

City of Lafayette Staff Report

For: City Council
By: Glenda Warmoth, Assistant Planner
Date Written: April 26, 2006
Meeting Date: May 8, 2006
Subject: APPEAL BY COUNCIL MEMBER SAMSON OF THE PLANNING COMMISSION APPROVAL OF : HDP18-05 WARD-YOUNG ARCHITECTS (APPLICANT), PAUL & ALISON COCOTIS (OWNERS) R-20 ZONING; Request for: (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code (LMC); (2) An exception to permit development within a Class II Ridgeline Setback pursuant to Section 6-2027; (3) Design Review approval pursuant to Sections 6-1903 & 6-275, 6-275 (b); and (4) Grading Permit pursuant to Chapter 3-7, to construct a one-story, single-family residence in the Hillside Overlay District, located on a vacant lot at 11 Hawk Canyon Place. APN 238-190-002.

Statutory deadline: NA

Summary of Request

Appeal by Council Member of Planning Commission approval made on March 2, 2006 to adopt Resolution 2006-05 approving HDP18-05 with conditions pursuant to section 6-228 of the Lafayette Municipal Code (LMC). As stated in section 6-228 a City Council member may appeal the decision of a commission by presenting the request to the rest of the Council for a vote. Per section 6-228(c) if three Council members object to considering the matter, the appeal of the councilmember is considered abandoned. Council member Samson requested an appeal on March 16, 2006 and the City Council found no objections to his appeal. As such, the appeal is now before the City Council as a De Novo matter.

Site Conditions and Location

The 5.87-acres property is located near the intersection of Lucas Drive and Lucas Circle in the Burton Valley neighborhood of Lafayette. Hawk Canyon Place is a private road located to the south of Lucas Circle, and provides access to two other residential properties. Access to the proposed residence is via an existing up-sloped asphalt driveway that starts at the northwest corner of the parcel. There are at least twelve existing one-story and two-story residential properties within the class II ridgeline setbacks located along Lucas Drive and Lucas Circle.

Project Description

The approved application includes the construction of a split level single family residence. The building has been sited on the existing pad which is located rear side of the hilltop and vehicular access with utilize and expand the existing driveway. Parking for two cars is proposed in an

attached garage along the southern façade. This façade is the only two-story massing proposed as the garage sits lower than the main floor and has a maximum height of 21 ft. 6 in.

The proposed application requires the following approvals:

1. Hillside Development Permit pursuant to section 6-2015 of the Lafayette Municipal Code (LMC) to allow construction within the Hillside Overlay District.
2. Class II Ridgeline exception pursuant to section 6-2027 of the LMC to construct an addition which is within 250 feet of the center line of a class II ridge and higher than the 15 degree declination of the class II ridgeline.
3. Design Review approval pursuant to section 6-1905 of the LMC to construct a structure which exceeds 17 ft. in height.
4. Design Review approval pursuant to section 6-275(b) of the LMC to construct a structure which exceeds 6,000 sq. ft of gross floor area.
5. Grading Permit approval per section 3-701 of the LMC to for grading which exceeds 200 cubic yards.
6. Category II Tree Removal Permit pursuant to section 6-1707 of the LMC to grade and trench within the dripline of protected trees.

Project History

The project history up to the Planning Commission approval can be found in the attachments to this staff report. In particular, the last staff report prepared for the Planning Commission summarizes the project's history.

On March 27, 2006 City Council voted to hear an appeal of the decision made by the Planning Commission approving HDP18-05 with conditions. During the meeting the Council took public comment and heard from the property owners and discussed the proposed appeal.

Mayor Samson stated his reasons for appealing the decision. They are as follows:

- Visibility
- Review of the record and not understanding the underlying basis why the Planning Commission started with a base of a 4,000 square foot home and then looked at the visual impact of incremental revision in addition to 4,000 sq. feet as opposed to starting with a different number
- Due to absences at the Planning Commission hearing the action was approved by three members and should have had a full review given the design, location and associated hillside impacts.

Vice Mayor Federighi was of the opinion that any structure built on the property would be visible and thought the Council should provide a square foot number to the applicant.

Councilmember Tatzin requested the applicant prepare a comparison of the Planning Commission approved plan with a smaller design.

Councilmember Anderson felt there was agreement among the Council that the difference between 4,000 sq. ft and what the Planning Commission approved was insignificant with respect to visibility. What would be informative is a test of the lower limits of possibility and requested that the applicants evaluate the potential visual impacts of a residence smaller than 4,000. He stated that the Council was looking to test a house lower than 4,000 square feet in area and getting it down as least visible as possible, and the goal was concealment to the maximum extent possible.

Submittals by the Applicants

In preparation for the appeal the applicant's attorney, David Bowie, gathered an extensive list of exhibits and materials. Mr. Bowie's information has been attached to this staff report and includes but is not limited to the following:

- A letter addressing the Council explaining the project history and addressing Mayor Sampson's appeal points (tab);
- A letter from James M. Everett SRA analyzing the likely value of a 2000 square foot home
- Table of Contents listing all exhibits and architectural drawings
- Design Review Commission Meeting Minutes –Study Session, 9-14-04 (tab 9)
- Planning Commission Meeting Minutes- Siting Discussion, 4-21-05 (tab 24)
- Design Review Commission Meeting Minutes – First meeting, 11-8-05 (tab 36)
- Design Review Commission Meeting Minutes – Second meeting, 1-24-06 (tab 53)
- Planning Commission Meeting Minutes- approved w/conditions, 3-2-06 (tab 62)
- The design evolution with written narratives of the architect's presentations (tab B)
- Written comparison of the approved house to a 2,000 sq. ft. floor plan (tab 65)
- Graphic comparison of the approved house to a 2,000 sq. ft. floor plan (tabs 66-75)

It is the opinion of staff that the exhibits submitted and attached to this report successfully test the lower limits of the possibility by providing the City Council with qualitative data to evaluate.

Public Comments

Public notices were mailed to property owners within 300 ft. of the subject parcel and notices were also posted around the parcel at least ten days prior to the scheduled meeting.

Recommendation

Review the attached materials and visual analysis and provide direction to staff and the applicant.

Attachments

1. Minutes from the March 27, City Council Meeting
2. Staff Report for Planning Commission Meeting March 2, 2006
3. Supplemental information submitted by the applicant including, letters, reduced plans, meeting minutes, and visual analysis exhibits.

**CITY OF LAFAYETTE
LAFAYETTE REGULAR CITY COUNCIL MEETING
REDEVELOPMENT AGENCY SPECIAL MEETING**

Minutes

**Lafayette Community Center – Manzanita Room
500 St. Mary's Road, Lafayette, CA**

**March 27, 2006
7:00 p.m.**

1. CALL TO ORDER

Mayor Samson called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: City Council: Mayor Samson, Vice Mayor Federighi and Councilmember Tatzin

Absent: Councilmember Anderson (arrived late) and Anduri

Staff Present: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Mala Subramanian, City Attorney; Ann Merideth, Community Development Director; Christine Sinnette, Senior Planner; Michael Cass, Planning Technician; Glenda Warmoth, Assistant Planner; Jennifer Russell, Parks, Trail & Recreation Director; Joanne Robbins, City Clerk; and Lisa Harper, Minute Taker.

3. PLEDGE OF ALLEGIANCE, led by Mayor Samson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda. Vote: 3-0-2 (Ayes: Samson, Federighi and Tatzin; Noes: None; Absent: Anderson and Anduri).

NOTED PRESENT

Councilmember Anderson was noted present at 7:05 p.m.

5. PUBLIC COMMENTS - None

6. PRESENTATIONS - None

7. OLD BUSINESS

A. Tracy Robinson, Administrative Services Director

Dr. Brad Senden, Center for Community Opinion, Draft Community Opinion Poll Recommendation: Discuss draft questions and direct staff.

City Manager Falk noted the Council directed staff to engage the services of Dr. Senden for a follow-up survey to the community survey conducted last fall to gauge citizen support for a police and/or road measure. He reported that Ms. Robinson, Dr. Senden, and he met to review

there were potentials for conflict given the overlap, and if he could understand what the end goal was, as well as, the limitations of the subsidiary district and goals and limitations of the NPO, it would help him on how all the other pieces come together and why the overlap is necessary. Agency member Tatzin agreed and felt this information could be discussed in an upcoming meeting.

Executive Director Falk suggested holding a workshop format and invite library advocates in to discuss the issue further. Vice Chair Federighi said she wanted to flush out more the differences between the advantages and disadvantages as opposed to the Park District model discussed by Agency member Anderson. Agency member Tatzin felt it came comes down to motivating volunteers and allowing them to have influence with programming.

Executive Director Falk felt there was more to it than just programming, and felt some would care whether there are specific items in the library and they were trying to engender ownership, so we want to associate those volunteers into the process. Agency member Anderson asked staff to contact the Park District Foundation representative about how they handle their agency Board.

Chair Samson requested staff bring the item back in a workshop format with more specifics on goals and limitations of each of the two bodies and also information on what other agencies have done and Executive Director Falk agreed to schedule something within 6-9 months.

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Anderson/Tatzin) to adjourn the Redevelopment Agency and reconvene as the City Council. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Samson and Federighi; Noes: None; Absent: Anduri).

11. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda

Recommendation: Receive and file.

Vice Mayor Federighi noted the City received a letter and information regarding recent land use decisions and recommended staff provide an update on current bills that were pending which could affect Lafayette. City Manager Falk noted staff receives current information from the League of California Cities, forwards the information onto the Council, and if there are issues with significant relevance they are called out and brought forward to the Council.

B. Ivor Samson, Mayor

Request to appeal the Planning Commission's approval of HDP18-05 Ward-Young Architects (applicants) Paul & Alison Cocotis (owners): Request for Hillside Development Permit for a single family residence located on a vacant lot at 11 Hawk Canyon Place. APN 238-190-002

Recommendation: Discuss and determine if council will accept Mayor Samson's request to appeal the Planning Commission's approval of HDP18-05 Ward-Young Architects (applicants) Paul & Alison Cocotis (owners): Request for Hillside Development Permit for a single family residence located on a vacant lot at 11 Hawk Canyon Place. APN 238-190-002

City Attorney Mala Subramanian reported Mayor Samson has requested the Council consider an appeal from a Planning Commission action which would require a majority of the Council's approval. If there were three members who object to the request, it would be considered abandoned, and Mayor Samson disclosed that he had two conversations with the applicants, Paul and Alison Cocotis. Councilmember Anderson confirmed the appeal would be a de novo hearing.

Mayor Samson noted his letter dated March 16, 2006 recites the three reasons for his appealing the Planning Commission's decision; 1) visibility; 2) review of the record and not understanding the underlying basis why the Planning Commission started with a base of a 4,000 square foot home and then looked at the visual impacts of incremental revisions in addition to 4,000 square feet as opposed to starting with a different number; and 3) due to absences at the Planning Commission hearings, the action was approved by three Planning Commissioners. He felt that the action should have been taken by a majority of the members and/or should have had full review given the design, location, and associated hillside impacts.

Vice Mayor Federighi confirmed with the City Attorney that the request for reconsideration would be sent to the Planning Commission. She noted the time period lapsed, so it would not qualify under the standard 14-day appeal period and it would be a subsequent request for a motion to reconsider which would need to come from a Planning Commissioner. She said there was no new information and typically those were the grounds for a motion to reconsider.

Vice Mayor Federighi believed the Council had never grappled with what was a proper threshold square footage for a lot such as this one, which is highly visible and where a house has the right to be built.

Tim Ward, Ward/Young Architects, applicant, noted, regarding Mayor Samson's second point, from the minutes in April of 2005 when they were determining the site location for the project, there were three sites. The final site was selected to be up against the trees as far back as possible, which was Site A. At that time, he reported there were a number of discussions about size. Three members (Holt, Harris and Lovitt) said it was premature to set a number until they saw an actual design. At which time, three members (Mitchell, Chastain and Humann) said they felt the 4000 square foot as a threshold was a base. At that time, the representative from Burtonvalley.com agreed that visual impacts should be more important than size.

Mr. Ward mentioned when they went to design review, Hertel, Cleaver, Blodgett and Lee all said size was not the issue; that visibility was and a comparison would be mandatory. Commissioner Chastain was at the meeting as a liaison from the Planning Commission and he fully explained what their concerns were going to be. Therefore, from that perspective there was a lot of discussion about the 4,000 square foot number, and in reality it was truly the impacts and visibility that they wanted tested if we were going to come in with a project larger than that.

In terms of visibility, Mr. Ward said they agree there are a number of places you can see the house. But uniquely, because the site is on its own knoll, one would have to pull out beyond Somerset to start to see the house at all. He felt it was agreed by the Design Review and at the Planning Commission that impacts of visibility were going to be mitigated by landscaping and berm created for either design. He noted they put up story poles for both the 4,000 square foot house and the proposed house and had them up for three a half months and everyone had ample time to look at them. He believed from that perspective, Design Review felt the visual difference between the two was imperceptible because as you get out at those distances, the differences were very slight.

Councilmember Anderson questioned and confirmed with Mr. Ward that the Planning Commission said visibility and not size was the issue as well as Design Review. He said then somehow they got to 4,000 square feet and asked how that happened. Mr. Ward said three commissioners at the first meeting brought up 4,000 square feet and they discussed it. Three of the commissioners then said if the applicant comes back with a house larger over 4,000 square feet, it better not show impacts. Councilmember Anderson stated those three were not a majority, therefore, there was not a Planning Commission direction that this was going to be a minimum of 4,000 square feet. Mr. Ward disagreed and stated Commissioner Humann said he agreed with what Commissioner Chastain was saying said he thought Chastain's comments had to be directed directly to Design Review Commission so they did not miss that point about the comparison.

Councilmember Anderson confirmed with Mr. Ward that the story poles then only reflected either 4,000 square feet or greater than 4,000 square feet, and there was no assessment of anything smaller than 4,000 square feet in terms of visibility.

PAUL COCOTIS, 154 Margarido Drive, owner, said from day one in September of 2004 they reached out to all community neighbors, distributed over 60 flyers to homeowners, talked to many people about the project, walked the site, tried to keep everyone informed, said the poles were up for months before their approval, they had no one come to the hearings, there was no public comment or disagreement on the project for 18 months, and he wished someone from Burtonvalley.com was there at the approval hearing, so that their concerns could have been addressed at the Planning Commission level. Mr. Cocotis noted that it was disappointing no one had attended that meeting and voiced their concerns. His point is that they went through the process set forth by the City, they did a study session, followed direction of the Design Review Board and Planning Commission, and not once in any of the meeting minutes will the Council see a request to reduce the square footage of the house; the discussion was centered upon minimize visibility or to satisfy. The three members of the Planning Commission that were most concerned about the size were all at the Planning Commission approval hearing; Commissioners Chastain, Humann, Mitchell and Ateljevich, who all talked about ensuring that the house was not too visible. He felt the process followed procedures, said the Design Review Board voted unanimously, the Planning Commission voted 3-1, said the process has been very long, and hoped the Council understood that they did everything right.

Councilmember Tatzin reported that a note was received from Councilmember Anduri for the record.

PUBLIC COMMENTS:

ROBIN PICARD, PO Box 1698, Lafayette, reported that he was at the meeting at Planning Commission meeting and he can see the building site clearly; felt size was an important issue especially since it might set precedence for building on ridgelines. He talked to many neighbors, and most were under the impression that ridgelines were protected, therefore, they were not aware that the development was a possibility and this might explain the reason for the late response. Since the structure could be seen so far away, the notification procedure was not appropriate because it does reach people very far away. He pointed out that the Design Review Board requested that a smaller footprint plan be submitted for their review, which was not done which was noted at the meeting where the plan was recommended to the Planning Commission on for the final vote. Many commissioners were upset that a smaller floor plan was not submitted. So, he felt size was very important, the Design Review Board did request smaller

plans, and larger plans were submitted. He hoped that the Council would re-hear the approval and noted that size was important and would affect visibility.

TOM OLSEN, 3237 Lucas Circle, said he was not able to attend the last meeting, met Paul and Alison Cocotis after they bought the property and was looking forward to them being neighbors. He noted he lived on the back side of the property, said because of the size of the house it was being pushed back to the edge and they were right below that. Their only concern, which was included in his letter, that he would like an area or easement from the edge of that property or some sort of an adjustment so the house was not immediately on the edge.

CLIFF TONG, 9 Dianne Court, Burtonvalley.com, said Mr. Ward is correct; there was considerable discussion regarding visibility. He agreed it was hard to put a number on visibility. He understood that 4,000 square feet was a baseline and they were going to evaluate visibility at 4,000 square feet and see where they were. He saw the staff report that the house had grown to 5900 square feet and he visited the site, Tom Chastain voiced his concerns that this was not agreed to, and it was not meant to be a minimum square footage. He wondered why we were not looking at a way to minimize visibility, whether it was less or greater than 4,000 square feet, we somehow changed the bar and it went from 4,000 to 5,900 to 6,700 square feet, instead of going from 4,000 down to 2,000. He said when the story poles were put up; they were mounted on the western side facing the most visible parts of Burton Valley. On April 21 at the Planning Commission hearing, he suggested reducing the size of the structure and move it back into the trees further. He was disappointed this did not happen and the visibility analysis showed the difference between 4,000 and 6,700 square feet, which was a problem in terms of changing the standards involved. He further stated he was not able to attend the Planning Commission hearing on March 2, however, he did not see any discussion about the exception of a Class 2 ridgeline. Basically, they were within the ridgeline setback area and the bar needs to be much higher in terms of substantially concealed and to the extent possible in terms of minimizing visibility. In his opinion, he did not feel the Planning Commission did an adequate job of analyzing this and the Design Review Commission was also under pressure from seeing all the plans coming in and was under a time crunch to get something back out.

ALISON COCOTIS, 154 Margarido Drive, noted it had been represented that they were instructed to reduce their original square footage and this was not the case. She said they were instructed to show their design and said it would not reveal a significant visual impact if their design was bigger than 4,000 square feet. They were never instructed to reduce the square footage of their original application in return for being sited at Site A at the top of the hill and said they were always instructed to reduce visibility to the Planning Commission's satisfaction and said she satisfied them one month ago.

Mayor Samson reported an e-mail was received from Councilmember Anduri, as he was out of the country, which indicated support of the request for appeal of the Planning Commission's approval of the project.

Vice Mayor Federighi mentioned she felt uncomfortable with the request and she read the minutes; therefore she believed that no matter what was built on the property, it would be visible.

Councilmember Anderson stated he was comfortable with the appeal request and believed there were pieces of information which were dropped, that the minutes reflect more information and voiced concern that due process was not fully provided.

Councilmember Tatzin noted the applicant most likely would want to start construction this year and inquired about the timing of the appeal. Assistant Planner Glenda Warmoth reminded the Council that the appeal, is de novo, and the Council would be re-evaluating the entire merits of the applicant, as such the applicants may want some time to prepare, and felt the next Council meeting would be too soon. She suggested the first meeting in May. May 8, 2006.

Tim Ward requested holding the appeal hearing on April 24, 2006, and Mayor Samson noted his absence from that meeting; however, if his case settled, he would be present.

Councilmember Tatzin stated in order to help the applicant prepare, he confirmed the Council was looking for a comparison of the Planning Commission approved plan with a smaller design. Councilmember Anderson agreed and felt there was agreement that the difference between the 4,000 and what has been approved by the Planning Commission was insignificant in terms of visibility. Councilmember Anderson stated that the issue is City Council never had the lower limits of possibility test, therefore, we are talking about moving below 4,000 square feet and trying to understand what the visual impact is, how much more can it be reduced if we get to a smaller footprint, which would take thought and time.

Assistant Planner Glenda Warmoth asked whether the Council was looking for a visual analysis that compares a 3,000 square foot house to a 4,000 square foot house, or was Council looking for architectural floor plans of a smaller home as something that would better meet the approval test and findings. Mayor Samson responded that the concern was an emphasis on visibility and secondary, size, which are somewhat related. His concern was that 4,000 square feet was given as a baseline for reasons the Council is not sure of and in reading the record, it is not understood how this was a given number. He inquired whether there was a size that would be less than 4,000 square feet that could have an impact in reducing visibility and still be a viable home, as he felt no one had looked at this.

Vice Mayor Federighi was of the belief that the Council should provide a square foot number to the applicant. Mayor Samson mentioned the best direction would be that is there a reduction in size that would have a significant impact on visibility. Councilmember Anderson and Mayor Samson both felt it should be less than 4,000 square feet with an eye toward reducing visibility due to the fact it has not been tested, while still maintaining an economically viable home.

Assistant Planner Glenda Warmoth asked what the Council would consider as substantially visible, such as certain streets on the viewing analysis that the project should be hidden from. Councilmember Anderson responded that all of those elements were set forward in the process that's already been gone through. He felt people looked at the structure as proposed and made an assessment of its visibility. The problem with the process he was concerned about was that for some reason there was a threshold set in terms of the size of the building. Therefore, there has been no exploration for a smaller building; it's always been 4,000 or greater than 4,000 square feet. He believed the Council was looking to test lower than 4,000 square feet and getting it down as least visible as possible, and the goal was concealment to the maximum extent possible.

ACTION: Council accepted Mayor Samson's request to appeal the Planning Commission's approval HDP18-05 Ward-Young Architects (applicants) Paul & Alison Cocotis (owners): Request for Hillside Development Permit for a single family residence located on a vacant lot at 11 Hawk Canyon Place April 24, 2006. APN 283-190-002

12. WRITTEN COMMUNICATIONS

City of Lafayette Staff Report

For: Planning Commission
By: Glenda Warmoth, Assistant Planner
Date Written: February 17, 2006
Meeting Date: March 2, 2006
Subject: HDP18-05 WARD-YOUNG ARCHITECTS (APPLICANT), PAUL & ALISON COCOTIS (OWNERS) R-20 ZONING: Request for: (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code (LMC); (2) An exception to permit development within a Class II Ridgeline Setback pursuant to Section 6-2027; (3) Design Review approval pursuant to Sections 6-1903 & 6-275, 6-275 (b); and (4) Grading Permit pursuant to Chapter 3-7, to construct a one-story, single-family residence in the Hillside Overlay District, located on a vacant lot at 11 Hawk Canyon Place. APN 238-190-002.
Statutory deadline: March 24, 2006 (with PSA extension)

Summary of Request

Trigger	Yes	No	Trigger	Yes	No
Within a protected ridgeline setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading > 50 cu .yds.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Within 100-ft. of a ridgeline setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DR required as condition of approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In the Hillside Overlay District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In a commercial or MFR zone?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Over 17-ft. in height to ridge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Variance requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SFR Development > 6,000 sq. ft.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tree Permit Requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Requests:

- Hillside Development Permit pursuant to section 6-2015 of the Lafayette Municipal Code (LMC) to allow construction within the Hillside Overlay District.
- Class II Ridgeline exception pursuant to section 6-2027 of the LMC to construct an addition which is within 250 feet of the center line of a class II ridge and higher than the 15 degree declination of the class II ridgeline.
- Design Review approval pursuant to section 6-1905 of the LMC to construct a structure which exceeds 17 ft. in height.
- Design Review approval pursuant to section 6-275(b) of the LMC to construct a structure which exceeds 6,000 sq. ft of gross floor area.
- Grading Permit approval per section 3-701 of the LMC to for grading which exceeds 200 cubic yards.
- Category II Tree Removal Permit pursuant to section 6-1707 of the LMC to grade and trench within the dripline of protected trees.

Site Conditions and Location

The 5.87-acres property is located near the intersection of Lucas Drive and Lucas Circle in the Burton Valley neighborhood of Lafayette. Hawk Canyon Place is a private road located to the south of Lucas Circle, and provides access to two other residential properties. Access to the proposed residence is via an existing up-sloped asphalt driveway that starts at the northwest corner of the parcel. There are at least twelve existing one-story and two-story residential properties within the class II ridgeline setbacks located along Lucas Drive and Lucas Circle.

Project Description

The applicants are proposing to construct a split level single family residence. The building has been sited on the existing pad which is located rear side of the hilltop and vehicular access will utilize and expand the existing driveway. Parking for two cars is proposed in an attached garage along the southern façade. This façade is the only two-story massing proposed as the garage sits lower than the main floor and has a maximum height of 21 ft. 6 in.

The following table summarizes the applicant's modifications to proposed project during the two previous public hearings:

Project Scope

Scope of Work	Proposed 11-8-05	Proposed 1-10-06	Proposed 3-2-06	Notes
Gross Floor Area	6,713. sq ft.	6,713 sq. ft.	6,713 sq. ft.	No change
Structure Height	21. ft. 6 inches	21ft. 6 inches	21 ft. 6 inches.	No change
Grading	1640 cubic yards cut 1640 cubic yards fill	1560 cubic yards cut 1700 cubic yards fill	1220 cubic yards cut 1360 cubic yards fill	140 yards imported
Impervious surface	13,577 sq. ft.	11,731 sq. ft.	11,442 sq. ft.	Existing 4,783 sq. ft.
Colors+ Materials Exterior siding	Sage, stained wood, brick & stone Redwood shingles – sagebrush	Sage, stained wood, brick & stone Redwood shingles – sagebrush	Sage, stained wood, brick & stone Redwood shingles – sagebrush	No change
Exterior Siding	Flat clay tile –green Copper gutters, stone chimney	Flat clay tile –green Copper gutters, stone chimney	Flat clay tile –green Copper gutters, stone chimney	
Accents	Two 10 X 20 spaces in garage	Two 10 X 20 spaces in garage	Two 10 X 20 spaces in garage	No change

Project History

Minor Subdivision

In 1978, the City of Lafayette approved a minor subdivision (MSL2-78) for the development of four lots. Lots A, C, and D have been developed with single-family residences; the subject site, Lot B is vacant. Lots A and B are accessed via Hawk Canyon Road. Lots C and D are accessed via Lucas Court located off Lucas Drive.

Study Session

On September 14, 2004 the Design Review Commission reviewed this application in a study session. At that meeting, the Commission reviewed the applicant's proposal to site the building along the southwest of the hilltop. Property owners who received public notification were present at the meeting. Two property owners expressed concern about the impact on their views. Thereafter, the Commission recommended the following:

1. Explore placing the building to the rear of the hilltop and near the oaks.
2. Mitigate the driveway and building through landscaping; and
3. Keep the building height low.

Planning Commission

On April 21, 2005 the applicants presented their development proposal to the Planning Commission establish an appropriate building site. The presented plan included a house containing approximately 5,900 sq. ft. of gross floor area, an access driveway between 15 and 25 ft. wide with a circular turnaround, and a swimming pool.

The Planning Commission evaluated three potential sites. Site A, located on the rear side of the hilltop, Site B located on the southeast of the hilltop and Site C located in the southern tip of the property. In addition to evaluating the appropriate building site the Planning Commission also discussed the appropriate building foot print. Many Commissioners felt presence of a Class II ridgeline requires a stricter application of impacts for any proposed structures. Commissioners Michell, Chastain, and Humman concluded that starting size of any house proposed onsite should be 4,000 sq. ft. The bulk and mass should be studied along with the offsite view impact and consistency with applicable findings. The Commission directed the applicant to demonstrate the difference between a 4,000 and 5,000 sq. ft. residence and the degree to which the building design and location can successfully mitigate the impacts. After much deliberation the Planning Commission moved to approve the application recommending development on Site A with placement of the building nestled back towards the trees.

Design Review Commission

On November 8, 2005 the Design Review Commission conducted a public hearing, receiving a presentation from the applicant, architect, landscape architect and taking public comments. The applicants proposal included the construction of a new single family residence on site A containing 6,713 sq. ft. of gross floor area, a predominately single story profile, a vehicular access driveway wide enough for two cars and including a vehicle turn around, a water tower north east of the house site, and substantial landscaping additions to screen the residence and re vegetate the site. The improvements, as presented would add a 13,577 additional sq. ft. of impervious surface to the lot and maximum height of the residence would be 21 ft. 6in.

After deliberating the merits of the proposal the commission offered the following guidance to the applicants:

1. Demonstrate sufficient landscape screening for house and outdoor areas.
2. Address comments regarding appearance of excessive grading as it pertains to the manipulation of the promontory point of the private driveway to the garage.
3. Define the current and future outdoor living spaces and demonstrate necessary landscape shield

4. Address planting going up the driveway and around the house
5. Eliminate driveway lights or demonstrate their need
6. Demonstrate how the size works with the site.
7. Address the Planning Commission's concerns regarding a 4,000 sq. ft. starting size.

On January 24, 2006 the Design Review Commission conducted a public hearing. In response to the Design Review Commission's guidance in December the applicants revised their project plans and model. The project model was revised by adding additional contours to correct earlier inaccuracies in the vertical scale and the size of the proposed vegetation was reduced from mature to 5 year growth. The applicants eliminated all landscaping lights, the 18" retaining wall along the vehicular driveway, and reduced the driveway width to 16 feet. In addition the driveway shape has been revised and a landscape berm was added along the northern side of the driveway. Despite the City Engineer recommendations to allow water to sheet flow down the western slope the applicant have decided to keep the curb so as not to direct additional water on to their neighbors property during periods of heavy rain.

The Commission considered the revised plans and model and after deliberating the revised proposal moved to recommend approval of HDP18-05 to the Planning Commission, subject to the following areas of concern:

1. The perceived over development of the site with regard to the upper turnaround, the knoll and additional parking space/hammerhead
2. Landscape material and density along the public view side of the berm around the private space of the building site
3. Use of darker retaining wall materials
4. If a bridge is desired, revise materials and reduce the bulk and mass
5. Eliminate entry gate or a building standard shown to provide adequate turnaround
6. The application should return to the Design Review Commission as a condition of approval for finalization of design
7. Effort should be made to reduce the retaining walls
8. The water tank should be cut more into the hill
9. Prior to the Planning Commission presentation the elevation drawings should be revised to include extended grade lines and section to show how the context of the house fits on the knoll, and include both existing and finished grades
10. Independent third party review and validation of the model before presentation to the Planning Commission.

In preparation for the Planning Commission meeting and in response to the concerns raised by the Design Review Commission the applicants have revised the project plans and model.

The project model was created by duplicating the lots shape, topography, vegetation and improvements in fomecore. The model designer used the property survey along with tree location survey to create the model. Tree canopies and heights were also established by a surveyor and duplicated on the model. At the request of the Design Review Commission the applicant's again evaluated the model against the survey to ensure that both the contours and tree location were accurate. During this evaluation it was found that the tree cluster along the southern portion of the lot was a few inches west of where it should be. The model maker

corrected this mistake by relocating each tree and along the correct contour. Staff has also taken a scale to the model and compared it to the surveyed trees to better understand how it represents the project site in the field.

The applicants chose to eliminate the pedestrian bridge, and redesign the vehicular driveway and turn around. These alterations have reduced the quantity of impervious surface for the site and reduced the development impact to the southern side of the lot. The landscape material along the berm has been revised in addition to breaking up the berm into two segments. The entry gate has been replaced with columns along the driveway. The building elevations have been revised to include extended grade lines as requested by the Design Review Commission.

CEQA

The project was evaluated in accordance with the California Environmental Quality Act (CEQA) and found to be categorically exempt under section 15303(a).

Public Comments

Public notices were mailed to property owners within 300 ft. of the subject parcel and notices were also posted around the parcel at least ten days prior to the scheduled meeting.

The project file contains a number of letters submitted by neighbors during the Planning Commission Review. The first letter was submitted by Rich Holoch who initially raised concerns regarding Site C and expressed approval of Site A. The second letter was submitted by John and Molly Ogro and expresses their support for development on the site. The third letter was received by Paul Lanzarotti expressed concern that the grading necessary to establish a house on the site not place adjacent homes in jeopardy. The fourth letter was sent by Ann Marie Marciarille and Brad Delong. Their letter communicated concerns for proper grading and drainage to ensure landslides do not result from development of a new residence. All four letters are included as attachments at the conclusion of the staff report.

Since the first meeting in April two comment letters have been received. The first letter was submitted by John and Molly Ogro and was in full support of the proposed development proposal. The second letter was a letter of reference submitted by Stefanie Cannizzo on February 19, 2006.

Agency Responses

The project plans were referred to the City Engineer, City Landscape Consultant, and the Contra Costa Consolidated Fire Protection District (CCCFFPD). Responses from all agencies are included as attachments to this staff report.

City Engineer

The Engineer submitted comments on the proposed application on November 14, 2005. The engineer requested a narrower vehicular driveway, revisions to the proposed drainage system, look for alternation pathways for utility trenching, revise the grading west of the revised not to exceed the existing slope, and requiring a preconstruction assessment of Lucas Drive and repairing any damage which occurs during construction.

In response to the city engineers comments the applicants have revise the proposal to not only shorten the length of the vehicular driveway but narrow its width. This has a resulted in a decrease of impervious surface by 2,135 sq. ft. The drainage plan has been revised to dissipate water north of the residence rather than feeding all site water to the catch basin at the end of the driveway. The location of the utility trenching has not been altered. Staff recommends requiring the applicant to make a formal water service application with East Bay Municipal Utility district to determine where the meter availability is for the site before agreeing the trench through a grove of protected trees the applicant's want to protect. The applicants have also revised the proposed drainage plan to include a dissipation area north of the residence.

On January 5, 2006 the City Engineer reviewed the revised plans and had the following comments:

1. The existing drainage swale shown along the northern property line should be revised to follow a nearby contour line.
2. The catch basin outside of the garage should be revised to cut across the driveway and sheet flow down the slope.
3. The connection from the turn around to the guest parking space should be removed along with the curb to the west of the driveway
4. The protect geotech should review the proposed drainage and grading plan to ensure the key ways are appropriately sited and the excavated dirt is suitable for fill.

Contra Costa Consolidated Fire Protection District

The CCCFPD submitted a review of the previous proposal on April 20, 2005. In addition to the standard conditions of approval they are required the following:

1. Vehicular driveway to be no less than 16 feet wide with a vertical clearance 13 feet and 6 inches
2. Any access gates should have a minimum width of 16 feet
3. A water tank meeting the rural water supply requirements is required

Landscape Consultant (InsideOut Design)

The city landscape consultant submitted review comments on December 2, 2005. The Consultant recommended the following alterations to the landscape plan:

1. Eliminate the proposed lights along the driveway
2. Eliminate the 18 inch curb by reducing the driveway width and moving it away from the slope
3. Remove, replace or relocated proposed planting along the entry drive.
4. Remove the specified Red oak, *Quercus rubra* along the western hillside
5. Remove the scarlet oak, *Quercus coccinea* from the western hillside
6. Revise the plant palette to lean towards Valley oaks
7. Provide a tree planting detail
8. Provide more oak trees higher along the western hillside to provide screening
9. Consider adding or relocated proposed oaks below the entry drive closer to the existing stand of trees.

In response the comments made by the landscape consultant and the design review commission the applicants revised the landscape plan. The new plan has removed all planting along the

western edge of the vehicular driveway and added landscaping directly south of the residence in place of the former driveway path. The out door living areas are clearly defined northwest of the building, west of the garage and south of the residence next to the pedestrian bridge.

Staff Analysis

Architectural Style and Colors & Materials

The architectural style chosen for the residence presents a long and lean profile. The building will utilize natural redwood shingles stained in semi transparent sagebrush and have a flat clay tile roof also in green. The architectural accents including the chimney and wainscoting will be a mixture of stone and reclaimed bricks with wood beams and trim stained a reddish brown. Aged Copper will be used for the flashing and gutters. The proposed details of extended exposed roof beams, low gables and craftsman styled columns are well suited to the existing architectural style present in the surrounding neighborhood. The repetitive pattern found in the fenestration and columns is represented on every façade creating a unified architectural expression. The use of wood shingle siding, and clay roofing coupled with stone wainscoting and recycled brick will assist the proposed residence in blending in the hillside environment.

Geotechnical

Berti-Lindquist Consulting Engineers Inc. conducted a geotechnical investigation of the subject property. Six test pits were dug and resulted in top soils overlying bedrock. One test pit was dug where the proposed water tank would be located and yielded the same results. The geotechnical report recommends using engineered fill on any area where improvements are proposed and bedrock is not at the surface. Currently the grading and drainage plans calls for a balance on site. Staff recommends a statement from the engineer that soil on site is appropriate for use as fill or engineered fill should be brought in for the project. In addition they recommended spread footing bearing on the bedrock to be used for structural support and all foundation are drilled, cast-in-place reinforced concrete piers. Staff recommends making the recommendation of Berti-Lingquist Consulting Engineers conditions of approval for the project.

Landscaping

The landscape plan proposes clumps of new trees northwest, west, south and directly east of the garage. The previously proposed vegetation along the western side of the vehicular driveway has been replaced with erosion control hydroseed. The proposed planting on the east side of the driveway and west of the residence is predominately evergreen using coast live oak trees. The landscaping proposed south the residence and east of the driveway is also predominately evergreen using a mix of arbutus, canyon live oaks and cast like oak trees. All areas just out side of the development will have erosion control hydroseed. New vegetation is also proposed east of the new water tank. The City's landscape consultant has recommended the use of valley oak trees as the predominate tree species to bled with the existing tree grove. Although this would provide a better blending with the existing environment it would not provide screening all year round.

Tree Protection

Further review of the City's tree protection ordinance yielded a definition for "destruction" of a tree which includes grading and trenching within the driplines. As a result the applicant will need a tree permit even though they are not proposing the removal of any trees. Currently the applicants are proposing to trench and bring the gas and water lines to the residence along the eastern side trenching through while the sanitary sewer line will run from Lucas Circle to the northern portion of the residence. Staff is recommending relocating all utilities to run along the vehicular driveway to minimize the onsite grading within tree driplines.

Traverso Tree Service surveyed once in June and again in July and proposed an arborist report for the applicant. Their report found 13 valley oaks and 10 coast live oak trees and stated that all could and should be retained as part of the application. Three trees were identified as being in a state of decline and not likely to survive another ten years. Traverso recommends planting additional trees to replace them when they die. The Traverso report considers the impacts that grading, pruning and soil compaction would have on the existing tree inventory. Only one tree has the potential to be affected by grading and that is tree number 10 a 26 inch coast live oak tree. The report states the following tree protection measures and ensuring the soil compaction and the native grade do not occur the tree will remain healthy. Staff recommends making Traverso's recommendation conditions of approval for the application.

Class II Ridgeline

The project site is located within the Hillside Overlay District and has a class II ridgeline and ridgeline setback on it. As such the development restrictions of section 6-2023 of the LMC, which state that no portion of a structure built adjacent to a class II ridgeline shall be higher than the plane sloping downward at a declination of 15 degrees from the horizontal intercept of the ridge. Given the topography of the lot and proximity to the ridgeline the existing development pad and vehicular driveway along with the existing grade are equal to the ridgeline. As a result any development on the lot will exceed the 15 degree declination from the horizontal intercept and an exception to develop within a class II ridgeline pursuant to section 6-2027 has been requested.

The Planning Commission has the authority to grant an exception to the restriction of development on a class II ridge if it finds the following to be true:

"-(a) Special conditions and unique characteristics of the subject property exist and a site plan and design is such that the proposed development would provide a result that satisfies the policies in Sections 6-2067 and 6-2070 or 6-2071 as the case may be, and that would otherwise satisfy the strict standards of section 6-2023 or 6-2024 or-" LMC

Staff has found the proposed single family residence to be conforming to the R-20 development standards and consistent with the findings required to approve development within the Hillside Overlay District and existing lots of record within the Hillside Overlay District. The residence has been designed in accordance with the Design Guidelines for single family homes and structures which exceed 17 feet in height. The massing has been kept low to reduce if not minimize offsite visibility impacts and sited in a location which preserves existing vegetation and contours.

Visual Impact

In response to concerns raised by the Planning Commission and the Design Review Commission the applicants have revised the plans to include comparative massing study to illustrate that a building 4,000 sq. ft in size will not have a greater offsite visual impact than a 6,000 sq. ft. residence. The project plans include four exhibits A –D found on the last three pages. Exhibit A compares the 4,000 and 6,000 sq. ft. homes as they stand with story poles in the field. The 4,000 sq. ft. home is represented in blue and the larger home is in orange. Although both homes are visible from off site, as the attached telephoto images show, what can be seen is the proposed roof lines. The applicant maintains that the difference between the two home sizes is indistinguishable when viewed from the three streets of highest visibility, Sandalwood Court, and the intersection of Merriewood and Indian Way. It is the opinion of staff that given the distance of the project site from the view analysis streets the potential visual impact of the proposed homes roofline does not warrant further mitigation beyond the landscape and building location that has already been proposed.

Summary

Despite the generous lot size the project site is constrained. The topography and exposed nature of the lot and its location within the Hillside Overlay District and within a Class II ridgeline setback present development challenges that building design, location, and vehicular access must be designed to meet. It is staff's assertion that impact in this case consists of a combination of offsite visibility, architectural design, and structure location. Building site A as demonstrated by the architect and recommended by the Planning Commission is the optimal site for development. Site A's location on the property allows for a generous building footprint, places the structure at the edge of the existing dripline without necessitating removal of trees and utilizes the existing vehicular access minimizing grading. The architectural style of the residence maintains a low predominately single-story profile. The roof overhangs are large and feature extended gable ends which not only extend the horizontal lines of the structure but add enough depth to create shadows which will minimize the building mass. The proposed colors are dark earth tones which will recede into the hillside. In short the proposed architecture style, colors & materials, house location, and vehicular access are consistent with the goals for development in the Hillside Overlay District and within Class II ridgeline setbacks and consistent with the Residential Design Guidelines. As demonstrated on the site plan the areas for outdoor living are limited to the eastern side of the lot and are presented as two modest lawn areas. Any future landscaping or yard expansions beyond what is shown would require re-grading the natural slope of the property and/or removal of protected trees. To ensure any future alterations which may be desired are consistent with the LMC staff recommends conditioning any landscaping work to be approved by the Design Review Commission.

Recommendation

Staff recommends the Planning Commission consider the application and provide direction to the applicants and adopt resolution 2006-05 with conditions as attached.

Attachments

1. Draft Resolution 2006-05 and Exhibit "A"
2. Application form
3. Maps and aerials prepared by planning staff

4. Minutes from January 24, 2006 Design Review Commission Meeting
5. Minutes from November 8, 2005 Design Commission Meeting
6. Minutes from April 21, 2005 Planning Commission Meeting
7. Comment letter from unnamed Sweetbriar Circle resident received January 9, 2006
8. Comment letter from Steven McDonald received January 26, 2006
9. Letter of recommendation from Stefanie Cannizzo received February 20, 2006
10. Comment letter from John & Molly Ogro received November 1, 2005
11. Comment letter from Ann Marie Marciarille & Brad Delong dated April 15, 2005
12. Comment letter from Paul Lanzarotti dated April 12, 2005
13. Comment letter from John & Molly Ogro dated April 13, 2005
14. Comment letter from Rich Holoch dated April 13, 2005
15. Comments from Tony Coe, City Engineer dated November 16, 2005
16. Letter from East Bay Municipal utility District dated December 30, 2005
17. Applicant's Geotechnical report prepared by Berti-Lindquist Consulting Engineers
18. InsideOut Design, Landscape Consultant review received December 2, 2005
19. Pruning letter from Traverso Tree Service dated December 2, 2005
20. Applicant's tree survey prepared by Traverso Tree Service
21. Letter from Paul & Alison Cocotis regarding the water tank received 30, 2005
22. Comments by Contra Costa Fire Protection District dated April 22, 2005
23. Visual Comparison submitted by the applicant with attached exhibits
24. Reduced (11X17) project plans received December 22, 2005