1. The meeting was called to order at 7:05 p.m. by Commission Chair Patrick Collins.

2. Commissioners present: Commissioners Patrick Collins, Douglas Fu, Glenn Cass and Eugene Sim.

   Excused: Commissioner James Keppel

   Staff: Sarah Allen, Senior Planner; Melanie Erickson, Planning Technician; Jonathan Fox, Planning Technician

3. ADOPTION OF AGENDA: Commissioner Cass moved to adopt the agenda; Commissioner Sim seconded the motion, which carried by unanimous consent. (4-0-0)

4. PUBLIC COMMENT: None

5. CONSENT CALENDAR: Commission Chair Collins moved to approve the consent calendar. Commissioner Cass seconded the motion, which carried by unanimous consent. (4-0-0)

   A. HDP35-15CCII United Housing Foundation (Owner) R-20 Zoning: Request for a Change of Conditions to approved application: HDP35-15 Michael Affinito (Owner), R-20 Zoning:

   Request for: (1) Phase II Hillside Development Permit, (2) Design Review, (3) an exception for development within a Class II protected ridgeline setback, (4) an exception to exceed the 15-degree declination requirement, (5) a Grading Permit, and (6) a Tree Permit for the construction of a 4,622 sq. ft. single-family residence and accessory dwelling unit with a maximum ridge height of ~27’ 24’, requiring grading of 3,150 ~350 cubic yards cut of additional grading and removal of two protected trees on an undeveloped parcel, located on Brown Avenue, APN 232-100-007. The house siting and massing was approved by the Planning Commission on July 20, 2015.

   Recommendation: Continue the matter without discussion to September 23, 2019 in order for the applicant to provide additional information.

   Project Planner: Sarah Allen

6. STUDY SESSIONS:

   A. SS08-19 James Kan & Josephine Wong (Owners), R-10 Zoning: Request for a Study Session with the Design Review Commission for the demolition of an existing 1,600 sq. ft. single-family
residence and construction of a new 7,508 sq.ft. single-family residence with maximum height of 34'-3"
within the Hillside Overlay District at 3617 Cerrito Court., APN 241-170-002.

**Project Planner:** Melanie Erickson

**Informational item only to provide feedback to the applicant; no formal action will be taken.**

Ms. Erickson reported the subject of the study session is a proposal to demolish an existing 1,600-s.f.
single-family residence and the construction of a new 7,508-s.f. single-family residence. The subject
property is within the Hillside Overlay District. The proposed residence would have three levels with a
maximum height of 34'3". The subject property on Cerrito Court, a private road off Brook Street. At this
time the proposal does not show projected grading or tree removal. Ms. Erickson requested the Design
Review Commission review the proposal and provide feedback to the applicant.

A friend representing James Kan and Josephine Wong, property owners, stated that the Kan family
currently lives in Alamo with their four children, ranging in age from 7 to 15 years old. The property was
purchased some time ago and the property owners have decided to make it a home they can retire in.
In doing so they would like the proposed home to fit their lifestyle. The proposed design would cut into
the hillside and follow the contour of the hill. Noting that starting in 2020 developments will be
required to have solar panels and not being certain building permits will be able to be obtained before
then, the speaker indicated that the design presented is crude. The property owners prefer a
contemporary design with enough parking to accommodate the future needs of their four children. He
noted that the proposal offered meets all of the City’s setback and height requirements for the site. It is
their intent to minimize removal of protected oaks, possibly removing a couple of trees but leaving
about 6 or 7. The property owners appreciated receiving the input of the Design Review Commission in
moving forward. The speaker distributed some site photos and an arborist report for the Commission’s
consideration.

Mr. Kan reported that the 7,508-s.f. size includes a 1,000-s.f. garage, designed to address the parking
difficulties on Cerrito Court. It will be 4-car garage and enough space for guest parking and fire
turnaround.

Commission Chair Collins opened the study session to public comment.

Kirk Beck, a Brook Street resident, lives across the street opposite the subject property. Mr. Beck asked
about the square footage of the garage. Mr. Kan indicated the garage would be about 1,000-s.f., large
enough for four cars, bicycle storage, etc. Mr. Beck commented that taking 1,000-s.f. from the total size
of 7,508-s.f. still seemed to be an immense home for the neighborhood.

Robert McKee, a Boyer Circle resident, concurred that the proposed square footage of the proposed
house is enormous. The subject property borders his property. Mr. McKee described a situation
involving Mr. Kan coming onto his property to mark some trees and telling Mr. McKee that it had been
done by an arborist. Mr. Kan wanted Mr. McKee to cut down his trees. Mr. McKee stated that some of
the trees described for the proposal are on his property and that there are not that many trees on the
subject property. Mr. McKee commented that the proposed development would destroy the integrity
of his living environment. He added that the carbon footprint would be irresponsible and the
maintenance would be irresponsible. Mr. McKee stated that Lafayette is a community and he is a long-
term resident, and suggested that a property owner must be honest with the neighbors around them.
He has found that Mr. Kan was not honest and the referenced situation ended up with attorneys
involved. Mr. McKee opposed the proposed development as being too large, providing a photograph of a 6,000-s.f. residence as evidence.

Karen Calmer, a Boyer Circle resident, said a primary benefit of her property is her views of downtown Lafayette and the Oakland/Berkeley hills, which is over the subject property. She was having difficulty trying to visualize the actual height of the three stories and what portion will be uphill as opposed to the lower stories. Ms. Calmer asked if there will be story poles installed and how the property would be graded.

Commission Chair Collins explained that this proceeding was a preliminary study session for which story poles are not required and no approval/denial would be made. Should the property owner submit a formal application, story poles would be required as part of the City’s review process.

Susan Dannenfelser, a Brook Street resident, reported that her property sits at the lowest point of the street such that anything happening above them on Brook Street ends up in their front yard. They have experienced problems previously with construction and drainage where people have indicated it has been addressed; however, it is never addressed well enough. EBMUD has twice tried to convince them that there was some kind of underground spring causing the water damage, but proved to be City water. Ms. Dannenfelser is concerned with the subject proposal for that reason but also because there has been talk that some trees have already been removed. She is concerned about unpermitted tree removal because of erosion of the hillside. Ms. Dannenfelser found the proposed size of the home to be way too big for the neighborhood. Having lived in the City since 1973 and in the neighborhood since 1977, she found that size of a home not in keeping with the neighborhood.

Michael Michlitsch, a Brook Street resident, has a shared property line with the subject property owners at their backyards. Mr. Michlitsch has had conversations with Mr. Kan regarding development on Mr. Michlitsch’s property and described their relations as cordial. Because of the shared backyard property lines, Mr. Michlitsch felt there was a natural beauty and shared benefit of neighbor’s surroundings. He was concerned about losing the ability to share that open natural setting and view spaces even though they are not one’s actual property.

Robin Figueroa, a Robertson Road resident, said that her property overlooks Cerrito Court. She moved to her property about 6-7 years ago. Prior to moving in Ms. Figueroa had to do significant foundation work to the hill, costing over $50,000. There is still further work to be done on her property. Ms. Figueroa described the area as not being very stable, noting that her home is constantly shifting. Her property sits two houses down from the subject property. She is concerned about hillside digging required to support the proposed house and how it might affect the stability of the whole hill. While not opposed to having a new refreshed house in the neighborhood because it will bring a lot of value to everyone’s home, Ms. Figueroa commented that the properties around this area were designed to have some space around them. Her own lot is 1/4-acre and most of her neighbor’s lots are at least that size. The neighborhood was meant to be woody and not wall to wall houses.

Mary Albright, a Cerrito Court resident, has lived 40+ years in her home and loves the neighborhood. She said there are beautiful trees on the hillside but a few trees came down recently. Ms. Albright expressed the same sentiment about having some space and green around one’s home. She advised that the homes in the area were all originally cabins used as weekend homes by San Francisco residents. Ms. Albright welcomed the Kan family but felt their proposal is just too big a home for the property. She
added that Boyer Circle sits above her property and water coming off of Boyer onto her property is a problem. As such, drainage will need to be very carefully looked at.

Pamela Winther, a Brook Street resident, concurred with the previous public comments. Ms. Winther said there has been a lot of construction going on around her property, and found the current regulations regarding bioretention and C3 in collecting water on site to be very ineffective for a hillside property. She came to this conclusion after spending $10,000 on some drainage work due to the home built above hers. Additionally, Ms. Winther thought the proposed home was not in keeping with the character of the neighborhood and too large.

Ray Gong, a Brook Street resident, stated that his property is on the corner of Brook Street and Cerrito Court. Mr. Gong understood that the subject property is owned by an entity called Phoenix 2019 LP. If Phoenix 2019 LP is the owner, he asked what that entity is and what standing the applicant has to apply for a permit. He noted that Phoenix 2019 LP has purchased other properties and sold them. Mr. Gong is one of five members of a maintenance agreement for Cerrito Court; his own property has an easement on it. During construction, would there be a way for the City to certify the current state of the road is sufficient to handle the additional traffic. He also asked about the applicant’s requirements regarding the condition of the road once the development is completed.

Mr. McKee offered that Phoenix 2019 is a limited partnership owned by a limited liability company called Monique Asset Co.

Responding to the public comment, Mr. Kan offered the following comments and information:

- Size - While the overall size seems large, a large portion is the garage space in order to provide parking for vehicles. The volume of the home will largely be hidden inside the hillside and not apparent from the outside.
- Height – Because the house is on the hillside and will conform to the hill the house will not stick out or block neighbor views.
- Road condition – They will have a civil engineer to look into how to fix the road. Cerrito Court is currently pretty torn up. The Fire District has advised that due to the grade of the road it will need to be concrete to support fire truck weight and grooved concrete in the uphill spot.
- Property ownership – The property is owned by Mr. Kan and his wife, as is the LLP and LLC, which was formed to protect their privacy.
- Tree situation – A tree from Mr. McKee’s Boyer Circle property fell into both Mr. Kan’s and Mr. Michlitsch’s yards. Mr. Kan contacted Mr. McKee regarding the tree removal. Mr. McKee did not respond to the communications. A verbal argument ensued and lawyers became involved. Mr. Kan spoke with the City of Lafayette and Fire Marshall. The Fire Marshall recommended removal of the dead tree and others on Mr. McKee’s property. Mr. Kan has documents regarding the sequence of events.
- Foundation and drainage – Mr. Kan has spoken with a civil engineer and soils engineer who noted that even without development of the property water currently runs down through the property that needs proper diversion. He feels that developing the property will properly address the drainage conditions.

Mr. Kan added with regard to the proposed house size that they have four children. He and his wife were born in Hong Kong. His parents immigrated to the US in the 1950’s after moving to Hong Kong from China during a politically turbulent era. His wife’s parents currently live in Hong Kong and due to
current political events they may eventually come to the US as well. Should that happen the Kans would like to be able to have both her parents and siblings be able to move into their home.

Mr. Kan’s friend, who has an architectural background, is helping Mr. Kan conceptualize his vision for the proposed home. Mr. Kan is using professionals and City agencies to look at the project to ensure it is done correctly. They have spoken with the City Engineer and Fire Marshall, obtained a geotechnical report and are willing to make the sure the site is properly engineered. The architectural design will cut into the hill in order to reduce its mass. Mr. Kan is open to his neighbors’ comments and will work with them. However, they are a family of six and work out of their home. The parking and driveway configuration is dictated by the Fire Marshall to provide the fire turnaround. They will improve the property in terms of landscape and intend to retain as many trees as possible.

Commissioner Cass advised that he lives on Boyer Circle but more than the required 500-ft. from the subject property and would not be recusing from review of the proposal. He has lived on Boyer Circle for 13 years and has been a resident of Lafayette for over 30 years. There are no houses of the proposed size in this neighborhood, and the largest homes in the neighborhood are about half the size of the proposed home. One of the required findings for design review is whether a home fits into the character of the neighborhood. If the Design Review Commission allowed this applicant to build a 7,500-s.f. home there it would change the character of the neighborhood and set a precedent for future homes being built there. Commissioner Cass had no problem with a contemporary design but stated he did not review the proposed architecture because the building is so large at this point the design has no bearing as to what may be presented in the future. Commissioner Cass suggested the applicant consider a house size in the neighborhood of 3,500-s.f.

Commissioner Sim commented that the biggest issue is size but stated that he would be interested in seeing any other site planning strategies the applicant may have done for the site to show the Design Review Commission that the proposed plan is the only way the site can be developed. If the applicant is forced to create this type of program on the site, which is allowed under the entitlement, the Design Review Commission could discretionally review it to reflect on how it fits within the context. While the City’s code may allow a certain size, the Design Review Commission has discretion to review whether the proposed home fits the neighborhood character. Commissioner Sim commented that particularly on a hillside development the Design Review Commission will be very respectful of the setting and its character, irrespective of what may be allowed under code. If the applicant can show the Design Review Commission a compatible design the Commission would work to allow as much of the program needed if it works with all the infrastructural issues. He concurred with Commissioner Cass’ comment regarding size but was open to seeing how much of the proposed design could be accomplished by being creative with the site. When coming back to the Design Review Commission in the future, Commissioner Sim would like to see what other strategies the applicant has considered for the site in order to understand whether the proposal is the only way to develop it. He agreed that discussing the architectural design at this point was premature. Commissioner Sim commented that the Design Review Commission would be looking for high level design quality, noting an apartment looking portion of the drawings presented. He will also look for demonstrations of how the proposal protects sight lines and privacy of all the surrounding neighbors through submittal of contextual information.

Commissioner Fu noted that the number of interested members of the public for this study session is the largest group he has encountered in his two years on the Design Review Commission. He stated that study sessions are usually simple, quite uncomplicated and cooperative with the neighbors. The fact that so many people showed up for this study session is of concern. The neighbors have voiced their
concerns, along with two members of the Design Review Commission so far, regarding the size of the home. Commissioner Fu acknowledged that the proposal presented fits within the setbacks and the City does not have a square footage requirement; however, he pointed out the finding relating to the scale of the home fitting within the context of the neighborhood. Commissioner Fu commented that the current scale of the proposed home does not fit the context of this neighborhood. Addressing the property owner’s statement that the massing would be lessened because it will be hidden in the hillside, Commissioner Fu stated that the amount of earth that would be removed would be substantial, raising other concerns. He indicated there are other strategies available that are more sensitive to the earth. Commissioner Fu referred to options shown in the Residential Design Guidelines that will help the applicant understand how to step the building down without removing the earth. Many other projects have successfully met those criteria. Commissioner Fu stated that building within the context of the neighborhood is responsible architecture. He declined to comment on the proposed architectural style because that responsible architecture has not yet been met. He added that Design Review Commission could not comment on the topics of infrastructure, drainage, etc. based on the current proposal. Commissioner Fu cautioned moving forward that the amount hardscape shown will raise issues and concerns regarding drainage and water control. With regard to the proposed siting, Commissioner Fu commented that the lot is relatively rectangular and it appears the building form has been dropped into the middle of the lot. It did not appear that vehicle movement, site views, etc. was taken into consideration. In developing the next level, Commissioner Fu recommended submittal of a drawing showing the context within at least 300 feet to the right and left of the building to understand the contour of the slope and the scale of the neighboring buildings. Also helpful would be a site plan showing the square footage of the neighboring homes.

Commission Chair Collins agreed that this was the largest public turnout he has experienced for a study session. Commission Chair Collins shared the concerns expressed by the other Design Review Commissioners. He commented that the proposed size is completely out of context with the property. Noting it is a beautiful approximately half acre site with an existing 1,600-s.f. house on it, the applicant is now proposing a gigantic structure embedded in the hill. Commission Chair Collins said that it does not fit the site or the neighborhood. The development encompasses the entire site and regrading everything. First and foremost, Commission Chair Collins strongly suggested the applicant review the Residential Design Guidelines (RDG) as that is what the Design Review Commission evaluates the project by. He felt that review has not occurred based on the proposal before the Commission. Part of the RDG discourages construction on 30% slope or greater, although information regarding the slopes has not been presented. Commission Chair Collins felt that a good portion of the house is on steeper than 30% slopes, and recommended the applicant look at that issue. He agreed that comments about architecture were premature because the scale of the project is out of context with the neighborhood. He did some research into house sizes in the neighborhood and could not find any home over approximately 4,700-s.f., which is a size that is also out of proportion with a majority of the homes in the area. He acknowledged the proposed size includes garage area as well, but suggested that just providing information about the neighborhood context will serve to support the argument that the house is too big. The issue of neighborhood context is only part of the Design Review Commission’s charge but Commission Chair Collins noted that issue is first and foremost. In future presentation to the Commission, Commission Chair Collins requested that information regarding 30% slopes is needed, as well as some idea of the roadway. He questioned how the applicant would remove all the grading proposed off the site, and the Commission would need the applicant to address that issue. He reiterated that the applicant should review the RDG as it provides a lot of information about taking neighborhood context into account in designing a home.
Commissioner Cass added that the applicant’s handout showed a pervious concrete driveway. He advised that the Design Review Commission met with the City Engineer a few months ago to talk about the use of pervious pavers, and what works and what does not. The City Engineer stated they were not leaning toward pervious concrete on driveways because it does not hold up over the long term.

The property owner’s friend thanked the Design Review Commission for their comments, indicating that the proposal is in its initial stages and a representation of the property owners’ desires. They will work to respond to the Design Review Commission and neighbor comments and address all of the points raised.

Commissioner Fu offered in relation to creating a successful project that it starts with working with the neighbors. He noted that projects where the applicant has worked with the neighbors tend to get through the review process easily. Being a small community and working together is what makes Lafayette such a desirable place to live.

7. **SIGNS:** None

8. **CONTINUED PUBLIC HEARINGS:**

   A. **HDP11-19 & TP29-19 Christopher Floethe & Nicole Thal (Owners), R-40 Zoning:**
   
   Request for a (1) Phase II Hillside Development Permit, (2) Grading Permit, and (3) Tree Permit for construction of a new 5,241 sq. ft. two-story single-family residence with a midpoint roof height of 34’ requiring approximately 1,200 cubic yards of earth movement (1,000 cut / 200 fill) and the removal of two coast live oaks on a vacant parcel in the Hillside Overlay District at 3476 Echo Springs Road, APN 167-130-035.
   
   **Recommendation:** Review the proposed project, conduct a public hearing, and adopt DRC Resolution 2019-22 finding the project exempt from CEQA and approving the project, subject to conditions.

   **Project Planner:** Jonathan Fox

   Mr. Fox reported the application is for a Phase II Hillside Development Permit, grading permit and tree permit for construction of a new 5,241-s.f. two-story single-family residence with a midpoint roof height of 34’ on a vacant lot. The proposal will require approximately 1,200-c.y. of earth movement and the removal of two coast live oaks. The Commission previously reviewed the application on August 12, 2019 and continued the matter to allow the applicant time to address comments and recommendations of the Commission. The applicant has modified the proposal to address the Design Review Commission’s comments as follows:

   • **Demonstrate compliance with the rights and restrictions of the Driveway and Access Easement owned by East Bay Regional Park District.** The adjacent parcel to the northwest of the property is owned by the East Bay Regional Parks District (EBRPD). The proposal shows a driveway through an existing driveway and easement through the EBRPD property to access the subject property. The EBRPD had commented on the previous plan that it could not support the project due to several violations with the terms of the existing easement. The previous plan showed additional landscaping and proposed removal of a tree on that property. The revised plan removes the trash racks, removes the additional landscaping and retains the tree. New comments received from EBRPD support the changes and the project as a whole. The EBRPD also asked for a condition of approval requiring the property owner
to get EBRPD’s approval prior to issuance of a building permit to allow them to take another look at the plans.

- **Clarify the Contra Costa County Fire Protection District’s standard for a 30-foot firebreak.**
  The previous site plan showed a 100-foot fire break around the residence and the EBRPD advised it would not allow the removal of any vegetation on EBRPD land. The applicant has since clarified with the Contra Costa County Fire Protection District that the requirement is for a 30-foot firebreak.

- **Break up the continuous roof line at the right side elevation.** The Commission commented about the right side elevation adjacent to the most affected neighbor on Echo Springs Road and had an issue with the continuous roof line and continuous stone wall that would be perceived from that lower neighbor. The applicant has reduced the amount of stone at the lower level, replacing portions of it with stucco. The roof line has been broken up at the main level by adding a bay window at the main level and a gable roof line over it. The roof line was also broken up by step backs and pop outs in the lower floor plan and the main level.

- **Mitigate privacy impacts to the eastern adjacent property at 3466 Echo Springs Road.**
  Privacy was also a concern along that same right side elevation and the applicant addressed it by reducing the height of the windows as well as quantity of windows to insure more privacy to the lower neighbor.

- **Provide a darker trim color.** The Commission and Planning staff felt the trim color was too light (Elder white) for the Hillside Overlay District and contrasted too much with the stucco and stone. The applicant revised the trim color to be a darker shade within the same family (First Star). Planning staff supported that change.

- **Provide a darker stone color.** The Commission felt the proposed stone would register as black when in direct sunlight. The applicant has provided a selection of lighter grays for the Commission to review. Planning staff supported those color changes as well.

- **Provide further articulation at the front elevation.** The applicant has articulated the front elevation by providing a stone base at the main level and upper level, where previously it was stucco only.

Planning staff found the revisions to the plans better align the project with the Residential Design Guidelines and Hillside Development Guidelines. Finding that the applicant has addressed all of the Commission’s comments from the previous meeting, Mr. Fox recommended the Design Review Commission review the revised project, conduct a public hearing and adopt the resolution approving the application subject to conditions of approval. Mr. Fox noted two project specific conditions of approval:

1. **COA #20** – for submittal of a construction staging plan requiring the parking of construction vehicles on site as well as the onsite staging and storage of materials to insure pedestrian and vehicle safety on the very narrow road; and
2. **COA #21** that the property owner obtain review and approval of the construction drawings by the EBRPD prior to issuance of the building permit.

Mark Penny, of Talon Design, project architect, was present at the meeting. Mr. Penny reviewed a presentation showing the before and after changes to the proposal. He confirmed their conversations with the EBRPD noting there was confusion about the 100-foot firebreak and that the EBRPD has approved the plans with conditions. The Fire District has also approved the plans as long as there is the 13’6” vertical clearance required along Echo Springs Road; they are not requiring the road to be widened. He recalled the Commission’s concern with the front elevation was the verticality of the uphill gable elements. In response they used the stone base to break up the height, as well as changed the window varieties on the larger and smaller gable elements. Additionally, they stepped in the chimney...
and decreased its scale. Responding to comments about length of the right side elevation, they
relooked at where things stepped and the degree to which they stepped on the lower level, and at the
upper level that did not step at all. They have introduced stepping on the upper level in conjunction
with what was going on the lower level to establish a relationship to one another. Mr. Penny pointed
out a Dutch gable element that was added, a bay that was pulled out on the upper level to break up the
roofline and stacking it over the entrance to the sitting room below. They have reduced the amount of
stone, with some at the garage and using it as a base element to break down the height. A window in
the garage has been removed and the windows were made smaller by raising the sills for privacy.
Bedroom windows were also reduced in size with higher sills, while meeting egress requirements. The
applicants changed the color choices from the blacker stone to a mid-range gray, and changed the trim
color to be a tone-on-tone with the main stucco color while providing a nice contrast with the roof color.
The Commission offered questions about the location of the various colors proposed and Mr. Penny
pointed out the various elements. Commissioner Sim asked about downspouts. Mr. Penny said they
have not been added to the elevations but are included on the site plan for drainage. Commissioner Sim
recommended keeping their appearance discreet, particularly on the right elevation toward the
neighbor.

Commission Chair Collins opened the hearing to public comment.

Bill Landers, an Echo Springs Road resident, stated that his home is right below the subject property. He
noted at the last two meetings he had suggested if the applicant had talked to the neighbors they could
have saved themselves a lot of time. Mr. Landers referred to the right side elevation where changes
had been made. He commented that while there are now fewer windows that are smaller, people will
still be able to look out of them. While Mr. Landers was not too concerned about the windows, he
pointed out that standing on the deck will have a view right down on the front of his house and
bedrooms. That feature has not changed at all, and Mr. Landers questioned the necessity of that deck
that has no view other than his front yard. Mr. Landers stated that there is not a 13’6” vertical clearance
under the tree on the corner, although it may have that clearance at the center of the road. He also
questioned where the proposed fire hydrant will be located and where it will connect to water. Mr.
Landers said the last fire hydrant installed on another street had insufficient pressure in providing water
to a burning house closer to it than the subject property. Mr. Landers noted the collection of water at
the low part of the house near his driveway and asked where the water will go. Mr. Landers was
concerned where all of the water coming from the proposed house and the hill owned by EBRPD will go.
He noted that the house below him has flooded twice since 1982 when he moved there. Overall, his
greatest concern is the privacy impact of the deck to his home.

Responding to the public comment, Mr. Penny offered the following comments and details:

- Deck and privacy – The lower level windows are in bedrooms and there is also a sitting room
  where people will congregate. The sitting room has been recessed in, so when sitting there
  with the deck and rail outside the line of sight is foreshortened. The intention of the deck is
  not for hanging out but serves to provide on-grade access to the back side of the site for the
  lower level of the house. The more active living area will be on the upper level around the
  pool and away from the neighbor.
- Fire hydrant – The Fire District gave the applicant the flow rate and exact location required
  for the hydrant. They need to get the Contra Costa Central Sanitary District drawings to find
  the water pipe designated as acceptable. They have confirmed that the pipe size and flow
rate is adequate for a new hydrant to be located in a spot left of the property access. Mr. Penny was uncertain of the exact location.

- Fire truck access – He commented that it is a private road and there are probably tree limbs that will not provide the required vertical clearance. The subject property owner and/or other property owners will need to pay to have the limbs trimmed.

- Drainage – The City Engineer has reviewed the drainage plan and provided comments. The project civil engineer addressed those comments. There is enough pervious area in proportion to the impervious area, as well as dissipaters breaking up the outflow in to the pervious areas. They need to be sure the outflow does not exceed preconstruction rates and a large retention pipe has been added to slow the discharge rate.

Commissioner Sim asked the applicant to describe the landscaping proposed in the area of the deck referenced by the concerned neighbor. Mr. Penny responded that there have been many iterations of the landscape plan; however, there was no additional landscaping added currently. Additionally planting had been added previously all along that elevation. Uncertain of the exact details, Mr. Penny recalled that landscaping in this area, if left unpruned, could grow to 10-14 feet. He noted there is also lower infill planting as well to mitigate views from the property below.

Commission Chair Collins closed the public hearing and called for Commission comment and action.

Commissioner Sim thanked the applicant for providing the before and after comparisons, which he found very helpful in understanding the changes. He commented that the applicant has done a good job in breaking up the massing. Commissioner Sim emphasized the need to address the privacy concerns of the neighbor.

Commissioner Fu referred to the rear elevation and asked about the material for the 6-7’ wall on the pool. Mr. Penny said it would be the darker color stucco. Noting this 7’ wall would also be viewed by the neighbor, Commissioner Fu asked about the landscaping strategy in this area as well. Mr. Penny said there will be planting in front of it. He felt in some ways the landscape design was lacking at the moment, and addressing the landscape plan will benefit the lower neighbor looking up at the property. Commissioner Fu appreciated the architectural changes and liked the proposed colors and materials. His only concern related to the sight lines and privacy and what mitigation is being done with the landscaping with regard to the neighbor’s privacy concerns.

Commissioner Cass agreed that the architecture is improved. He referred to the Landscape Plan (L-1) and offered the following comments:

- The dissipation structure is very close to the Live oaks, which do not want a wet environment. He estimated the dissipation structure being 10’ away at its edge and was concerned about its effect on the Live oaks.
- He noted that the Live oaks are good because they are evergreen, whereas the Red bud is deciduous and will not provide screening all year round.
- He wondered what the breadth of the foliage is on the 12” oak and whether it will provide enough shielding from the deck looking back at the neighbor.
- The toyon bushes are acceptable and will get to 4-5’ in height.

Commission Chair Collins had similar concerns about the oaks in relation to the dissipater. Acknowledging the need for the dissipater and that it is in the proper location, Commission Chair Collins
commented that the plateau running from the dissipater out will be saturated during the wet season. As such, it is not a good location for the oaks and another selection should be considered. Commission Chair Collins appreciated the explanation about the raised deck not being a sitting deck but rather an architectural element where the house has been pushed in. His biggest concern was the dissipater and what landscape trees will be put in that area. Commission Chair Collins was less concerned about the wall above believing the proposed Toyons would screen much of it.

Commissioner Cass thought the project landscape architect could come up with an appropriate species for the area near the dissipater.

Mr. Fox asked about the acceptability of the dissipater location. Commission Chair Collins said there was no other acceptable location for it as the only flat area. The solution is to change the tree species.

Mr. Fox asked if the Commission was in consensus about additional planting being needed at the pool wall. Commissioner Cass said that is the location where Red buds are proposed and those plants are deciduous. The proposed Toyon is located further downhill and will be less effective. The Red bud will cover the upper part of the wall but will not have foliage for part of the year. He recommended substituting another species for the Red bud, as well as the 1 or 2 Live oaks, and to review the area around the 12” oak to determine a need for supplemental planting there.

Commission Chair Collins thought the changes could be reviewed by Planning staff, with assistance from a Design Review Commissioner if necessary.

Commissioner Cass moved to approve HDP11-19 & TP29-19 subject to the conditions of approval and with the recommended landscaping substitutions and changes.

Commissioner Sim seconded the motion, which carried by unanimous consent. (4-0-0)

Commission Chair Collins advised of the 14 day appeal period.

B. HDP19-18 Leiping Lai (Owner) R-20 Zoning: Application for (1) Hillside Development Permit, (2) Design Review, (3) Grading Permit, (4) Accessory Dwelling Unit and (5) a Tree Permit for the demolition of an existing 1,872 sq.ft. single-family residence and the construction of a new 5,048 sq.ft. two-story single-family home and detached 1,071 sq.ft. accessory dwelling unit on a developed parcel in the Hillside Overlay at 3302 Springhill Rd, APN 230-190-010.

Recommendation: Review the proposed project, conduct a public hearing, and adopt DRC Resolution 2019-21 finding the project exempt from CEQA and approving the project, subject to conditions.

Project Planner: Jonathan Fox

Mr. Fox reported the application is for approval of a Hillside Development Permit, design review, grading permit, Second Unit Permit and variance for the demolition of an existing single-family residence and the construction of a new 4,632-s.f. two-story single-family residence and a detached 1,071-s.f. second unit on a developed parcel in the Hillside Overlay District. The Design Review Commission has reviewed the application at two previous hearings. At the August 12, 2019 meeting the Design Review Commission was generally in favor of the project but requested the applicant to make some revisions. Those recommendations and the applicant’s responses include:
• **Reduce the window height at Bedroom #2 to sill level** – Bedroom #2 is at the rear elevation with views directed toward 5 Lark Creek Lane. The applicant reduced the window height from 6 feet to 4 feet.

• **Reduce the width of the covered deck at the upper level** - Previously the rear yard deck stepped out from the residence and projected into the rear yard. The deck has been stepped in by about 4 feet, reducing its width.

• **Provide a section showing the height of existing vegetation in relation to the residences at Lark Creek Lane** - The applicant provided the requested section at sheet A13, Section B-B.

• **Provide a 3D rendering of the residence** - The applicant has submitted a color 3D rendering showing the front elevation facing west.

• **Reroute proposed dissipation systems away from existing oaks** - The dissipation systems have been rerouted away from the oaks at the front yard.

• **Identify the color and material to be used for the proposed retaining walls** – The applicant clarified the color and material proposed for the proposed retaining walls surrounding the site as stucco in the same color as the residence and accessory dwelling unit (Latte).

• **Reduce the two-story elements at the right side of residence, specifically the pitched metal roof** – The Design Review Commission and Planning staff could be seen Reliez Valley Road. The applicant has reduced the height of the cap (tallest point of the structure), which was changed from a pitched metal roof to a flat roof, reducing the height from 27’ to 24.5’.

Mr. Fox noted in the previous Planning staff report and comment letters from the Contra Costa County Fire Protection District (CCCFPD) it was stated that the property access did not comply with the standards for adequate emergency vehicle access. A strict reading of the code requires a 16-foot wide access road to serve the residence. At this time, the applicant had not proposed widening the entire access road but proposed widening it in certain locations. Planning staff felt this issue could be addressed as a condition of approval in order to allow the CCCFPD more time to review the context of the project to determine whether or not widening the entire road is feasible to serve a single project. The applicant is aware that any changes to the site design as a result of complying with CCCFPD comments would require review by the Design Review Commission.

Planning staff found that the revisions to the plans better align with the Residential Design Guidelines and the Hillside Development Guidelines, and that the applicant has addressed the comments of the Design Review Commission from previous meetings. Mr. Fox recommended the Design Review Commission review the project, conduct a public hearing and adopt the resolution approving the project.

Chris Gilman, project architect, was present at the meeting. Mr. Gilman distributed a stone sample and color samples for review.

A member of the public asked to raise a point of order. Robert L. Nolan, M.D. commented that the so-called staff report offered by Mr. Fox was slanted in several respects. Commission Chair Collins advised Dr. Nolan that there would be an opportunity to make public comment on the application. Dr. Nolan stated that the public comment section of the meeting was not much of an opportunity to speak while the applicant is given unlimited opportunity to speak. Commission Chair Collins advised that the time limits allowed are set by the City of Lafayette. Dr. Nolan stated that the time limits are probably unconstitutional.
Mr. Gilman continued his presentation stating that a subject of the previous meeting was the rear wall facing the downhill neighbors and how it would be addressed. The applicant has reduced the size of the bedroom windows, the deck off the common area near the bedrooms has been reduced, and the master bedroom has been pulled back with a smaller deck. In an effort to break up that wall a bit more they added a metal roof element across several of the first story areas that then goes up and becomes the guardrail for the deck. This metal element eliminates some of the openness of the deck by creating a solid guardrail. The master bedroom deck is oriented to the east. Mr. Gilman referred to the site sections on A13 showing the relationship of the proposed home to the neighboring homes. He cited an average distance of 185’ to the neighboring homes and about a 75’ elevation difference. In addition to the existing trees, the applicant has added some strawberry trees along and close to the back wall. They also added evergreen oaks below the existing oaks. To fill in during the oaks growth years they added strawberry trees to this area as well for interim screening. He reviewed the Landscape Plan (L1) noting the locations of the proposed plantings. The intent is to create a belt with the trees to screen the impacted neighbors.

Mr. Gilman referred to C2 showing that the dissipaters have been moved into a gap away from the existing oaks and the retaining wall. They also moved the dissipaters for the guest house (C3) in deference to the downhill neighbor who has existing water issues and asked that the applicant not add more water in his direction.

Mr. Gilman advised the CCCFPD will review the road. In their initial discussions with the CCCFPD the applicant asked for a variance on the width standard for the road. The CCCFPD said a variance would be considered when a formal presentation is made.

Commission Chair Collins opened the hearing to public comment.

Robert L. Nolan, M.D., a Lafayette resident, commented that in viewing this meeting’s agenda he came to the preliminary conclusion that the application as a done deal. He offered to explain why it often looks this way to the public with regard to the entire approval process for the City:

- The staff member, Mr. Fox, both in the Planning staff report and the yellow sheets appended to the top of the agenda package, before the Design Review Commission even met and the conditions mentioned at the last meeting were reviewed by this Commission, the staff member (Mr. Fox) is the one person called “staff” and any judge or reviewer looking at this pile of material would get the impression that there was an entire staff of people in the City of Lafayette who reviewed the proposal. Dr. Nolan thought that was a lot of baloney. To the extent that this practice is followed tends to be a misrepresentation.

- When the Design Review Commission reviewed the proposal in 2018, the City put out a notice that gave a non-existent address, and described the property as having a driveway on Springhill Road, which it does not have because it is located on the other side of the creek and up a hillside.

- The Design Review Commission gave advice to the applicant, which was interpreted by the staff as general approval of the project. With that kind of orientation, how can the public, who were not permitted to make comments on the record at the 2018 meeting, permitted due process and compliance with the Brown Act. The Brown Act (Government Code §54950 et. seq.) applies to these meetings as well as the procedures leading to the meetings and all of the review processes.

- In Dr. Nolan’s view, the Design Review Commission has not complied with the Brown Act in any of the meetings for the following reason: (1) The Design Review Commission functioned as an
Dr. Nolan brought up the issue of inability to locate the property.

- The location is a fire hazard. What staff reported as strict interpretation of the 16-foot width requirement of the road deals with the question of the fire engines and hook and ladders not being able to get up to the property unless the road is 16-feet wide. Dr. Nolan’s family is at risk for any fire on the subject property because they are directly across the creek.

- This community views the staff procedures as biased and pro-applicant. Dr. Nolan is not an engineer or architect. The advocates for the applicant know the Design Review Commission’s language, some of them may have worked with the Design Review Commission, appear before the Commission regularly and have creditability before they start. It is like a policeman always reporting before the same magistrate but the defendant driver isn’t known to anybody. The public is in this position when they deal with the Design Review Commission. The advocates for the applicant have the advantage, can speak as long as they want and then rebut any comments from the public. The public has no rebuttal opportunity. This is not due process under either the U.S. Constitution or the State Constitution and the procedures are not in compliance with the Brown Act.

Janiece Nolan, a Lafayette resident, was drawn to this meeting by the views of the story poles proposed house from her property. She offered a photograph of a truck in the same location as the current story poles, which was parked there for two years. When the truck went away the story poles went up in the same location. Noting that she probably does not have standing because her home is not within 300 feet of the property, Ms. Nolan stated that they look right at the story poles. Ms. Nolan has lived in Lafayette for 45 years in the same home on Brown Drive. Brown Drive is not designated as a public viewing place and she discovered this evening that the view of the proposed home is only a problem when viewed from public places and not private places. She agreed with Commissioner Fu’s comment that Lafayette is a very close knit community, stating that her kids and grandkids have all gone to school here. Ms. Nolan feels that she does not have standing, is being overlooked and no one cares that she has to look at this proposed house from every window in her house. She was having trouble understanding the orientation of the plans presented and where Springhill Road is in conjunction with them. Since asking questions is against the rules, Ms. Nolan would like to know how the Design Review Commission is going to deal with it. She noted that other houses in the neighborhood are tucked in and she does not know whether the proposed house will be tucked in or in her face. Ms. Nolan does not like it and does not have a vision of how the house would look. She was unable to visualize the 3D rendering in relation to the location of the story poles.

Liz Keyser, owner of 5 and 7 Lark Creek Lane, reported that her home is on 5 Lark Creek Lane and 7 Lark Creek Lane serves as her backyard. She has reviewed the latest designs and remains concerned. Privacy is still a major issue. The section of the house that faces her property has not significantly changed: the height of the building is the same (aside from the small popup that was lowered); the window positioning is also the same. While appreciating that Bedroom #2’s windows have a higher sill height, a person standing at those windows can still see into her yard, her master bedroom and bathroom. Ms. Keyser did not think the current design meets the privacy standards laid out in the Residential Design Guidelines. The Planning staff report notes a requirement that “the structure is so designed that it does not unreasonably reduce the privacy or views or adjacent properties.” Ms. Keyser believes her privacy and views are being unreasonably impacted. It is her opinion that a two-story home
on a hilltop is not appropriate and cannot understand why it is even being allowed in the proposed location when there is a current home on the lot where a two-story home could be built with fewer view and privacy impacts. The Planning staff report notes “structures in the Hillside Overlay District” will to the extent feasible be located away from prominent locations such as ridgelines.” Planning staff seems to want to give the applicant a pass on this issue because the land does not have many buildable spaces. Ms. Keyser commented that the owner purchased the land knowing the restrictions and the neighbors should not be impacted because the land is restricted and the City should not be required to give the owner a pass. With regard to landscaping, Ms. Keyser commented that the Landscape Plan does not look sufficient to screen the home from her view. Some of the trees listed as possibilities for screening are actually bushes. Ms. Keyser would like tall and mature evergreen trees to be used for screening and to protect her privacy. She did not wish to wait several years for trees to grow so she could regain her privacy. Due to the very steep downslope from the home, the selected trees need to be mature and at least 15-feet tall at time of planting. The landscape section shown (A13, Section B-B) is not accurate, as it shows an existing shrub or tree that goes about halfway up the height of the proposed building. Ms. Keyser stated that landscaping is not there when she looks up the hill as she can see the dirt of the ridgeline. She stated that the slope from 3302 Springhill Road to her property is steep and dangerous and she is still very concerned about debris falling and creating a hazardous situation for her children. Ms. Keyser wanted to be sure that these safety concerns were on record, and that the Design Review Commission takes those concerns seriously and mitigate them as best it can.

Commission Chair Collins asked Ms. Keyser for a rough estimate of how far the proposed house is from her house. Ms. Keyser was uncertain. She stated that there is a barn used for storage and parking on the 7 Lark Creek lot and the space to the right of the barn is her backyard. Her home sits close to the property line of 5 Lark Creek Lane, with the windows to her master bedroom and bath directly above the property line.

Brian Hill, a Springhill Road resident, has reviewed the proposed plans and spoken to the project architect and property owner. Mr. Hill supports the proposal. He shares a common property line, living right above the property. He will drive past it every day and will see it. Mr. Hill believes the applicants have done a good job of siting the house on the property, noting it is not an easy site. He acknowledged that the neighbors will be impacted; he will look right at it and the subject property owners will look at him. Mr. Hill respected the fact that the subject property owner will construct a house somewhere on the site and he felt they have done a nice job. Mr. Hill was not present at the last meeting but understood there were questions about the bridge. He advised that he and his neighbors employed a geotechnical engineer and a structural engineer to evaluate the bridge, and there are some improvements needed. The structural engineer has rated the bridge beams at 38 tons, and he understood there is a requirement by the Fire District to show signage at 22 tons. Following the improvements being made to the bridge that are scheduled to be completed prior to proposed home being finished they can put up a 22 ton sign up as required.

Responding to the public comment, Mr. Gilman estimated that the Keyser house sits well over 200 feet away from the subject property. He indicated that the proposed Strawberry trees can be either trees or shrubs. The intent was to provide dense screening that is relatively quick growing to specifically her property and the one next to it to the east. Mr. Gilman was amenable to revisiting some of the evergreen species and sizes, and to have their landscape architect review the plan. With regard to the property address, Mr. Gilman advised that it is 3302 Springhill Road according to the Contra Costa County Assessor and every document lists it as the correct address. With regard to the two-story design and siting, Mr. Gilman stated that the zoning allows it and the constraints map limits the siting.
Commission Chair Collins closed the public hearing and called for Commission comment and action.

Commissioner Sim stated that the Design Review Commission review applications based on the design guidelines and best practices outlined by the City. He acknowledged the comments offered by members of the public about the procedures. Commissioner Sim said the Design Review Commission must make sure they are not giving preferential treatment to any particular resident or anyone else. As such, the Commission’s approach must be really level from that standpoint in order to not create precedents. With regard to the properties being a certain distance away, while a concern from the neighbors’ perspective, the Design Review Commission must look at it from common practice. With regard to the applicant’s presentation, Commissioner Sim commented that it is hard for the public to understand what is being built, although Commissioner Sim understood the proposal. He suggested the following: The Design Review Commission has clarity and the architect has worked closely with the City. However, in order for the community to feel at ease with the proposal it might be helpful to show in the plan configuration where the windows are. For greater clarity to the public Commissioner Sim suggested combining the site plan and floor plan so the public could understand the location of the windows relative to the site plan. Commissioner Sim commented that the representational drawings are important to gain the trust of the community and to allow the Design Review Commission to have very clear documentation as the basis of its approval. He noted if he, as a Design Review Commissioner, does not understand what the architect is presenting, then Commissioner Sim was sure that the community would not understand either. Referring to A13, Section B-B, he understood that it was drawn by the architect but indicated it would be better and more evidentiary if done by a site surveyor. He asked Mr. Gilman if the topo shown is accurate. Mr. Gilman explained the basis of the drawing, stating that the contours were taken off the survey and that the elevations and distances were correctly shown. The trees were plotted in as best they could. Commissioner Sim asked if the tree and shrub locations and their heights are correctly shown. Mr. Gilman said that while as close as they could represent, it was not exact. Commissioner Sim commented that if the documents are presented as accurate, that would be basis of the Commission’s review. Commissioner Sim stated that the project has gone through a lot of cycles, and at the last meeting the Design Review Commission asked the applicant for some renderings. Looking at the renderings submitted, it is clear that the applicant has broken up the massing and in reviewing the colors and materials board, the applicant has addressed some of the Design Review Commission’s concerns. Commissioner Sim’s particular concern was that while the elevations and massing are well done, to address the public comments and concerns he would like to see the applicant capture the building into the story pole location showing the trees around it in a contextual rendering. He appreciated the efforts of the architect thus far but to make a final decision Commissioner Sim would like to see a perspective rendering on the site from where the windows are to address the public comments raised.

Commissioner Cass agreed that progress has been made. However, he recalled from the previous meeting a photograph presented by Ms. Keyser of the story poles taken from her home. His recollection was that the existing oaks do not really cover very much from where the photograph was taken. While Commissioner Cass understood the applicant’s site section representative of the two closest homes, he felt that Section B-B needed to be reworked to show the location of Ms. Keyser’s master bedroom and then adjust the landscape plan accordingly. Commissioner Cass estimated the average height of the Strawberry trees would be about 12’ even after about 10 years. While evergreen, the Strawberry tree may not be the best species to screen. He noted that one of the things controlling the site is the fire turnaround is pushing the garage and the structure back and closer to Ms. Keyser’s view, and there is nothing to offset that because there is no flat area in which to make an adjustment. Commissioner Cass
Commissioner Cass commented that unless the Fire District is willing to not have the turnaround creep so far back there doesn’t seem to be a solution. He would like to see another cross-section submitted and a review of the landscaping in order to provide as much shielding as possible. With regard to the neighbors on Brown Drive, Commissioner Cass stated that the City cannot create an environment where no resident sees anyone else’s house in Lafayette. This is not possible in a hillside environment such as this. While he appreciated that the neighbors have had an unobstructed view for many years, with good coloration and nice architecture Commissioner Cass thought it would still be a pleasing view. He commented that the color and material selections are geared to making it a pleasing view.

Commissioner Fu commented that this is a case where a rendering done properly will help the neighbors understand the project sightlines and context with them. He felt the applicant could do screen captures or image captures with evidence of accuracy from different angles (street level, neighbor’s level, etc.). Commissioner Fu recalled from the last meeting there were a lot of comments related to the main house but little comment on the guest house. This was primarily because the guest house is so small in comparison. The materiality used on the guest house is a lot more appealing than the main house at this point. He suggested revisiting the aesthetics of the main house with regard to materiality counterbalancing it against the guest house. At this point, Commissioner Fu found the guest house to be more successful than the main house. He added that with 3D modeling the applicant could drop in actual dimensions, sizes and scales of plantings that will help their landscape architect. Commissioner Fu felt more evidence is needed.

Commission Chair Collins commended the applicant for the renderings provided and with the changes to the building mass. He would have liked to see more stepping in the second story; however, because the site constraints he acknowledged the applicant is quite limited on how much they could move the second story. He agreed with Commissioner Fu that the guest house is a lot better but commented that the applicant has done a good job on this constrained site. He felt the applicant has done what was needed on the site. Commission Chair Collins was reluctant to request such an elaborate 3D model in order to show something for neighbors who are one entire valley away and another neighbor is clearly more than 200 feet away. He was concerned about the precedent that request would set. Commission Chair Collins noted that the applicant’s presentation was pretty nice compared to what the Design Review Commission typically sees. He thought there was a potential for more landscaping in the area, noting there appears to be a bald spot between the main house and Ms. Keyser’s property. However, as far as requesting a significant change to the 3D model, Commission Chair Collins noted it would not be for an adjacent neighbor or a neighbor below where the house looms over them as has been seen in other applications. He would not want to require such models on every project. Commission Chair Collins felt the applicant had addressed the Design Review Commission’s comments but would like to see some more landscaping. With regard to context, Commission Chair Collins thought that had been adequately described. In this particular situation, especially with the two concerned property owners being so far away, Commission Chair Collins thought the application could move forward.

Commissioner Cass agreed, commenting he personally did not need a 3D model. However, Commissioner Cass did wish to see A13, Section B-B revised. Commission Chair Collins agreed that the bald spot needed to be addressed with more trees and landscaping but suggested it could be handled at Planning staff level.

Commissioner Sim observed that while the City has typically not required additional modeling, there has been architects that have come in with a much more robust 3D depiction of their projects on a site from a faraway view. He suggested it is about how the City wants to preserve the character of the overall city.
too. Commissioner Sim did not wish to put undue burdens on property owners beyond what is fairly
given to others; however, he wanted to be consistent with all applications. During his time on the
Design Review Commission Commissioner Sim has seen some absolutely superb renderings and
depictions. He noted that an earlier application in the evening provided before and after depictions of
changes to a project that helped Commissioner Sim easily understand what had changed. As an
architect Commissioner Sim can read and understand the documents but it is not so easy for members
of the public to understand the basis of the Design Review Commission’s decisions. As such, the notion
of transparency and equity in the Design Review Commission’s deliberations becomes debatable. He
acknowledged Commission Chair Collins’ comments about setting up relief for property owners
hundreds and hundreds of feet away as everyone will want it, but noted that is the situation for this
application. He did not support going beyond current precedent but thought such 3D modeling requests
could be part of the City’s procedure for all applications. He agreed that more landscaping is important
for the area described.

Commissioner Fu pointed out that the applicant has already modeled the house and suggested that
adding the landscape and contours should be a 1-2 hour exercise and a simple procedure.
Commissioner Sim added that light pollution is another matter to be considered. Commissioner Fu
commented that many project have provided views from Highway 24 with contextual model shots from
at least 200 feet away. Whether routinely asked for or not, it is a per project basis. Since the modeling
is already done, Commissioner Fu felt it was not an unreasonable request and should not be brushed
off.

Commission Chair Collins commented that he was not brushing anything off but asked why the other
Commissioners thought it was necessary for this particular project. He was most concerned with the
precedent the request sets. Commissioner Fu disagreed that a precedent was being set. Commission
Chair Collins disagreed.

Commission Chair Collins moved to approve the application as submitted with a cond
condition of approval
that Planning staff address the corridor and whether with a new cut should be submitted directly to Ms.
Keyser’s house and maybe directly to the other neighbor, as well as address the trees in the view
window. The view from the other ridgeline to the proposed house will never be addressed by any
landscaping and as such there is no measures the Design Review Commission can take.

Commissioner Sim offered an additional condition of approval that the applicant complete a contextual
site modeling similar to that done by other architects in order to complete the picture for the other
residents.

Commission Chair Collins asked how Commissioner Sim suggests the City distribute that modeling to the
concerned neighbors. Commissioner Sim left it to Planning staff to determine.

Commissioner Cass suggested that the matter be continued, commenting that it would be a short
hearing if the applicant supplies the needed information.

Commission Chair Collins retracted his motion to approve.

Commissioner Sim moved to continue HDP19-18, V11-18, SU03-18 to September 23, 2019, to allow the
applicant to submit an additional 3D model, a section profile going to the master bedroom of the Keyser
property, and modifications to the landscape proposal to more robustly screen the view.
Commissioner Cass seconded the motion, which carried by unanimous consent. (4-0-0)

9. **NEW PUBLIC HEARINGS:** None

10. **OTHER BUSINESS:**

A. **ARC Volunteer for September 13th.** Commissioner Cass accepted the assignment.

11. **Commissioner’s Reports.**

Commissioner Sim requested for a future agenda that Planning staff research and report to the Design Review Commission regarding the consistency of applications in the City. Commissioner Sim wanted to be sure that the Design Review Commission is on the same page about what they receive from applicants. While understanding the economic implications of requiring more elaborate applications, Commissioner Sim commented there needs to be a way to be fair and equitable in the process while requiring consistency. He asked Planning staff to explain what the consistent expectation is for applications, suggesting there could some kind of tiered process to help those of lesser financial means.

Commission Chair Collins reported that the subcommittee finished the objective standards and the first draft should be coming before the Design Review Commission at the next meeting or the one after that.

12. **Assistant Planning Director’s Report**

Ms. Allen reviewed the tentative agenda for the next meeting:
- HDP19-18 that was continued from this meeting.
- New public hearing for demolition and reconstruction of a home on Happy Valley Road
- New public hearing for a large garage
- Application for a change of conditions, continued from this meeting’s consent calendar.

13. **ADJOURN:** The meeting concluded at 9:35 p.m. The next regularly scheduled meeting of the Design Review Commission is Monday, September 23, 2019.

Respectfully submitted,

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Danielle Signorella