

1 On behalf of project planner Michael Cass, Ms Srivatsa summarized the staff report and recommended the
2 Commission conduct a public hearing, review the application, and adopt Planning Commission Resolution
3 2007-06, approving application L04-06 and HDP65-06, subject to conditions of approval.

4 Vice Chair Mitchell asked if the applicant can accomplish the same with the use two shorter towers on
5 opposite sides of the trees; if the towers were shorter, they would recede into the trees and not be as
6 noticeable.

7 Tim McFadden, representing Coast Radio, said the antenna has to be stacked in a particular fashion and
8 the height is needed to get the radiation pattern needed. Replacement of a taller structure with two smaller
9 structures would not give them the same coverage that they have today. Upon investigation, the existing
10 pole is in poorer condition than he thought and he does not know how it is still standing. The structural
11 report is pretty clear that the existing pole needs to be replaced as quickly as possible.

12 With regard to the road, because the one neighbor is still reluctant to complete his portion of the work, a
13 referee was appointed by the court for the lawsuit filed. At this point, the court can take action to compel
14 the owner of the adjacent lot to complete the work.

15 Chair Holt asked if they had a condition addressing that. Ms. Srivatsa responded that there was.

16 With regards to the conditions of approval, Mr. McFadden questioned the need for landscaping given the
17 fact that there are already some mesquite bushes in front of the lower part of the tower and the trees there
18 now will conceal the mass of the tower. Based on the property set up with such a long range view, he does
19 not think anybody would be able to see the landscaping even if it was installed. Ms. Srivatsa responded
20 Condition 14 will be deleted as landscaping is not proposed for the site.

21 Chair Holt closed the public hearing and asked staff to weigh in.

22 Ms. Srivatsa summarized the three project specific conditions: the City will not grant any future land use
23 permits for wireless telecommunication facilities until the road issue is resolved; the City will be provided
24 with a full topographic survey showing the trees, the accurate drip line, and all the structures on the site;
25 and prior to issuance of the release of the final inspection, the applicant will remove all old, unused, and
26 abandoned facilities to the greatest extent possible.

27 Chair Holt asked how staff felt about the referee and getting the road prepared. Ms. Srivatsa responded
28 that staff is trying to remain impartial in this situation as it is really a private matter.

29 **Commissioner Ateljevich moved and Commissioner Humann seconded to adopt Planning**
30 **Commission Resolution 2007-06, approving application L04-06 and HDP65-06, subject to the**
31 **conditions of approval.**

32 **AYES: Ateljevich, Chastain, Harris, Holt, Humann, Lovitt, and Mitchell**
33 **NOES: None**
34 **ABSENT: None**
35 **ABSTAIN: None**
36

37 **D. HDP97-06 ERIC STRAND (APPLICANT & OWNER), LR-10 ZONING:** Request for: (1)
38 Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code
39 (LMC), (2) Design Review approval pursuant to Section 6-1903 LMC, and (3) Grading permit
40 pursuant to Chapter 3-7 LMC to construct a new, approximately 3,500 4,000 sq.ft. one-story
41 single-family residence with basement with a maximum ridge height of approximately 29-ft.
42 above existing grade on a 5.3-acre vacant parcel in the Hillside Overlay District on Burton
43 Ridge at 10 Vista del Valle off Michael Lane. APN 238-080-035
44 **Recommendation:** Review the applicant's schematic siting alternatives and direct the
45 applicant to proceed with design development of a home on the "Dead Oak" site (applicant's
46 term).
47 **Project Planner:** Greg Wolff, Tel (925) 299-3204, gwoff@lovelafayette.org (Est. time: 45 min*)

48 Commissioner Humann stepped down and announced he will be leaving for the night.

1 Project Planner Greg Wolff summarized the staff report and recommended the Commission review the
2 applicant's schematic siting alternatives, continue the matter for a future meeting, and direct the applicant
3 to proceed with design development of a home on the "Dead Oak".

4 Commissioner Ateljevich said there should be complete staking of the house proposed to determine if the
5 mass is acceptable before design development is addressed. Mr. Wolff responded the Commission could
6 so direct the applicant.

7 Mike Mussano, Ward-Young Architects, gave an overview of the two sites before the Commission; one
8 being the Planning Commission site and the other known as the Dead Oak site.

9 Commissioner Ateljevich asked what the top peak roof elevations were for the two sites. Mr. Mussano
10 responded the Planning Commission site was 17 feet above 564.5 and the Dead Oak site was about 12
11 feet above 567; he believed they were both at about the same elevation.

12 Vice Chair Mitchell asked if there was a reason why the house on the Dead Oak site was not within 5 feet
13 of the property line as shown on the Planning Commission site. Mr. Mussano responded they were trying
14 to match the elevation on the hill. If they attempted to move a house within five feet of a property line on a
15 five acre site, he can guarantee it will be appealed.

16 Vice Chair Mitchell asked if moving it within 5 feet was just to satisfy a request that was made earlier. Mr.
17 Mussano indicated the 5 foot was a drawing done by Commissioner Ateljevich. The first time they saw it
18 was at the Design Review meeting in September of 2006.

19 Cliff Tong representing burtonvalley.com said he is still stuck on the decision that was made to essentially
20 abandon the idea of starting with 2,000 square foot plus a 500 square foot garage as a baseline. It seems
21 tonight's discussion about the site is taking them away from that key point and he is really troubled by why
22 the Planning Commission has abandoned that philosophy. He would strongly urge them to go back to that.

23 Sherrie Hoover indicated her issue is with visibility. She implored the Commission to scale back the size of
24 the proposed home and do whatever they can to reduce the visibility on Burton Valley so that it would not
25 take the place of the dead oak, which has been the icon for the past 30 years that she has lived here.

26 Commissioner Ateljevich thought it should be explained that while it's called the dead oak site, the house is
27 shown on the plans is not by the dead oak. It's an unfair name because the house is actually down in the
28 swale. It's closer to the dead oak than the original proposal but it is not on top of the knoll like the dead oak
29 is.

30 Ms. Hoover said her point is the dead oak is the icon at present. Once you put a 4,500 square feet home
31 there, the dead oak will disappear and the home becomes the new icon.

32 Chair Holt asked Mr. Mussano if he ever contemplated designing a 2,500 square foot house. Mr. Mussano
33 replied no.

34 Chair Holt asked why that was. Mr. Mussano responded that if they were to come before the Commission
35 with a 2,500 square feet house and compared it to one that is 4,000 square feet, it would be obvious the
36 Planning Commission would select the one with the least impact. The owner has made it quite clear since
37 the very first Design Review meeting that he will not build a 2,500 square feet home on a site that costs him
38 that much money.

39 Chair Holt closed the public hearing and brought it back to the Commission for discussion. He said he is
40 still troubled by the fact that the Planning Commission never got the smaller house that they asked for.

41 Commissioner Ateljevich said they should stake which ever one of the two possible sites they decide on to
42 determine if they want to go with the size presented. If they don't want to go the size, then they can deny it.

43 Chair Holt said he did not want to go with that size and wanted to hear from the rest of the Commission.

44 Commissioner Chastain reiterated the reason why he didn't vote for the motion last time, was due to the
45 fact the process wasn't followed. Moving forward, the Commission would have to be very explicit about the
46 direction they give.

47 Commissioner Lovitt thought they were very explicit at the last meeting.

1 Of the two sites presented, Commissioner Harris felt the dead oak site seemed to be the better one. As for
2 the 2,500 square feet, the direction all along was to come back with something that consists of a 2,000 foot
3 house, with a 500 foot garage; a basic house that would minimize the offsite visibility. If a case can be
4 made a bigger house would not increase the visibility substantially, then the Commission would have basis
5 to make the finding for the bigger house.

6 Chair Holt asked if there was a consensus on a site. Commissioner Ateljevich responded she is not
7 against the dead oak site. Commissioner Lovitt said his only concern with the dead oak site was the length
8 of the driveway and what it was going to look like.

9 Vice Chair Mitchell said he liked the dead oak site better but that he would be happier if it slid 5 feet from
10 the property line.

11 Commissioner Chastain wondered if they were ready to approve a site since they are now being asked to
12 consider another site. Given the information presented, he is not ready to say that the dead oak site is the
13 one to go with.

14 Commissioner Harris felt the Commission owed the property owner a decision, which would then allow him
15 to completely understand what his position is and how he should proceed.

16 Chair Holt wanted to hear what staff had to say in the way of a recommendation.

17 Mr. Wolff responded they have a constraint of a statutory deadline coming up on March 9th. With respect to
18 that alone, they would either need a 90-day extension from the applicant this evening or direction from the
19 Commission to continue to March 8th and prepare a denial without prejudice resolution.

20 Commissioner Ateljevich asked Mr. Mussano if they would grant the extension of time tonight. If they don't,
21 the Commission would have to move for a denial without prejudice. Mr. Mussano responded there will be
22 no extension granted.

23 **Vice Chair Mitchell moved and Commissioner Lovitt seconded to continue the item for preparation**
24 **of a denial, without prejudice to the March 8th Special Planning Commission meeting.**

25 **AYES: Ateljevich, Chastain, Harris, Holt, Lovitt, and Mitchell**

26 **NOES: None**

27 **ABSENT: Humann**

28 **ABSTAIN: None**

29

30 **7. NEW PUBLIC HEARINGS (Estimated 9:30PM*)**

31 **A. MS503-06 JEFF & JACKIE MANN (APPLICANTS & OWNERS), LR-10 ZONING:** Request
32 for a minor subdivision to divide a 39.35-acre parcel located in the Hillside Overlay District into
33 four lots pursuant to Chapter 6-30 LMC, located at 45 Prado Way. APN 231-090-001.
34 **CONSIDERATION OF ADOPTION OF A MITIGATED NEGATIVE DECLARATION**
35 **OF ENVIRONMENTAL IMPACTS.**

36 **HDP47-06:** Request for a hillside development permit to subdivide a 39.35-acre parcel located
37 in the Hillside Overlay District into four lots pursuant to Chapter 6-20 of the Lafayette Municipal
38 Code, located at 45 Prado Way. APN 231-090-001.