

City of Lafayette Staff Report

For: Design Review 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 Exterior Siding Accents	Sage, stained wood, brick & stone Redwood shingles – sagebrush Flat clay tile –green Copper gutters, stone chimney	Sage, stained wood, brick & stone Redwood shingles – sagebrush Flat clay tile –green Copper gutters, stone chimney	Sage, stained wood, brick & stone Redwood shingles – sagebrush Flat clay tile –green Copper gutters, stone chimney	No change
Parking	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 has 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 staked 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 and 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

PLANNING COMMISSION RESOLUTION 2006-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE APPROVING HDP18-05 WARD-YOUNG ARCHITECTS (APPLICANT) PAUL & ALISON COCOTIS (OWNERS), R-20 ZONING: REQUEST FOR A HILLSIDE DEVELOPMENT APPROVAL, CLASS II RIDGE LINE EXCEPTION, DESIGN REVIEW FOR STRUCTURES EXCEEDING SEVENTEEN FEET IN HEIGHT AND SIX THOUSAND SQUARE FEET OF GROSS FLOOR AREA, GRADING EXCEEDING 200 CUBIC YARDS TO CONSTRUCT A TWO-STORY SINGLE FAMILY RESIDENCE LOCATED AT 11 HAWK CANYON PLACE APN 238-190-002.

RECITALS

- A. On March 2, 2005 Ward-Young Architects filed an application (HDP18-05) on behalf of Mr. and Mrs. Cocotis to construct a new single family residence which was deemed incomplete by Planning Services staff on March 24, 2005. The applicant was directed by staff to prepare a site analysis that would assist the Planning Commission in determining the appropriate building site.
- B. Revised plans were submitted by the applicant on April 8, 2005 and the project was placed on the next available Planning Commission agenda, April 21, 2005.
- C. On April 21, 2005 the Planning Commission considered the matter following notification to the public on the prescribed manner, conducted a public hearing, where it received written and oral testimony, including a written and oral staff report. After evaluation of the three potential sites the Commission moved to approve development of a home on proposed site A with conditions.
- D. On July 28, 2005 the applicant submitted revised plans which were deemed incomplete by Planning Services staff on August 19, 2005.
- E. Revised plans were prepared and submitted by the applicant on September 15, 2005. The revised plans were evaluated by Planning Services staff and again deemed incomplete.
- F. On October 25, 2005 the applicant submitted revised plans which were reviewed and deemed complete by Planning Services Staff and placed on the next available Design Review Commission agenda.
- G. On November 8, 2005 the Design Review Commission conducted a public hearing, receiving presentations from the applicant, architect, landscape architect and taking public comments. After deliberating the merits of the proposal the Commission offered guidance and continued the matter to the meeting of January 10, 2006 to allow the applicants time to revise the project plans.
- H. On January 10, 2006 the Design Review Commission held a public hearing where it continued the matter without consideration to the meeting of January 24, 2005.

- I. On January 24, 2006 the Design Review Commission conducted a public hearing where it considered the revised project plans and recommended approval to the Planning Commission subject to a number of conditions.
- J. On March 2, 2006 the Planning Commission held a public hearing where it received and oral and written staff report and took public testimony. After deliberating the merit of the proposal and providing guidance to the applicant the Commission accepted Resolution 2006-05 approving with conditions HDP18-05.

NOW, THEREFORE, the Planning Commission of the City of Lafayette, California finds and determines as follows:

1. All the facts contained in the staff report prepared for the April 21, 2005, November 8, 2005, January 10, 2006, January 24, 2006 and March 2, 2006 meetings is hereby adopted as the Commission's own findings of fact and incorporated into this resolution by reference.
2. The required findings for the requested Hillside Development Permit per Sections 6-2027, 6-2067, 6-2070, 6-275, 6-2019, and Chapter 3-7 of the Lafayette Municipal Code have been evaluated by the Commission as follows:

§6-2067 General findings required for a hillside development permit

1. The development is consistent with the applicable goals and policies of the general plan and is in conformance with applicable zoning regulations;
2. The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds and ponds, native vegetation, native riparian vegetation, animal habitats and other natural features;
3. The development and each associated improvement is located and designed to complement the natural terrain and landscape of the site and surrounding properties, and relates to the development pattern, including density and distribution, of the surrounding neighborhood;
4. Structures in a hillside overlay district will, to the extent feasible, be located away from prominent locations such as ridgelines, hilltops, knolls and open slopes;
5. Development grading will be minimized to reduce cut and fill, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides and flooding, and abate visual impacts;
6. Each structure proposed complies with the city's residential design guidelines, and development landscaping will ensure visual relief and complement each proposed structure to provide an attractive environment;
7. The development will not create a nuisance, hazard or enforcement problem within the neighborhood or the city, nor require the city to provide an unusual or disproportionate level of public services; and
8. The new or replacement vegetation for the development is native to the surrounding area in areas abutting open space and natural areas, such as oak woodland, chaparral,

grassland and riparian areas, excluding planting for erosion control or land stabilization.

The General Plan has designated this area for single family residential development. The proposed residence has been designed in accordance with the development standards for structures in the R-20 zoning district. The home has been sited at location on the property that is already level and largely free of vegetation so as not to adversely affect the natural features of the site. No onsite trees will be removed to accommodate the development.

§6-2070 Findings required for approval of development on existing lots of record in hillside overlay district.

The findings required to approve development on an existing lot of record in the hillside overlay district are the findings set forth in section 6-2067 and the following additional findings:

- A. When within a L-R-10 or L-R-5 district, within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide to establish locations from which views are considered.
- B. The development uses site planning techniques to the extent feasible to preserve hillsides, knolls, ridgelines and open space, minimize grading and impacts to habitat, and preserve on-site open space and vegetation, terrain, scenic vistas, streams or other courses, or other areas of ecological significance.
- C. The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas while protecting trees, minimizing grading and preserving to the extent feasible the natural hillside character of the site.
- D. The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:
 1. Preserve the open space and uncluttered topography of the city;
 2. Minimize the loss of privacy to surrounding residents;
 3. Not have a significant visual impact when viewed from lower elevations from publicly owned properties (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide; and
 4. Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.

The proposed single family residence has employed the use of design and siting techniques which will minimize the visual appearance of bulk and mass. The generous roof overhang will create areas of shadow masking the appearance of bulk. The natural exterior materials, and dark colors will aid the building in reseedling into its surroundings. The quantity of grading required to site the house has been minimized by placing the residence over an existing level and graded area. As such staff finds the proposal will not adversely impact the uncluttered topography of the city or cause the loss of privacy to surrounding properties.

§6-2069 Findings required for grant of exception permitting development within class II or III ridgeline setback.

In order to grant an exception to the prohibition of development on a class II ridge imposed by section 6-2023 or on a class III ridge imposed by section 6-2024, the planning commission shall find either that:

- 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 section 6-2067 and 6-2070 or 6-2071, as the case may be, and that would otherwise satisfy the strict standards of sections 6-2023 or 6-2024; or
- B. An exception is necessary to allow an economically viable use of the property and the development meets the standards in section 6-2070 or 6-2071, as the case may be. In granting an exception under this subsection B the density:
 1. Shall not exceed the density permitted by the slope density formula or the underlying zoning district, whichever is less; and
 2. Shall not exceed that necessary to avoid an unconstitutional taking of property.

11 Hawk Canyon Place has a class II ridge line along the north eastern portion of the lot and the proposed building site is located within the 250 ft. setback of this class two ridge line. As proposed the project consistent with the policies in sections 6-2070 & 6-2070 in that 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. Despite the topography of the lot the proposed of the development will not require excessive grading and does not interfere with a Ridgeline trail corridor. As such staff can make the findings necessary to grant an exception to allow development within the Class II Ridgeline setback.

§6-275 Specific findings required for design review.

1. Every provision of this chapter is complied with;
2. The approval of the plan is in the best interest of the public health, safety and general welfare;
3. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development;
4. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings; and

5. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

The proposed residence has been designed to blend with the existing neighborhood character by using the similar roof structures, and exterior materials. The building massing, predominately single story combined with fenestration pattern and deep roof over hangs will reduce the off site visual impacts of the residence. The single family residence will not consume a usual quantity of utilities or public services and will provide its own water tank to meet the current fire code so it will not adversely affect the public health, welfare of safety of the City of Lafayette.

§6-1905 General findings for structures over 17' in height

2. The structure substantially complies with the city's residential design guidelines;
3. The structure is so designed that it will appear compatible with the scale and style of the existing neighborhood and will not significantly detract from the established character of the neighborhood;
4. The structure is so designed that it does not appear too tall or massive in relation to surrounding structures or topography when viewed from off-site;
5. The structure is so designed that it does not unreasonably reduce the privacy or views of adjacent properties.

In order to approve a new single family residence exceeding 17 ft. in height it must first be shown that the application complies with the findings listed above. The new single family residence will not burden the neighborhood or vicinity by requiring a unusual amount of public services or resources. Vehicular access has been designed to comply with the current development standards of the Contra Costa County Fire Protection District. The proposed residence has been designed in accordance with the development standards of the R-20 zoning district. The second story element has employed design techniques which reduce the appearance of bulk and mass such as, large roof overhangs to create shadow and natural materials in dark colors to help the building recede into its surroundings. For these reasons the proposed residence will not detract from the character of the neighborhood.

§6-2507.D Findings for a category II tree removal permit.

Category II tree removal request are a subject to the finding of section 6-2506(D) and the following additional factors:

1. Necessity for the pruning or removal in order to construct a required improvement on public property or within a public right-of-way or to construct an improvement that allows reasonable economic enjoyment of private property;

2. Extent to which a proposed improvement may be modified to preserve and maintain a protected tree; and
3. Extent to which a proposed change in the existing grade within the protected perimeter may be modified to preserve and maintain a protected tree.

The definition for "destruction" of a tree includes grading and trenching within the dripline. So although there are no trees proposed for removal the applicant will need a category II tree removal permit. Staff is recommending following the standard tree preservation guidelines outlined by the Landscape Consultant and project arborist to ensure all trees are properly cared for during construction. To mitigate the unintentional loss of protected trees during construction staff is recommending the applicants pay an in-lieu fee to cover any destroyed or removed trees at a rate of \$250 dollars per tree.

Chapter 3-7 Findings for grading in excess of 200 cubic yards as follows:

The findings required to approve grading in excess of 200 cubic yards are set forth in Ordinance 536 of the LMC and are as follows:

1. The grading will not endanger the stability of the site or adjacent property or pose a significant ground movement hazard to an adjacent property. The decision making authority may require the project geotechnical engineer to certify the suitability of the project supported by appropriate technical studies, including subsurface investigation;
2. The grading will not significantly increase erosion or flooding affecting the site or other property and will not cause impacts to riparian habitats, stream channel capacity or water quality that cannot be substantially mitigated;
3. The grading, when completed, will result in a building site that is visually compatible with the surrounding land;
4. The grading is sensitive to the existing landforms, topography and natural features on the site;
5. The design of the project preserves existing trees on the site and trees on adjoining property to the extent possible;
6. Arborist recommendations for retained trees, if any are incorporated into the grading plans.

A review of the grading and drainage plan for the proposed development shows that the design preserves existing vegetation and is sensitive to existing land forms by limiting the cut of the site and adding elements to improve on site drainage.

3. Based on the above findings, the Planning Commission hereby approves the request for L08-05 subject to the conditions contained in Exhibit "A" attached to this resolution.
4. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a meeting held on March 2, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Planning & Building Services Manager
Niroop K. Shrivatsa

Planning Commission Chair
Jean Ateljevich