will come back to the Planning Commission after appropriate house design.

33
34 **7. NEW PUBLIC HEARINGS**

35
36 **A. Density Bonus Regulations:** Request for approval of Density Bonus interim guidelines
37 pursuant to Section 65915 of the California Government Code (State Density Bonus
38 Law). No amendment to the Zoning Ordinance is requested at this time.

39 **Recommendation:** Provide feedback and recommend approval of the Interim Guidelines
40 to the City Council.

41 **Project Planner:** Lindy Coburn, Tel: 925-299-3202, lcoburn@lovelafayette.org

42
43 Ms. Coburn said that Diana Elrod of D.R. Elrod and Associates, Lafayette housing consultant, was
44 available for questions regarding density bonus regulations pursuant to Section 65915 of the California
45 Government Code. The City must adopt guidelines in compliance with California Government Code.
46 This has been part of the work plan for the last 3 years. A summary of changes to the regulations
47 introduced in 2005 is included in the staff report. The Commission should consider the applicability of
48 density bonus developments within the inclusionary zoning programs; whether to develop a list of
49 concessions and incentives; whether to develop a list of "development standards" for modification and
50 waivers; as well as how to establish rents and maximum sale prices. Staff has provided
51 recommendations and draft interim guidelines. Staff does not recommend the City adopt an ordinance at
52 this time as the state is changing the regulations. Interim guidelines would provide direction to
53 developers and staff, and provide clarification before adopting an ordinance.

54
55 Commissioner Holt said the guidelines would only apply if there were more units offered.

56
57 Ms. Coburn replied that was correct.