

City of Lafayette Staff Report

For: Design Review Commission

By: Greg Wolff, Senior Planner

Date Written: August 14, 2006

Meeting Date: August 22, 2006

Subject: **HDP83-05 ERIC STRAND (APPLICANT & OWNER), LR-10 ZONING:** Request for: (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code (LMC), (2) Design Review approval pursuant to Section 6-1903 LMC, and (3) Grading permit pursuant to Chapter 3-7 LMC to construct a new, approximately 3,500 sq.ft. one-story single-family residence with basement with a maximum ridge height of approximately 29-ft. above existing grade on a 5.3-acre vacant parcel in the Hillside Overlay District on Burton Ridge at 10 Vista del Valle off Michael Lane. APN 238-080-035

Statutory Deadline: September 15, 2006 (without 90-day extension)

Summary of Request

Trigger	Yes	No	Trigger	Yes	No
Within a protected ridgeline setback?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Tree Permit Requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Requests:

1. Hillside Development Permit for development within the Hillside Overlay District
2. Design Review for structures over 17 ft. in height
3. Grading Permit for grading of approximately 1,140 cubic yards (810 CY export)

Scope:

- New one-story single-family residence with basement and attached garage on vacant lot
- New driveway accessed via new private road "Vista del Valle" in access easement
- Landscaping

Final Action:

- The Design Review Commission is a referral body and will make a recommendation to the Planning Commission, which will take final action pursuant to §6-2065(b)(1).

SITE CONDITIONS

Location	10 Vista del Valle (private road off Michael Lane) APN 238-080-035
Existing Development:	Vacant
Existing Vegetation:	Almost exclusively naturalized hillside grasses and a few live oak trees
Topography:	Open west facing hillside
Lot Size:	5.3 acres
Zoning:	LR-10, Hillside Overlay District

PROJECT OVERVIEW

Scope of work	Proposed Development	Notes
Gross Floor Area	Main levels: 2,224 sq.ft. Lower level: 1,255 sq.ft. <u>Garage: 529 sq.ft.</u> Gross: 4,000 sq.ft. Patios: 1,797 sq.ft.	The proposed 4,000 sq.ft. of gross floor area is roughly 1,500 sq.ft. larger than the Planning Commission's direction to begin with a 2,000 sq.ft. design with 2-car garage (~500 sq.ft.)
Grading	Cut: 975 CY Import: 0 CY <u>Fill: 165 CY</u> Export: 810 CY Total: 1140 CY	
Height	27-ft. per Zoning Code (avg. low grade to midpoint of the highest roof plane) 31-ft. low grade to highest roof ridge	Story poles have been erected
Impervious surface	House: 2,760 sq.ft. Patios: 1,360 sq.ft. <u>Driveway: 3,386 sq.ft.</u> Total: 7,506 sq.ft.	
Colors/materials	Materials: stucco Body: dark gray & green Windows/Planter/Gutter/Fascia: copper Roof: Asphalt Comp. "Barkwood" Ret. Walls: light tan colored concrete	Colors & materials board is available for review at the city offices and will be circulated at the public hearing.

SITING DETERMINATION

The Planning Commission considered the matter of siting of the proposed single-family residence on the property at public hearings held in February, April and May 2005 (staff reports and minutes attached). The applicant submitted a constraints analysis and erected story poles on the site, and Planning Commissioners conducted a site visit on April 14, 2005 to evaluate the site the proposed siting. The conclusion of the Commission was to site the home

on a side slope between the centerline of the wale/drainage and the private road – Modified Site 2S. (See attached 11x17” exhibit submitted to staff by Planning Commission Chair Ateljevich May 19, 2005).

In determining the siting for the applicant to pursue with design development plans for consideration by the Design Review Commission, the Planning Commission gave the applicant and the DRC the following direction (excerpted from the May 19, 2006 PC Staff Report as amended by the Commission). Staff comments on the current proposal (HDP83-05) follow each item in italics.

Planning Commission Site Consideration [Findings – May 19, 2005]

The Planning Commission considered Sites 1, 1S, 2, 2S and 3 and finds the following:

1. The subject property is an existing, legal lot of record and the city cannot deny a property owner all economic use of the property, consistent with the U.S. and California Constitutions and established case law.
2. There are no “good” building site on the property in terms of the City’s hillside development regulations. Therefore, the goal of the Planning Commission is to determine that site that would have the least impacts and would best meet with the applicable goals of the General Plan and the City’s hillside development regulations.
3. Sites 1 and 2 were not staked in the location shown on the submitted plans. Rather than being staked to the south of the dead oak tree they were staked to the north of the dead oak tree, where the applicant wishes to build. The sites, as staked, are identified as Sites 1S and 2S.
4. Site 3 is entirely within a Class I Ridgeline Setback. A Class I Ridge is afforded the highest level of scrutiny and protection via the most stringent findings and the largest setback. Only the two most prominent ridges in the city - Burton Ridge and Lafayette Ridge - are designated Class I. Section 6-2023(a) of the Lafayette Municipal Code establishes that no development may take place within 400 feet of the centerline of a Class I Ridge.
5. A modified Site 2S would be situated into the side of a natural swale to the northwest of the property and would allow the surrounding landforms to mitigate off-site visibility of any structure. A modified (lower) Site 2S would allow for development that would best meet the purpose and intent of the hillside development regulations.
6. The foremost goal of the Hillside Development Permit process and design review of the home is mitigating the impacts of the development, foremost being off-site visibility. To that end, the Planning Commission provides the following direction:

- a. **The development shall not encroach into the 400-ft. Class I Ridgeline Setback.**
The proposed single-family residence does not encroach into the mapped or site specific 400-ft. Class I Ridgeline Setback.
- b. **Recognizing that there is a relationship between house size and the impacts it creates, and that the subject parcel is very heavily constrained, the house shall be no larger than 2,000 square feet plus 2-car garage [~500 sq.ft.] unless the applicant can demonstrate to the satisfaction of the Planning Commission that a larger home would have no additional impacts.**
The proposed single-family residence is 4,000 sq.ft. gross floor area. No materials have been submitted to illustrate that the additional ~1,500 sq.ft. (60% increase) will have no additional impacts.

- c. **The Planning Commission would be supportive of a variance permitting the development to encroach into the required 50-ft. setback to the west if it serves to lower the house and reduce its off-site visual impacts. The Commission recognizes that no future development will occur between the Strand house and the Church which might be affected by a reduced setback.**
The applicant has sited the house outside the required 50-ft. setbacks and is not requesting a variance at this time.
- d. **The Planning Commission would be supportive of a variance to allow development on a slope >30% if it serves to reduce off-site visual impacts.**
The applicant has sited the house in an area of ~35% slope.
- e. **The development should be appropriately dug into the hillside to lower the height and reduce off-site visual impacts.**
The home is bunkered into the hillside, more so on the north end and less on the south.
- f. **The applicant shall strive to design the project entirely beneath a horizontal plane extending northward from the dead oak knoll to the fire road providing access to the site. This will mitigate off-site visibility by using the existing topography of the knoll and the hillside to the north to screen the development.**
The spine of the dead oak knoll runs in elevation from ~560' to ~580' with the base of the oak itself sitting at ~571'. The proposed residence meets the ground spanning contours ~565' to ~590' with the highest roof ridge peaking at 595'. This results in a minimum of 15-ft. of house extending above the dead oak knoll. Extending the line of the highest roof ridge at 595' to the south, the line passes over the knoll at ~575' making the roof ridge ~20' higher than the knoll at this point.
- g. **The development should present as narrow a profile as possible downhill to minimize off-site visual impacts.**
The house presents its wider elevation downhill, dimensioned at 94'-0" on the plans. The narrower, side elevation is dimensioned at 44'-0".
- h. **The applicant shall submit a full site section showing the 15-degree declination from the ridge and the proposed development.**
Sheet A1.1 shows a section through the house up to the ridge and the 15-degree declination. The house projects into the 15-degree declination because the declination line passes below grade.
- i. **Because of concerns raised by property owners down slope of the project site, it is important to have a hydrology study performed and drainage plan developed for review by the City Engineer early in the review process.**
The applicant has not submitted a hydrology study at this time.
- j. **The Design Review Commission should exercise its judgement in makings small modifications to the siting of the house to increase the project's conformnat to the General Plan, LR-10 zoning, and Hillside Development Regulations.**

CEQA

Planning staff has reviewed the project in accordance with the California Environmental Quality Act (CEQA) and has determined that the project is categorically exempt under §15303(a) "One single-family residence, or a second dwelling unit in a residential zone."

PUBLIC RESPONSE

Owners of 64 properties within 500 ft. of the subject property were each mailed two separate notices of public hearing, and the immediate area was posted at least ten days prior to the scheduled public hearing. The following comments have been received and are attached to this report.

1. A letter from Rossmoor Residents Mr. & Mrs. Norman Gorsuch, 2100 Skycrest Drive, #7 Walnut Creek, has been forwarded by the office of Gayle B. Uilkema, County Supervisor suggesting that the Board of Supervisors “would be wise to consider [the project] as a ‘fragile area’ needing special assessment of the potential dangers of cumulative drainage as well as the possibility of landslides.”
2. Scott Robinson (no address indicated) called to inquire why the project is described as one-story and not a two-story house. Follow-up email correspondence occurred.

Significant public comment was submitted to the Planning Services Division on HDP70-04, the Planning Commission’s consideration of siting of the subject residence on the subject parcel, including a petition signed by 290 individuals stating:

“We, the undersigned, oppose development of the Strand property (APN 238-08-0035) [sic] near the “dead oak tree”. We believe the proposed sites in this area are far too visible, and not compliant with Lafayette’s General Plan and Hillside Ordinance”. Public comment submitted for HDP70-04 is not attached to this report on the design of the home, but is available for review in the project file at the City Office, by appointment.

AGENCY RESPONSE

The proposal was referred to the following entities:

- City Engineer
- City Traffic Consultant
- City Landscape Consultant
- BurtonValley.com Homeowners Assn
- Sharon Drive Homeowners Assn
- Lucas Drive Homeowners Assn
- Los Palos Estates Homeowners Assn
- Central Sanitary District
- East Bay Municipal Utility District
- East Bay Regional Park District
- CCC Fire Protection District
- CCC Lamorinda Building Inspection
- Parks, Trails & Recreation Commission
- Pacific Gas & Electric
- Comcast
- SBC / AT&T

Responses were received from underlined entities and are attached to this report.

ANALYSIS AND COMMENTS

Access	The project proposes to extend the existing private road “Vista del Valle” from the single-family residence under construction to the north (Lindberg) to the subject building site. The dashed hammerhead shown on Sheets A1.1 & A1.2 (not labeled, but presumably the standard fire district turn around) does not correspond to the designed driveway. The Contra Costa County Fire Protection District has provided general comments on the standards that will need to be met by the project (see attached referral response), but has not specifically indicated that the project meets (or does not meet) the standards as currently designed. Staff understands that the project does not currently meet Fire District standards and thus the project will require modification of the access road/driveway/turnaround likely increasing the extent of grading and height of retaining walls.
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<p>Architecture</p>	<p>The architecture is unique and clearly an attempt to respond to the numerous constraints and challenges of the site, foremost being off site visibility. The house is bunkered into the hill, the northeast corner being bunkered the most with a FFE of 581' where existing grade is ~590' (bunkered 8'). Moving south along the rear building wall, the southeast corner at the same FFE of 581' sits proud of existing (576') grade by 5'. This stems mostly from the house not following the contours, but being aligned slightly off the contours. This is true of the downslope and more visible eastern elevation, too (not paralleling contours).</p> <p>The design utilizes a very low 3:12 roof pitch, deep roof overhangs and dark stucco colors to help minimize the apparent height, bulk and mass of the structure. Planters at the roof eaves and atop walls at the patios are intended to provide vegetation that will grow to soften the hard lines of the built structure.</p> <p>The project includes 1,797 sq.ft. of outdoor living space in the form of four patios—two on the lower floor, two on the upper floor. The upper floor patios at the east and south elevations are both 10' above existing grade and include a 3.5' wall with planter on top. This results in walls that are 13.5' above existing grade at the worst case which become shorter as grade increases uphill.</p>
<p>Landscaping</p>	<p>The proposed landscape plan utilizes species native to the area, if not found on the site or similarly situated sites. The City's landscape consultant has recommended some species changes (see attached review memo from the City's landscape consultant).</p> <p>Staff finds the landscape plan very good in concept, with the understanding that it would take decades for the proposed trees to significantly screen the house because of the verticality of the site (trees have to grow taller), the challenging growing conditions with respect to sun and wind exposure, water and soil conditions, and the limited size of specimens that can be successfully transplanted.</p>
<p>Drainage</p>	<p>The submitted drainage plan is highly schematic at this time and shows two dissipaters below the house (without details). Item 6(i) from the Planning Commission's findings on May 19, 2005 states that because of concerns raised by property owners down slope of the project site, it is important to have a hydrology study performed and drainage plan developed for review by the City Engineer early in the review process. Such a study has not yet been submitted to the City Engineer whose comments are attached and advise of adverse drainage conditions/erosion currently on site below the subject home site.</p> <p>The lower floor plan includes an 810 cu.ft. cistern. The plans are not clear how this cistern works with relation to collection, retention and dissipation of stormwater.</p>
<p>Water & Fire Suppression</p>	<p>The Fire Protection District has conducted an initial review of the project and provided general comments with respect to the standards that the project will need to meet. The applicant has previously indicated that the project will be served by EMBUD water, however a referral response from EBMUD indicates that the property is outside the districts service area and annexation would need to be applied for and approved by the Contra Costa County Local Area Formation Commission (LAFCO). This process could be time consuming and the extension of a water main to the site cost prohibitive.</p>

	Absent some approval from LAFCO and commitment from EBMUD to serve the property, staff recommends that the project be evaluated with the understanding that it is not served by EBMUD and will require well water and storage tanks to accommodate domestic water usage and fire suppression.
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REQUIRED FINDINGS

The following findings must be made by the Planning Commission in order to approve the requested permits. Staff cannot make the underlined findings at this time.

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

- A. The development is consistent with the applicable goals and policies of the general plan and is in conformance with applicable zoning regulations;
- B. 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;
- C. 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;
- D. 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.
- E. 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;
- F. 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; and
- G. 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.
- H. 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.

§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.

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

1. The structure substantially complies with the city's residential design guidelines;
2. 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;
3. 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;
4. The structure is so designed that it does not unreasonably reduce the privacy or views of adjacent properties.

§6-275(b) Findings required for approval of a new residence exceeding 6,000 square feet in gross floor area.

In addition to the findings required in subsection (a) of this section, the following findings must be made for a new residence exceeding 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet:

1. The house substantially complies with the city's residential design guidelines;
2. The house is so designed that its mass will not appear significantly out of scale with the existing neighborhood;
3. The house does not, because of its size, unduly impact, restrict or block significant views; and
4. The house does not, because of its size, require removal of natural features, require excessive grading or cause the unreasonable removal of a healthy tree(s).

Ord. 536 Findings required for approval of grading exceeding 50 cu. yds.

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.

CONCLUSION

The plans received August 9, 2006 distributed to the Design Review Commission for review and recommendation to the Planning Commission show a single-family residence with a gross floor area of 4,000 sq.ft. The Planning Commission's direction to the Design Review Commission and applicant was for a 2,000 sq.ft. residence plus 2-car garage (~2,500 sq.ft.) and for the applicant to illustrate to the Commissions that a larger home would not have additional impacts. The plans do not contain any illustrations or exhibits that illustrate its impact versus that of a 2,500 sq.ft. design.

Staff recommends that the Design Review Commission review the submitted plans and direct the applicant to comply with the Planning Commission's direction and submit a 2,500 sq.ft. design.

REVISED PLANS SHOULD INCLUDE

1. A 2,000 sq.ft. design with 2-car garage
2. An approved fire district turn around
3. Location and provision of EBMUD water or tanks for fire suppression & domestic water
4. A public trail easement along the ridge (see May 5, 2005 PC minutes, Page 6 lines 30-36)
5. Hydrology report as requested by Planning Commission May 19, 2005 findings #6(i)

STAFF RECOMMENDATION

Review the submitted plans, take testimony from the applicant and public and continue the matter to a future date to allow the applicant to submit a 2,500 sq.ft. GFA design and respond to comments from the Design Review Commission, staff and the public.

ATTACHMENTS

1. Maps and aeriels
2. Application forms
3. City Engineer Review Memorandum • August 4, 2006
4. City Consulting Traffic Engineer Review Memorandum • August 8, 2006
5. InsideOut, City Landscape Consultant Review Memo • August 9, 2006
6. East Bay Municipal Utility District Review Memo • August 2, 2006
7. East Bay Regional Park District Review Letter • August 8, 2006
8. Contra Costa County Fire Protection District Review Memo • August 11, 2006
9. Contra Costa County Building Inspection Department Review Email • August 9, 2006
10. Trails Subcommittee, Lafayette Parks, Trails & Recreation Commission • August 1, 2006
11. Public comment

- a. Mr. & Mrs. Norman Gorsuch, 2100 Skycrest Drive, #7 Walnut Creek • July 31, 2006
- b. Scott Robinson email • August 7, 2006
- 12. HDP70-04 (Siting) PC Staff Report & Meeting Minutes • May 19, 2005
- 13. HDP70-04 (Siting) PC Staff Report & Meeting Minutes • May 5, 2005
- 14. HDP70-04 (Siting) PC Staff Report & Meeting Minutes • April 21, 2005
- 15. HDP70-04 (Siting) PC Staff Report & Meeting Minutes • April 7, 2005
- 16. HDP70-04 (Siting) PC Staff Report & Meeting Minutes • February 17, 2005
- 17. Project plans received August 9, 2006
- 18. Story Pole Diagram received August 9, 2006
- 19. Aerial Photo provided by staff
- 20. PC Preferred Location Exhibit from Jeanne Ateljevich • May 19, 2005