

1 Vice Chair Mitchell recalled that the Commission was referring to the landscaping improvements
2 and the creek improvement at that time. He stated he thought the street issue was still open and
3 the Commission can either accept the conditions of approval as they stand or the Commission
4 can direct staff to draft some revisions and place it on a consent calendar.

5 Commissioner Ateljevich indicated that if staff considers it a driveway the conditions are adequate
6 as they stand. She noted that there are several places in the report where the driveway is
7 referred to as a road and those instances should be amended.

8 Ms. Brekke-Read stated that condition F2 will be replaced by the verbiage "roadways/driveways
9 shall be paved at the minimum width as required by the Contra Costa Fire Protection District".
10 Commissioner Ateljevich agreed to that wording.

11 Vice Chair Mitchell stated that he hoped Mr. Kiefer's plan comes to fruition and he would love to
12 see a trail there. He noted he would like the easement to go across the bridge, but does not feel
13 he has support from his fellow Commissioners.

14 Commissioner Ateljevich moved to make the finding that the proposed attached mitigation
15 measures will not have a significant effect on the environment. Commissioner Chastain seconded
16 the motion which carried (5-0-0)

17 Commissioner Ateljevich moved to adopt the Mitigated Negative Declaration for the project.
18 Commissioner Lovitt seconded the motion which carried (5-0-0)

19 Vice Chair Mitchell asked if there were anymore comments or clarifications with regard to the
20 conditions of approval. He asked if there any further discussion on S2 and S3.

21 Commissioner Curtin-Tinley asked if the only change for conditions S2 and S3 was changing the
22 term street to driveway.

23 Commissioner Ateljevich stated that the condition does not need to be changed because those
24 words are not used in the condition. She said the condition refers to subdivision improvements
25 and staff is maintaining that the driveway is not a subdivision improvement and therefore no
26 change is needed.

27 Commissioner Ateljevich moved to adopt Resolution 2007-23 including the findings as revised by
28 staff and the two conditions F1 and G27 as revised by Mr. Bowie, and the conditions would also
29 be revised and added as outlined by staff. Commissioner Chastain seconded the motion which
30 carried (5-0-0).

31 Vice Chair Mitchell informed the public there is a 14 day appeal period.

32 6. NEW PUBLIC HEARINGS (Estimated 7:00 PM*)

33 A. **TR6569 - GREG WOHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC**
34 **(OWNER); LR ZONING AND H-O-D:** Review of final tentative map and design
35 guidelines pursuant to Condition 49 of City Council Resolution 2006-035, for the Lucas
36 Ranch Estates subdivision, located at 3148 Lucas Drive, APN 238-080-019.
37 **Recommendation:** Review and approve final tentative map, design guidelines, and
38 vegetation management plan.

1 **Project Planner:** Christine Sinnette, Tel (925) 299-3241, csinnette@lovelafayette.org

2
3 (Estimated time: 45 min*)
4

5 Christine Sinnette gave the staff report stating TR6569 for an 8-lot subdivision was approved for
6 by the City Council last September. A final and addendum EIR were also certified by the City
7 Council. The EIR determined that there were no potential impacts that could not be mitigated to a
8 less than significant level. The conditions of approval contained several provisions for review by
9 the Planning Commission of additional information and studies prior to the applicant's filing of the
10 final subdivision map. The applicant has submitted the final tentative map and other reports and
11 studies as required by the conditions. The purpose of this Planning Commission meeting is to
12 review the applicant's compliance with the conditions required prior to filing the final map.
13

14 She noted that the conditions focus on 8 main topics which are listed and reviewed in the staff
15 report. The two most important issues are building site locations and design guidelines. Based
16 on the design level geotechnical exploration, it is recommended that building sites 3, 5, and 6 be
17 shifted slightly to better conform to topography, to avoid unstable soil, and to reduce grading.
18 Visibility of these shifted building sites will have similar or lesser impacts than the original sites.
19

20 Ms. Sinnette indicated the driveway configuration to Lot 7 was also revised. Originally, Lot 7 was
21 accessed off a common driveway with Lot 6. The current configuration allows Lot 7 to have its
22 own access driveway and reduces some of the former need for grading. The new driveway is not
23 visible from lower elevations as viewed from the stables and trailhead areas to the south.
24

25 She also noted that in addition to revising the tentative map to address the geotechnical
26 concerns, the project engineers have also confirmed that the building sites now shown on the
27 tentative map all have an average slope of 30 percent or less.
28

29 Ms. Sinnette stated as required by conditions 47 and 48, the applicant has prepared a
30 management plan for the protection of the 2 special-status plant species as well as for the long-
31 term maintenance and protection of open space lands. It has been reviewed by staff and LSA
32 Associates. The current version complies with the required conditions.
33

34 Ms. Sinnette said the applicant submitted final design guidelines which were reviewed by Design
35 Review Commissioner Bob Cleaver. In addition to the guidelines, he was also given the
36 comments made by Planning Commissioner Tom Chastain in July 2006, the minutes of the
37 Planning Commission meeting of July 6, 2006, and applicable conditions of approval. The
38 applicant has submitted revised final guidelines which address comments by Mr. Cleaver and
39 staff as well as Planning Commission comments and conditions of approval. These guidelines
40 will provide direction to architects and designers of the future home sites. Conditions of approval
41 77 and 78 require a two-step process prior to development of the homesites. The first step is
42 review and approval by the Planning Commission of a siting, massing, and privacy study. The
43 second step is review by the Planning Commission of the design of each new home including lot
44 grading, architecture, colors and materials, lighting and landscaping.
45

46 Ms. Sinnette stated that staff recommends that the Planning Commission review and approve the
47 final tentative map, design guidelines and vegetation management plan.
48

49 She noted upon approval of these items, the applicant will work on complying with the remaining
50 conditions of approval prior to final map. This will include review by the Planning Commission
51 regarding improvement and civil plans for conformance with the approved tentative map and site
52 plans at a future, publicly noticed meeting.
53

1 Commissioner Ateljevich noted that she could not tell from reading the vegetation management
2 plan what the plan is for the open space areas. She said the plan mentions that there might be
3 controlled burns, or there might be grazing of cows or goats and that each of those options
4 requires its own management plan. Commissioner Ateljevich stated she did not know controlled
5 burns were allowed in Contra Costa. She indicated if there are to be cows on the site there does
6 need to be a management plan for that use and stated she thought the Commission needs to
7 know more about it. She wanted to know who will be responsible for the parcel and who will own
8 it.

9
10 Ms. Sinnette indicated the Homeowners Association would own and be responsible for parcel A.

11
12 Commissioner Ateljevich stated the Commission needs more information about exactly what they
13 plan to do and that it is not enough to say that the chosen option would require a plan.
14 Commissioner Ateljevich noted that she agreed with Commissioner Chastain about the colors in
15 the Design Guidelines being too bright. She also commented on the Design Guidelines dealing
16 more with privacy between houses not privacy in general.

17
18 Vice Chair Mitchell clarified with Ms. Sinnette that by approving the final map the Commission
19 would be approving the lot lines and building envelopes but not the size of the building. He asked
20 if the size of the building envelopes were on the map. Ms. Sinnette replied in the negative.

21
22 Commissioner Ateljevich asked if the building envelopes would necessarily be completely filled.
23 Ms. Sinnette said that the envelopes as shown are a combination of house plan and courtyard
24 areas. Ms. Sinnette said the project architect could answer further questions.

25
26 Commissioner Ateljevich asked if they were all 5,000 sq. feet. and Ms. Sinnette pointed out that
27 mention of size had been eliminated from the documents. Originally the design guidelines did
28 state 5,000 sq. feet. Ms. Sinnette replied that the project engineer could be asked to provide
29 house pad square footages.

30
31 Commissioner Curtin-Tinley asked if the houses will be able to move from where they are shown
32 now when the individual projects come back to the Commission.

33
34 Ms. Sinnette said the exhibit shown is a combination of tentative map and footprints. However,
35 when the final map is brought to the City Engineer for recording it will not show building
36 footprints. She noted that the footprints will be on a separate diagram that is approved as part of
37 this process but is not part of the recorded document. Future development has to follow the
38 approved site plan, if the houses deviate from the approved building site it may require a whole
39 new process depending on how significant the changes are.

40
41 Commissioner Chastain clarified that the map shows envelopes or areas not footprints.

42
43 Ms. Sinnette replied in the affirmative. She noted, however, that what is shown on the map is
44 very close to how the home is intended to be designed. Commissioner Chastain clarified that the
45 Commission is not approving the design of a home. Ms. Sinnette said that as depicted the
46 Commission can see garages, driveways, etc. on the map. Commissioner Chastain noted that
47 they were more demonstrative than anything else. Ms. Sinnette agreed.

48
49 Commissioner Lovitt responded that the drawing looks like a building envelope to him.

50
51 Commissioner Ateljevich noted that the actual home will require substantial conformance to the
52 map. Ms. Sinnette agreed and stated that the applicant has submitted a slope analysis to show

1 the building on 30% slope or less, which was a condition of approval and confirms their intent to
2 conform to the map.

3
4 Commissioner Ateljevich pointed out that the verbiage on page 10 of the Design Guidelines says the
5 homes need to be on land that has a 30 – 35% average slope. She asked why it says that and further
6 noted that the idea of offsite homes does not only refer to the homes next door.

7
8 Ms. Sinnette replied that the Design Guidelines say allowing homes on more than 30-35% average
9 slope shall be discouraged and confirmed with Commissioner Ateljevich that she was taking issue
10 with the wording of this section.

11
12 Commissioner Ateljevich expressed concern that there are portions of the Design Guidelines where it
13 disagrees with the City's ordinances. She noted it is the Commission's intent to implement the Hillside
14 Development Ordinance.

15
16 Commissioner Lovitt indicated there was an issue like that before and that language from the
17 ordinance should be incorporated verbatim instead of interpreted.

18
19 Vice Chair Mitchell gave the applicant an opportunity to speak.

20
21 Al Moore, attorney representing Soldier Field Partners, said the applicant agrees with staff and the
22 report. Furthermore, the applicant has already received approval of the tentative map from the City.
23 He noted with that approval a full EIR was completed. Mr. Moore stated that the EIR confirms there
24 are no impacts with mitigation measures as proposed, no offsite visibility impacts, and that the
25 Hillside Ordinance was complied with. Mr. Moore confirmed that Commissioner Chastain was correct
26 regarding the map showing illustrative building envelopes. But clarified they are not intended to be
27 precise house plans. He noted that the Hillside Ordinance required the applicant to illustrate more
28 precise areas so that the City can gauge whether the area is suitable for a home and also not be
29 visible from offsite. He mentioned that this determination has been made and certified as part of the
30 EIR process. Mr. Moore also stated that the house locations have been changed slightly to allow for
31 less grading. Mr. Moore noted there are four documents that are relevant to the Commission's
32 responsibilities. (1.) The revised tentative map. Mr. Moore used the map to show the Commission the
33 open space that is being preserved which makes up 93% of the project. (2.) The geologic study which
34 show the changes of house locations. Mr. Moore noted that the City engineer concurs with the scope
35 conclusions and recommendations of the study. He further stated that in some cases the remedial
36 grading can be reduced up to 50%. (3.) The revised Design Guidelines per the Commission's
37 direction at previous meetings. Mr. Moore clarified that under conditions of approval 77 and 78 the
38 individual lots will come before the Design Review Commission and the Planning Commission. He
39 noted that if the Commissioners have concern for siting or privacy of a specific lot those concerns
40 would be best addressed at Design Review since this is a conceptual plan. (4.) The Vegetation
41 Management Plan has been peer reviewed by the City's consultant, LSA associates, who have
42 confirmed that the plan is acceptable to the City. Mr. Moore concluded by asking for approval for the
43 revised tentative map, the design guidelines and the vegetation management plan. He indicated that
44 the City engineer, LSA associates, and staff have all reviewed and approved these items, that design
45 review can be handled when individual homes come to the commissions for approval, and in order to
46 file for a final map the applicant needs a final vesting tentative map.

47
48 Mike Mussano, with Ward-Young Architects, said traditionally in a subdivision a building envelope
49 would be drawn as an irregular shape to denote the developable areas. Mr. Mussano stressed that
50 the Commission wanted this map to be a little more defined to show roads, garages, courtyards, living
51 space, etc. Mr. Mussano clarified again that what is shown on the map are more defined envelopes
52 but not footprints. Mr. Mussano referred to Commissioner Ateljevich's comment about page 10 of the
53 Design Guidelines and indicated that the wording is a summary of the actual ordinance.

54

1 Commissioner Lovitt thought it would be better to use the exact language from the ordinance to avoid
2 confusion. Mr. Mussano agreed.

3
4 Commissioner Chastain referred to the Design guidelines and noted that colors are suggestions and
5 not guidelines. Mr. Mussano said the point was to give three hue combinations to verify that a deeper,
6 richer color needs to be chosen. Commissioner Chastain clarified with Mr. Mussano that there is no
7 language that states you have to use the three palates suggested.

8
9 Mitch Wolfe, Geologist, said he was available to answer questions. Commissioner Ateljevich asked
10 how the grading would be reduced as mentioned earlier by Mr. Moore. Mr. Wolfe explained that upon
11 further study of the deposit of colluvium, it was found that the project would not require removing and
12 replacing compacted fill to ensure stable roads and buildings thus reducing the overall grading. He
13 noted the initial study reported needing to remediate the soil where the deposits were found up to 25
14 feet. The subsequent study found that in some cases the remediation only needed to be about 5 feet.

15
16 Vice Chair Mitchell asked the geologist to talk about the soils around lot 3 because as he recalled, lot
17 2 was pushed in order to accommodate that lot. Mr. Wolfe noted that they found a deep deposit of
18 colluvial soil and in order to create better soil conditions and save on foundation costs, they shifted
19 the building footprint to avoid the deposit. The shape of the deposit was narrow and deep and shifting
20 the building would reduce the magnitude of the foundation piers needed to support the building.

21
22 Vice Chair Mitchell noted that report said the building was shifted to the west and he asked if Mr.
23 Wolfe knew how much it shifted to the west. Mr. Wolfe thought it was a few feet.

24
25 Vice Chair opened the public portion of the hearing.

26
27 Marie Blits, 3166 Lucas Drive, advised she was representing herself, her family, Lucas Drive
28 Neighbors, and BurtonValley.com. She echoed Commissioner Ateljevich's comments about the
29 vegetation plan needing to be more specific. Ms. Blits referred to page 10 of the Design Guidelines
30 and shared her concern about privacy impacts not only to the immediate neighbors but the term
31 adjacent having a much broader meaning. She noted her concern about the relocation of homes as
32 proposed by the geotechnical report because she couldn't tell how far the sites were being moved.
33 She said she appreciated less grading but couldn't tell what the impacts would be and if it would
34 make a difference in the visual impacts. She stated that if the building sites are being moved very far
35 she would like to see staking and poles and have a site visit in order to verify what will happen to the
36 visibility and privacy of immediately adjacent neighbors.

37
38 Ms. Blits questioned what type of oversight there will be of the ongoing slide repairs referenced in the
39 geotechnical report as there have been others that were never finished. She agreed with staff's
40 recommendation that the scenic easement should stay as parcel "A" instead of designating it as
41 parcel "B" and that the conditions should make it very specific that if the cell towers ever come down
42 that there cannot ever be building on that site. She noted her concern about the conservation
43 easement and the wildlife corridor because the lot lines seem to have crept outward to encompass
44 more of what was in parcel "A". She noted that it seems to make sense to have the open space
45 contained and be under one common management not divided by several homeowners. She
46 questioned whether Lot 5, Lot 7, Lot 3, and Lot 8 had already been modified. Ms. Blits also
47 questioned whether there were gates or not next to the trail easement and referenced page 9 of the
48 Guidelines where it says the area is not gated but the last page of the letter from Mr. Mussano
49 indicated there would be entry gates and she wanted to clarify.

50
51 Bryan Goldwyn, 2450 Rohrer Drive, said it was his understanding that in the original map approval
52 there would be some reference to size and volume of the buildings. He noted that lot 4 is in a
53 ridgeline setback and thought there had been some discussion about including size and volume in the

1 final map approval. He wondered if he was misunderstanding the information He thought including
2 acceptable size and volume would be good information for future purchasers of the lot.

3
4 Commissioner Ateljevich noted that there was size in the guidelines but it was removed because they
5 did not want to guarantee a certain size.

6
7 Ms. Sinnette said that the only specific requirement that carried through related to the building site on
8 Lot 4 is that it has to be a very low one-story structure

9
10 Mr. Goldwyn asked if height maximums were included as he thought that was discussed at the
11 meeting. Commissioner Ateljevich said height maximums were not included.

12
13 Vice Chair Mitchell gave the applicant time to rebut.

14
15 Mr. Moore responded to Mr. Goldwyn by saying that they have tried to work with him throughout the
16 process since his home will be most impacted and noted that they will continue to do that. He said the
17 vesting tentative map was very clear on limiting lot 4 to one story and that the others don't have
18 specific height limitations. Mr. Moore indicated that they did ground stake the new locations, but they
19 cannot put up story poles every time there is a change. He advised that when specific design review
20 comes up they will again stake and pole the property. He agreed with the comments about the cell
21 tower and said it was not intended to be a separate parcel and they are willing to enter into a deed
22 restriction so that if that land ever ceased to be used for utility purposes it would not be used as a site
23 for residential development. Mr. Moore noted that the wildlife corridors have been reviewed
24 specifically by LSA and Associates and have found them consistent with the conditions of approval.
25 He stated they are 150' wide. Mr. Moore responded to the comments about off site visual impacts by
26 stating the EIR has found that these lots contain homesites that do not have visibility impacts off site.
27 He again referred to the specific design review that will occur with each home.

28
29 Commissioner Ateljevich asked staff if the deed restriction relating to the use of the cell tower site
30 could be incorporated as a condition of approval.

31
32 Ms. Sinnette said it will be part of the Conservation and Scenic Easement document that will be
33 recorded. She noted that staff does not have specific language yet, but she has confirmed with the
34 City Engineer and the City Attorney that language can be prepared to state that if the
35 telecommunications use ever stops the property will merge and become a non-buildable parcel.

36
37 Commissioner Ateljevich asked staff about the entry gate mentioned earlier. Ms. Sinnette stated that
38 when Design Review Commissioner Cleaver was looking at the guidelines, they were not revised
39 from the original one which showed an entry trellis, and that it was an error. There is no intention of
40 installing an entry trellis or gate. Ms. Sinnette clarified that it has been removed from the design
41 guidelines. Ms. Sinnette also noted that there is also a condition related to not allowing gates on the
42 trails.

43
44 Commissioner Ateljevich asked if the homes will follow the two-step process when they come in for
45 review. Ms. Sinnette said they would; first a siting, massing, and privacy study would be completed
46 and then the application would be reviewed again for the specific design.

47
48 Vice Chair Mitchell noted that the Commission will be doing a siting study at another time but asked if
49 the envelopes wouldn't already be approved. Ms. Sinnette noted that the envelopes are illustrative of
50 where the buildings will be located. She said when the individual homes come in for review if they
51 substantially deviate from the approved plans then a new visual analysis would need to be
52 conducted.

53

1 Commissioner Ateljevich clarified that the houses will be staked so the Commission will be able to do
2 their visual inspection from offsite.

3
4 Ms. Sinnette indicated the new homes would need to be story poled similar to the current Design
5 Review guidelines.

6
7 Vice Chair Mitchell questioned what would happen if the Commission determines the envelope to be
8 inappropriate after the story poles are installed. Ms. Sinnette stated it would be at the Commission's
9 discretion to make modifications.

10
11 Ms. Sinnette commented that the Commission had asked that the Design Guidelines reflect a
12 restatement of the zoning and ordinances. Commissioner Lovitt asked staff to remind him what rights
13 are conveyed in the Design Guidelines. Ms. Sinnette stated that there are virtually none; they are
14 guidelines only.

15
16 Commissioner Ateljevich and Commissioner Lovitt commented that the two shouldn't contradict.
17 Commissioner Lovitt stated his concern that the guidelines say what they mean and make the
18 process as clear as possible.

19
20 Ms. Sinnette stated that these are guidelines to let people know up front that they will not be
21 permitted to build a big stucco box on the hill; they are to let people know up front what the
22 restrictions are.

23
24 Ms. Sinnette referred to a comment made at the July 6, 2007 Planning Commission meeting shown
25 on page 13 lines 11-13 on the minutes. She said the comment referred to the Design Guidelines
26 staying away from restating hillside and zoning ordinance standards; the guidelines should focus on
27 how the project will meet and carry out the intent of these standards and they should not contradict.
28 Ms. Sinnette noted she was not aware of any place where the guidelines and ordinances contradicted
29 each other and that she specifically told Mr. Mussano to reiterate the language about the vegetation.
30 She said if there are any places where the wording conflicts it should be corrected.

31
32 Commissioner Ateljevich addressed a speaker's concern about slide repairs and asked if the
33 Engineering department handled this. Ms. Sinnette stated that it is handled through the Building
34 Division.

35
36 Vice Chair Mitchell asked when the inspections have to occur. Ms. Sinnette said the conditions state
37 prior to building permit issuance or grading whichever occurs first, full grading, improvement, and
38 erosion control plans have to be submitted and reviewed by the City Engineer. She said if the plans
39 are satisfactory they would then be sent to the building division.

40
41 Commissioner Ateljevich asked what happens when slides that are not associated with construction
42 are repaired; what is the process. Ms. Sinnette said it was the same process as if they were doing an
43 addition to their home; they come to the planning division, staff looks at the project and if it requires
44 discretionary review staff follows that process. She noted that if it will add 500 sq. feet. or more of
45 impervious surfacing or requires grading greater than 50 cubic yards it is given to the City Engineer
46 for review.

47
48 Ms. Sinnette stated that this particular project was reviewed by the Planning Division and the City
49 Engineer. Ms. Sinnette pointed out there is no requirement in this county that a final inspection be
50 completed for building, mechanical, grading permits, etc.

51
52 Commissioner Ateljevich asked if there are conditions attached to a grading permit if there is a follow-
53 up to verify the conditions have been met.

1 Ms. Sinnette stated that if there are conditions of approval there is the ability to not release holds on a
2 final inspection until the conditions have been met. However if there is no incentive to have them call
3 for an inspection and it does not impact the person they may never get a final inspection.

4
5 Vice Chair Mitchell thought that you couldn't take occupancy until you had a final. Ms. Sinnette
6 indicated that is the case for a new home, but not for a remodel or addition.

7
8 Vice Chair Mitchell asked for more clarification from staff. He asked if the Commission approved the
9 map would the streets and driveways be approved also. Ms. Sinnette indicated only the streets would
10 be approved, Lucas Ranch Road and Lucas Ranch Court.

11
12 Vice Chair Mitchell stated he had some concerns about the hammerhead driveway on lot 6.
13 Ms. Sinnette noted that it is not being approved with this map, however the fire district has approved
14 it. She also stated that when this project comes in for final review it will again be referred to the fire
15 district.

16
17 Commissioner Ateljevich asked if that was going to be paved. Ms. Sinnette noted that it is shown that
18 way on the plans and she believed it was configured that way because it meets the fire district's
19 turnaround requirements.

20
21 Vice Chair Mitchell asked for Commissioner Comments

22
23 Commissioner Chastain indicated the Commission should consider how much regulation should be
24 put into the guidelines and how much during the Design Review and Planning review for each house.
25 He noted that he has lobbied for more specifics in the guidelines and that although some of his prior
26 comments are represented in these guidelines not all of them are and they are not completely
27 addressed. He mentioned that there is nothing that says a new color palate cannot be submitted, for
28 example, but it does not makes sense because it will probably not get approved. He seemed to think
29 it would be misleading to not say these are your color choices. He asked the Commission to think
30 about how much they want to vest in the authority of a guideline and how much can be controlled in
31 the individual review process.

32
33 Commission Lovitt stated that the purpose of the guidelines should be to inform a developer what the
34 standards are. He responded to Commissioner Chastain's comments by saying the guidelines should
35 be general but clear enough that future applicants understand the restrictions.

36
37 Commissioner Ateljevich noted that the guidelines do reference colors that blend with the backdrop
38 and do not draw attention to the building. She didn't think it would be much use to have suggestions.

39
40 Commissioner Curtin-Tinley stated that these are design guidelines not requirements. She said that
41 when she read the document it contains sufficient information that tells the builder what he or she
42 can't do or may be able to do within parameters. She noted that is how she understood design
43 guidelines to work. She said she was comfortable with the way these were written and mentioned
44 they were some of the strongest guidelines she has seen. She stated she would much prefer to be
45 left with discretion when the actual building comes before the Commission and make sure it is
46 consistent with the guidelines as opposed to trying to figure out what that is going to be tonight.
47 Commissioner Curtin-Tinley referred to the comment earlier about the design guidelines not providing
48 any rights to developers and said that if the design guidelines are not consistent with the Hillside
49 Ordinance then the design guidelines are void. She suggested adding a preface that states the
50 design guidelines are intended to be consistent with the Hillside Ordinance and if there are any
51 inconsistencies the ordinance prevails. She said these design guidelines are absolutely fine by her
52 standards.

53
54 Commission Lovitt stated that it might not be a bad idea to ad a disclaimer.
55

1 Commissioner Ateljevich noted that previous sets of design guidelines had a lot more illustration of
2 styles and this does not.

3
4 Commissioner Lovitt stated that any design submitted will have to go through the Design Review
5 Commission who will not approve a pink house.

6
7 Vice Chair Mitchell agreed with Commissioner Lovitt but stated that the Commission may be looking
8 for a common theme in the homes.

9
10 Commissioner Lovitt asked if that was not contained in the design guidelines of the City.

11
12 Commissioner Ateljevich indicated that is not the case.

13
14 Commissioner Curtin-Tinley asked staff to repeat the portion of the minutes she had referenced
15 earlier (page 13 lines 11-13 of the July 6 PC meeting minutes), with regard to the Commission not
16 wanting to have such specific requirements in the design guidelines.

17
18 Ms. Sinnette stated the comment was from Commissioner Chastain and it referred to not restating the
19 Hillside Ordinance in the design guidelines but they should describe how the project will carry out the
20 intent of the ordinance. Ms. Sinnette pointed out that the first two sets of the design guidelines
21 included specific references and photos the Bay Tradition architectural style and the Commission
22 specifically asked that it be taken out.

23
24 Commissioner Lovitt asked if anyone recalled what the Commission did with Hidden Oaks.

25
26 Commissioner Chastain noted that he has seen a lot more restrictive guidelines than these and that
27 guidelines do more than make suggestions; they actually implement constraints on what people can
28 do and what they can use. He said this is about regulating design and it is o.k. with him if the
29 Commission trusts the process, but it makes a big difference on how you approach this document. He
30 stated he doesn't think the ordinance should be repeated, but would like to see consistency in the
31 design. He indicated the design should be more part of the hill and the Commission should not treat
32 them as individual houses.

33
34 Commissioner Lovitt thought the intent just mentioned is written in the ordinances. For example the
35 hillside is to appear to be undeveloped. He also noted that he agreed with Commissioner Chastain
36 but did not want to sit down and rewrite the guidelines.

37
38 Commissioner Chastain agreed about not wanting to rewrite the guidelines. He didn't know how to
39 phrase it but said that each building should look to each other. He brought up the issue of privacy and
40 said that going through each of the homesite descriptions, he saw the applicant responding to what
41 the Commission asked for with regard to sensitivity to existing homes. He said the use/activity
42 diagrams are helpful in describing where the open/ public areas are in the house. He said he was
43 concerned about lot 6, but thinks the Commission can deal with it when it comes before them. He
44 noted he was worried about the bedrooms facing the existing homes.

45
46 Vice Chair Mitchell stated he has an issue with lot 2 as it relates to the lot lines. He said the outdoor
47 area is all on the other side of the ridge/knoll and by pushing it out the whole house moves further
48 west. He suggested that lot 1 be moved slightly west and down so that lot 2 is less crowded and
49 could be pulled back. He referred to the lot diagrams showing the long driveway that is constrained.
50 He noted that lot 1 cannot move too far north because of the riparian setback area, but that it could
51 be moved west to allow space for the building envelope of lot 2. He asked staff if the Commission
52 would be approving the lot lines.

53

1 Ms. Sinnette said yes, but there is the possibility of a lot line revision in the future since lot size is not
2 an issue here (because it is a clustered development). She noted the options to deal with it now and
3 get more refined building locations or to deal with it later.
4

5 Vice Chair Mitchell stated that on lot 2 the house is virtually on the lot line and there is only 50
6 between the two houses. He reiterated his concern that the lot lines for lot 2 are so constrained that
7 the only option is to shove it out over the hill into the weaker soils.
8

9 Commissioner Ateljevich suggested a revision between lot 2 and 3. Vice Chair Mitchell noted he had
10 thought of that as well. Commissioner Ateljevich didn't want to change it now.
11

12 Commissioner Lovitt mentioned that if lots 1 and 3 get built then no changes can be made to lot 2.
13

14 Commissioner Curtin-Tinley asked if as part of this hearing the Commission is permitted to change
15 the lot lines. Ms. Sinnette stated the Commission could do that and clarified by saying that since this
16 project is in the Hillside Overlay District there is no lot size requirement only a density requirement.
17 So when the Commission was looking at it earlier, they were focusing more on the building sites for
18 their visibility instead of lot lines. She said now, based on the building sites that had been previously
19 approved, the applicant has come in with lots lines so there is still the opportunity to adjust lot lines.
20

21 Vice Chair Mitchell stated his concern about the relationship between lots 1, 2, and 3. He said if lot
22 one could slide west and the lot line between lot 2 and 3 was adjustedlot 3 is comparatively more
23 usable and lot 2 becomes more visible and constrained as it moves around the hill.
24

25 Mitch Wolfe, Geologist, stated that his recommendation for moving the homes had to do with the
26 price of foundation systems. Shifting the house on lot 3 improves the foundation conditions.
27

28 Commissioner Ateljevich noted it should not be pushed into the ridgeline setback. Vice Chair Mitchell
29 agreed and pointed out the constraint map on page 5 and reiterated that it is very constrained.
30 Commissioner Ateljevich suggested that this be decided during the final round when the Commission
31 can see it staked.
32

33 Vice Chair Mitchell again reiterated his concerns about constraint and noted that other
34 Commissioners do not share his concerns.
35

36 Commissioner Chastain noted the activity diagrams are very useful, especially on lot 6 where the
37 proposal is to have the bedrooms at the drive and although the view may be better it is also looking
38 down. He thought one way to solve the problem would be to put the bedrooms there and let the
39 house open up another way. He said he would push to revise the activity diagram to demonstrate that
40 it is taking into account privacy issues of the downhill neighbor. He also noted there may be other
41 ways of dealing with this that he does not see.
42

43 Commissioner Lovitt stated it is just a matter of making it clear to a builder or someone who
44 purchases the lot of what the Commission wants to see rather than exactly how to do it.
45

46 Commissioner Chastain noted that the Commission can enforce other things upon this and reiterated
47 that the guidelines don't give any rights. He said he felt comfortable if as a whole the Commission's
48 message was "We think this works but if it doesn't we're going to ask you to change it."
49

50 Commissioner Lovitt advocated for disclaimers throughout the document.
51

52 Commissioner Ateljevich asked if the same problem is true for lot 4. Commissioner Chastain said not
53 from his assessment.
54

1 Commissioner Chastain indicated that it does state in the description of a lot that offsite privacy to
2 exiting houses is of importance.

3
4 Vice Chair Mitchell stated the three things before the Commission: the final tentative map, the design
5 guidelines, and the vegetation management plan.

6
7 Commissioner Ateljevich mentioned she would like language on the vegetation management plan
8 about what will be on the site that is consistent with fire department rules.

9
10 Commissioner Lovitt suggested using language like “appropriate means”

11
12 Commissioner Ateljevich didn’t think the item needed to be continued for the vegetation plan, but that
13 they could find a way to write in a requirement that that aspect of the plan is addressed. She noted
14 that what will be allowed should be written down and as this is a scenic and conservation easement it
15 would be inappropriate, for example, to allow horses on it. She wants to make sure the Commission
16 knows what will happen on the land and who will be responsible for it before it is approved.

17
18 Ms. Sinnette said that the applicants are concerned with getting some kind of approval on the map
19 and building locations; before they do anything else they need to know what they can work with. She
20 stated the vegetation plan is one of a series of conditions that has to come to the Commission and if
21 they would like to spend more time reviewing/editing it there is time to do that. She also noted there is
22 another condition that mandates the Commission to review the landscaping and irrigation plans for all
23 the common areas when the improvement plans are submitted. She indicated the Commission does
24 not have to make a decision on the management plan yet.

25
26 Commissioner Ateljevich said the fire district requirements to plant certain vegetation does not seem
27 to be reflected in the plan.

28
29 Vice Chair Mitchell asked if the vegetation management plan should be tabled. Commissioner
30 Ateljevich agreed that it should be tabled. That action was agreeable to the rest of the
31 Commissioners.

32
33 Vice Chair Mitchell asked for additional comments on the Design Guidelines. Commissioner Lovitt
34 noted that he thought it would be appropriate to add a disclaimer like they talked about earlier.
35 Commissioner Chastain asked if it would also be appropriate to write on the front page “All houses
36 are subject to the Design Review Commission and the Planning Commission processes” To make
37 sure people really understand that part of that process will be determining what really is appropriate
38 to build.

39
40 Vice Chair Mitchell noted that there will be certain expectations when people purchase these very
41 expensive lots, so if the Commission can come up with a theme or style it will make the homes more
42 readily received. He suggested forming that idea into language to be included in the guidelines.

43
44 Commissioner Curtin-Tinley noted that each chapter of the guidelines all start off with the same
45 sentence that talks about creating a cohesive environment compatible with one another but yet
46 unique, she said she didn’t know what more the Commission could say – other than to design the
47 project which she is reluctant to do. She said there is general enough language and they allow the
48 Commission to insert its discretion when the designs come forward. She stated that the fact that the
49 Commission will see each design before it is approved eliminates the need for a disclaimer.

50
51 Commissioner Lovitt noted that the Commission is smarter from past experience and they want to
52 avoid having the applicant come forward with a beautiful house that won’t work on the hillside. He
53 agrees that the document says it, but he wants to be very clear.

1 Commissioner Ateljevich referred to page 17 where the guidelines talk about architectural style and
2 cohesive and harmonious aesthetics. Vice Chair Mitchell asked if the Commission would like to bring
3 that language to the preface or the first pages so that it is the first thing that people see.

4
5 Commissioner Chastain noted that where it is located doesn't matter too much, the Commission just
6 wants people to pay attention. He stated that the intent is that the developer will read the guidelines
7 and when they bring a design before the Commission half the work is over.

8
9 Ms. Sinnette suggested adding language in a preface that these are guideline and are to be used in
10 conjunction with the City's residential design guidelines, pull the two paragraphs under the
11 architectural summary towards the front and create a few paragraphs that state exactly what the
12 guidelines are meant to do in more specific terms including some language from the purpose and
13 intent of the hillside ordinance. She suggested putting together the language with the applicant and
14 then having Commissioner Chastain or another Commissioner review it.

15
16 Commission Lovitt suggested including a statement about the privacy issues that were discussed
17 earlier.

18
19 Vice Chair Mitchell noted that he would prefer that if a change is made the document come back to
20 the Commission.

21
22 Ms. Sinnette suggested that if the Commission would like to review to guidelines that it come back
23 when they review the improvement plan.

24
25 Vice Chair Mitchell asked for comments on the final tentative map.

26
27 Commissioner Ateljevich said she thought it should be approved and that the Commission does not
28 have geotechnical expertise or information to move things around. She noted if there are small
29 changes to be made with lot lines it could be handled.

30
31 Commissioner Lovitt said if the Commission approved the 8 house subdivision and things are moved
32 for geotechnical reasons from areas that were completely invisible to areas that are very visible then
33 what will be done. He said he has a small fear about the building footprints being moved.

34
35 Vice Chair Mitchell asked for a motion in regards to the final tentative map.

36
37 Commissioner Ateljevich moved to approve the final tentative map received September 13, 2007.
38 Commissioner Chastain seconded the motion which carried. (5-0-0).

39
40 Commissioner Ateljevich moved to continue the vegetation management and the design guidelines
41 for further work.

42
43 Commissioner Curtin-Tinley asked staff when these items would come back before the Commission.
44 Ms. Sinnette stated it is up to the developer and when they complete the other items that need to
45 come to the Commission; she estimated not less than 30-45 days. She stated there will be notice of
46 the public hearing when the applicant is ready to come back to the Commission.

47
48 Commissioner Chastain seconded the motion made by Commissioner Ateljevich. The motion carried
49 unanimously (5-0-0).

50 51 7. COMMISSIONERS' ACTIVITY REPORT

52 Vice Chair Mitchell asked for the Commissioner's Activity Report.
53