

1 **Commissioner Holt moved and Commissioner Chastain seconded to approve the Consent**  
2 **Calendar as submitted.**

3  
4 **AYES: Ateljevich, Chastain, Holt, and Lovitt**  
5 **NOES: None**  
6 **ABSENT: Harris, Humann, and Mitchell**  
7 **ABSTAIN: None**  
8

9 **6. CONTINUED PUBLIC HEARINGS**

- 10  
11 **A. HDP70-04 Eric Strand (Applicant and Owner), LR-10 Zoning:** Request for house site  
12 consideration from the Planning Commission to establish a house site pursuant to  
13 Section 6-2015 of the Lafayette Municipal Code which requires a Hillside Development  
14 Permit to ultimately construct a new, one-story single-family residence on the existing  
15 5.33-acre vacant, unaddressed parcel on Burton Ridge accessed via Michael Lane, in the  
16 Hillside Overlay District. Once a house site has been established by the Planning  
17 Commission, the applicant will submit full design plans for Hillside Development Permit  
18 consideration by the Design Review Commission and Planning Commission. Public  
19 notification will be provided again at that time. Only establishment of an appropriate  
20 house side is under consideration at this time. APN 238-080-035.  
21 **Recommendation:** Find the proposed house site does not meet the findings required  
22 to grant a Hillside Development Permit and direct the applicant to explore other home  
23 sites.  
24 **Project Planner:** Greg Wolff, Tel. 925-299-3204; gwolff@lovelafayette.org  
25

26 Mr. Wolff said the applicant for this project seeks a Hillside Development permit to construct a single-  
27 family residence with access via Michael Lane. The proposed home site is not within the Class I 400-foot  
28 ridgeline setback but the proposed driveway is. An overview of the site is found on Page 1 of the staff  
29 report. The height of the house is under 17-feet. The applicant requested and obtained a study session  
30 with Design Review in August 2004 and was given general feedback. The minutes from that study  
31 session are included in the agenda packet. Staff received many telephone inquiries regarding this  
32 project from Rossmoor residents. The erected story poles indicate the home would be visible from Burton  
33 Valley. Staff included the guiding principles of the General Plan in their evaluation of the project and  
34 required findings. The proposed site is conspicuous and not consistent with preserving the ridgeline in as  
35 natural a state as possible. Staff has responded to each inquiry/finding and found that the house would  
36 have significant visual impacts. Staff recommends the applicant explore alternate sites more in keeping  
37 with the purpose, intent, and findings of the Hillside Ordinance. The applicant has provided a constraints  
38 analysis. The triangular portion to the left of the property was added to the entire property through a  
39 ministerial lot line reconfiguration in its current form.  
40

41 Vice Chair Ateljevich asked if staff saw a potential for alternate access.

42  
43 Mr. Wolff replied that they possibly could.  
44

45 Jill McGovern and Eric Strand told the Commission that they attempted to develop a site consistent within  
46 the visible findings and the City's guidelines and setbacks. They have had a soils analysis done and the  
47 report does not support any other location for the house. The site they have proposed does not need a  
48 variance and requires minimal grading. They are concerned with building a home on the triangular  
49 portion as there are power poles and this is a safety concern. They also feel building a home in this area  
50 would be just as visible.  
51

52 Vice Chair Ateljevich opened the meeting to public comment on this item.  
53

54 Michael Herr, 1817 Skycrest Drive, #2, Walnut Creek, president of 4th Walnut Creek Mutual Rossmoor,  
55 said he liked the site further down. He would like the Commission to issue a permit for construction to be  
56 permitted Monday through Friday only during regular work-day hours and not on weekends.

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2 Brad Kisner, 3159 Lucas Drive, represents burtonvalley.com, and supports staff recommendations. He  
3 feels the present house site is very visible from Burton Valley and if chosen, would like it to be  
4 substantially concealed. He would like the applicant to explore other sites than just the one site.  
5

6 Clifford Tong, 9 Dianne Court, agrees with staff recommendations that the site is extremely visible. He  
7 feels the house is being placed in the most visible part of the site and would like to look at other sites.  
8 Regarding the driveway through the back of the church through Michael Lane, he wanted to know if this  
9 was a fire trail, the extent of the easement, and how much grading/paving would be required. He thinks  
10 moving the house down the hill further south would be even more visible and agreed that this is a difficult  
11 site to develop.  
12

13 Mr. Wolff said that the Commission was handed out comments on this item received after the agenda had  
14 been mailed including a letter from St. Anselm's Church, emails from Don Eisenberg, and an email from  
15 PJ Collins, Director of Project 19, Third Walnut Creek Mutual, Rosmoor, Walnut Creek. The letter from  
16 the church addresses their concerns regarding proposed grading and drainage in the rear of the church  
17 and wanted assurance that run-off would be adequate. The applicant has legal access to the dirt road, as  
18 this is a recorded easement they have benefit of.  
19

20 Mr. Strand said that if they were to build on the triangle, which is on a ridgeline, the visibility factor would  
21 be the same. They have proposed to berm and landscape the proposed area to decrease its visibility  
22 since this is the only viable site on the property.  
23

24 Vice Chair Ateljevich closed the public comment period on this item.  
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26 Commissioner Holt said there were only 2 possible sites. He would prefer the house built as low as  
27 possible in the designated area and with as much color blending into the hillside to minimize visibility. He  
28 agreed that this is a difficult site to develop.  
29

30 Commissioner Chastain agreed that the site on the triangle is a problem including access to it. He said  
31 there were not many options. He said the applicant prepared a good constraints diagram but would like  
32 more work done to make it apparent to the Commission that this is the only viable site. He requested the  
33 applicant work with staff to show that the other site would be just as visible and more difficult to build  
34 upon.  
35

36 Commissioner Lovitt agreed with Commissioner Chastain. He would like to see if a site could be  
37 developed on the slope. He said the story poles are a huge help and would like the applicant to find a  
38 site with the least overall impact.  
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40 Vice Chair Ateljevich agreed with Commissioners Chastain and Lovitt regarding the story poles. She  
41 would like the applicant to work with staff to develop other sites to show that they are not good ones. She  
42 said the Commission is looking for a site with the least visibility.  
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44 **Commissioner Chastain moved and Commissioner Lovitt seconded to continue this item to the**  
45 **Planning Commission's March 17th meeting to allow the applicant to explore alternative building**  
46 **sites including in the setback.**  
47

48 **AYES: Ateljevich, Chastain, Holt, and Lovitt**  
49 **NOES: None**  
50 **ABSENT: Harris, Humann, and Mitchell**  
51 **ABSTAIN: None**  
52

53 **B. HDP60-04 Tim Ward, Ward Young Architects (Applicant), Eric and Megan Lindberg**  
54 **(Owners), LR-10 Zoning: Request for (1) Hillside Development Permit per Section 6-**  
55 **2015 of the Lafayette Municipal Code (LMC); (2) Request for an exception to permit**  
56 **development within Class 1 Ridgeline Setback pursuant to Section 6-2068; (3) Design**