Lafayette Library & Learning Center  
3491 Mt. Diablo Blvd., Arts & Science Discovery Center  
September 23, 2019  
7:00 PM

1. The meeting was called to order at 7:03 p.m. by Commission Chair Patrick Collins.
2. Commissioners present: Commissioners Patrick Collins, Douglas Fu, James Keppel, Glenn Cass and Eugene Sim.

Staff: Sarah Allen, Senior Planner; Adam Wright, Planning Technician

3. ADOPTION OF AGENDA: Commissioner Cass moved to adopt the agenda; Commission Chair Collins seconded the motion, which carried by unanimous consent. (5-0-0)

4. PUBLIC COMMENT: None

5. CONSENT CALENDAR: Commissioner Sim recused from Consent Calendar item C. Commission Chair Collins moved to approve Consent Calendar items A, B and D. Commissioner Cass seconded the motion which carried by unanimous consent. (5-0-0) Commission Chair Collins further moved to approve Consent Calendar item C. Commissioner Cass seconded the motion which carried with Commissioners Collins, Cass, Keppel and Fu voting aye and Commissioner Sim abstaining. (4-0-1)

A. July 22, 2019 Draft Meeting Minutes  
Recommendation: Approve

B. August 12, 2019 Draft Meeting Minutes  
Recommendation: Approve

C. August 26, 2019 Draft Meeting Minutes  
Recommendation: Approve

D. 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: Continue the matter without discussion to the meeting of October 15, 2019 to allow the applicant time to respond to the direction of the Commission.  
Project Planner: Jonathan Fox
6. **STUDY SESSIONS**: None

7. **SIGNS**: None

7. **CONTINUED PUBLIC HEARINGS**:

   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 5,510 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**: Review the application, conduct a public hearing, provide feedback to the applicant and continue the matter to October 15, 2019 to allow the applicant to make modifications to the project and clarify the drainage plan.

**Project Planner**: Sarah Allen

Commission Chair Collins advised interested members of the public to fill out a speaker slip prior to the public comment portion of the hearing.

Ms. Allen reported that the application is for a change of conditions to a Phase II Hillside Development permit. The Phase I and Phase II applications were previously approved, however, a previous change of conditions application was denied. The subject application is a new application for change of conditions and the Planning Commission will be the final hearing body on it due to its location in a Class II Ridgeline Setback area. The subject property is located on Valley Vista, off Brown Avenue, which is a private road.

Ms. Allen provided the following historical details regarding the development of the property:

- In the Phase I application there were several iterations for the siting and massing and ultimately approved by the Planning Commission in June 2015.
- In the Phase II application there were several design iterations presented and the Design Review Commission approved the application on December 7, 2015.
- Subsequent to the Phase II approval, grading commenced, and the applicant stopped the project and asked to revise the approval though a change of conditions application.
- The change of conditions application was denied by the Planning Commission finding the revisions proposed inconsistent with the hillside regulations.

Ms. Allen advised that the current property owner now requests a different change of conditions as follows:

- Maintain the current grade for the main level at elevation 716’ (where 702’ was approved)
- Lower the overall height of the structure (due to the requested elevation change as well as the roofline modification the current proposal would place the residence ~4.75’ higher than the approved)
- Continue grading for the garage level to a grade of 707’ where the approved grade is 702’
• Modify the design style of the building (from traditional to modern)
• Add an accessory building (garage and ADU)
• Increase the overall square footage of the development from 4,622 sq. ft. to 5,510 sq. ft.

She reviewed an exhibit overlaying the three different plans (approved, denied change of conditions and proposed change of conditions).

Public notice of this hearing was sent out to surrounding properties for the original application. Several public comments were received and attached to Planning staff’s report. The comments related to privacy and view impacts, along with drainage and grading concerns.

Ms. Allen recommended that the Design Review Commission review the requested revisions, provide feedback to the applicant and continue the application to October 15, 2019 to allow the applicant to make modifications as follows:

• Lower the grade so that the new proposed roofline is more consistent with the approved siting and massing height.
• Revise the Landscape Plan to ensure the new trees are native, evergreen, drought tolerant, less colorful in the hillside and provide screening to both adjacent property owners.
• Provide information addressing the drainage and runoff of the site with the City Engineer.
• Install erosion control to the satisfaction of the City Engineer and the County Grading inspector.

Ms. Allen noted that additional drainage and runoff information has already been submitted and the City Engineer has visited the site to make sure the erosion controls are installed. The City Engineer reported the erosion control measures are in place and satisfactory.

Commission Chair Collins noted the proposed accessory dwelling unit (ADU) is over 17 feet in height. Ms. Allen advised for locations in the ridgeline areas the Design Review Commission would review the shell of the building, and if satisfied the approval of the ADU would be ministerial. She concurred that the proposed ADU is non-conforming to the maximum height of a second dwelling unit. Ms. Allen suggested that if the applicant can find an alternative design where the parking is not under the unit, and perhaps to the side of it, that would be preferable.

Stephen Stanley, representing property owner United Housing Foundation, spoke initially to the concerns of the neighbors. Mr. Stanley wished to acknowledge those concerns and advise their intent to address them. Mr. Stanley sent emails to the neighbors inviting them to visit and discuss the site with them.

Mr. Stanley stated that the revised landscaping allocates 12 trees to border the Jackson property as a light and sound barrier. He was open to adding more trees for privacy mitigation. Mr. Stanley was also amenable to the use of less colorful tree species, and welcomed the Design Review Commission’s suggestions in that regard. He confirmed that their project engineer has been in contact with the City Engineer, commenting that the biggest component was the addition of an inlet at the very bottom of the driveway to accept more water and less silt and leaf runoff. With regard to erosion control, Mr. Stanley advised that a Contra Costa County Grading Inspector visited the site during a rainy period and noted only clear runoff water coming down the driveway. The inspector remarked that the
hydroseeding mitigation steps were impressive, as well as the vegetation along the hillside in addressing
the erosion runoff. The applicant had additionally installed a v-ditch along the northern border of the
driveway that collects and conveys the water runoff to the existing storm drain. Additionally, straw
waddles and sandbags have been put in place to direct the runoff to the v-ditch and storm drain. Mr.
Stanley hoped the steps taken have adequately addressed the neighbor concerns.

Mr. Stanley introduced the project architect, Terry Townsend, a 33 year licensed architect who sits as a
design review commissioner for other jurisdictions. Mr. Townsend stated that the subject parcel is
under new ownership and the current site conditions were left by the previous owner. The previous
owner did the grading cuts and the retaining walls, the rough cut for the driveway and installed the
wood fence at the adjoining southern property line. The previous plan was approved for a 4,622-s.f.
two-story structure with a 360-s.f. garage.

Mr. Townsend reported an existing sewer line and easement runs through the middle of the parcel.
During the initial grading operations the sewer line was adjusted northward and the retaining walls
rotated northward. If the current property owner was to try and site the house as approved, it would
cover the sewer line and easement. Given the current restraints, the applicant has elected to redesign
the house along the same flavor of the previous approval. The proposed room layout continues to
follow the original intent of paralleling the contours of the lot. The proposed house also follows the
upslope design so that the garages are still bunkered into the hillside. The garage orientation has been
separated to create an auto court and the garage doors will not face the street or adjoining neighbor.
The proposed ADU is over the detached garage and the entire structure on the site has been rotated so
that the lower right hand corner of the structure is an additional 16 feet away from the southern
neighbor. With regard to massing, the architecture has been revised from multi-pitched roofs to long
projecting horizontal lines that are parallel to the contouring and terrain. This will accentuate the low
profile desired in the hillside. Large cantilevered slabs will cast heavy shadows on the building façade,
doors and windows are recessed and material changes at the decks and the covered porch areas will
add visual interest to the pedestrian areas. The previously approved home when measured from the
garage slab to the highest point of the roof was 28'3". The proposed home from the garage slab to the
highest point of the roof will be 26', a reduction in mass of 2'3".

Mr. Townsend commended Planning staff’s report but clarified a couple of details in Planning staff’s
recommended modifications:
- Maintain the current grade for the main level at elevation 716’ (where 702’ was approved),
  should read 712’ as the approved grade for the main level.
- Lower the overall height of the structure (due to the requested elevation change as well as
  the roofline modification the current proposal would place the residence ~4.75’ higher than
  the approved), should read ~3.25’.

Mr. Townsend was open to working with the Design Review Commission. He referred to the
modifications made to the landscaping, erosion and runoff control, and reiterated that the grades are
problematic due to the location of the sewer line and easement. They are unable to cut back to the
originally approved grade because the driveway has to go over the sewer line and easement.

Commissioner Sim asked if the applicant had submitted an analytic drawing on the site plan comparing
the approved and proposed footprints. Mr. Townsend referred him to sheet A12. Ms. Allen put the
referenced sheet on the overhead projector for review.
Commissioner Sim asked for clarification of the additional 16 feet from the adjacent property and other strategic moves made. Mr. Townsend pointed out the areas on the site plan where the retaining walls were rotated northward, the new location of the garage corner that is now 16 feet further from the southern neighbor, as well as the location of the sewer line and easement.

Commission Chair Collins asked for details regarding the movement of the sewer line and easement done by the previous applicant. Mr. Townsend had no further details and did not know the conditions it occurred under. Ms. Allen confirmed that it is a Contra Costa County Sanitary District easement but was unaware of the movement under the previous owner. Commission Chair Collins requested more information on the situation be provided to the Design Review Commission since the justification for moving the proposed structure is being based on that adjustment of the sewer line and easement.

Commissioner Sim asked about the finished grade for the corner of the garage in the approved and proposed plans. Mr. Townsend said the approved grade was 702 and the revised corner of the garage would be at 707.5.

Commission Chair Collins asked for clarification of the reasons for raising the main floor of the home higher. Mr. Townsend said that in rotating the building it included the subterranean garage. They have to breach the sewer line with a driveway that caused the increase in height. The sewer line is higher due to its adjustment uphill. He stated it is an actual sewer line and easement that serves the neighbor uphill.

Ms. Allen suggested that providing the Design Review Commission with a copy of the previously approved plans as well as a section through the site showing the sewer could help clarify the current proposal. Commission Chair Collins requested a current profile of the sewer line and easement.

Commission Chair Collins opened the hearing to public comment.

Steve Jackson, a Brown Avenue resident, lives directly downhill from the subject site. Mr. Jackson outlined his major concerns regarding this proposal as follows:

- The story poles when viewed from his yard shows the proposed home would loom over his property. The ADU has been placed right down next to his house with the garage and entryway right behind where his bedrooms are located, rather than a typical arrangement where the front end of one house faces the front end of another house across the street. In this proposal the front end of the proposed home faces the back of his home where the bedrooms are. The sound and light coming from the proposed home at night or the car that accidentally hits his home will make his home unlivable for sleeping at night.

- The previous owner, Mr. Affinito, had agreed to, and affirmed that agreement in an audio recording at the City Council meeting, put up a 6-foot landscaped earthen berm between the two properties to create a sound and light barrier. The earthen berm was never installed. At one point Mr. Affinito said he would put in a concrete sound wall between the properties but that too was never completed. Instead Mr. Affinito installed a misshapen and ugly wooden fence. In the current conditions, Mr. Jackson must view the ugly fence that will do nothing to block the sound coming into his bedrooms.

- If the driveway is raised it will compound the problem of light and sound coming into his bedrooms from the proposed house.

- The newly proposed design is more suited to Malibu or Carmel but not suitable for Lafayette, at least on Brown Avenue.
• The proposed home is too big and too high for the neighborhood. Referring to photos submitted by another neighbor, Barbara Hudspeth, he noted the new home will completely block her view of Mt. Diablo.

• The new plan proposes trees along the border between the subject property and his property, where the fence currently is located. If high trees are planted Mr. Jackson will have to deal with leaves and pine needles blowing onto his roof and into his gutters. He is opposed to trees being planted there, and commented that the current owner has not contacted him to ask for his opinion of the plan. The new proposal will block his view of the ridgeline and the skyline.

• The subject site is a huge lot and the ADU could be placed on the other side of the house. Overall, Mr. Jackson was completely opposed to the new plan. He had supported the previously approved plan with the property owner’s assurances to him, and recommended the property owner go back to the originally approved plan with the landscaped earthen berm.

Barbara Hudspeth, a Brown Avenue resident, has lived 50+ years on her property. Ms. Hudspeth objected to the changes proposed for the subject property. She particularly objected to the changes to the height of the house because from her back hill when viewing the story poles, it appears they are completely blocking her view of Mt. Diablo. Acknowledging the Mt. Diablo view is not guaranteed from her house, Ms. Hudspeth would still like to be able to see it from her back hill. She also objected to further tree removals, commenting that so many trees and shrubs have already been removed and there should be a limit to how much they can clear the property. Ms. Hudspeth did not like the proposed rotation of the house because she feels it will further block her views of Mt. Diablo. She commented that the drainage and mud flows must be completely resolved and acknowledged that in the last week erosion measures have been taken. Previously there was a lot of mud and water flowing down the road from the subject property. Ms. Hudspeth objects to the increase in size of the dwelling, finding it out of character for the area, as well as the inclusion of an ADU as it was not part of the original approvals. She did not think this property is an appropriate location for a granny unit. Ms. Hudspeth was not opposed to putting a house on the property and would like the property not to be the eyesore it has been for the past few years.

Dr. Nestor Karas, a Brown Avenue resident, reiterated his concern previously stated regarding runoff and drainage that has caused damage on his property. Dr. Karas reviewed the current drainage plan, which in his opinion did not seem very different from the prior drainage plan, except for the diffuser placed on the existing drain. Dr. Karas presented photographs to demonstrate how that plan would be inefficient in terms of draining the runoff from the driveway and excavation on the right hand side. Referring to a photograph taken during prior rains, Dr. Karas noted that the existing drain is uphill of the driveway so adding a diffuser there will do nothing to prevent water coming down the large hardscape of the driveway as well as the heavily excavated right side of the hill. While he felt the recently placed sandbags will help for now, when they are removed unless there are specific drains brought down to the catch basin, the current catch basin will be ineffective. Further photographs showed how the water comes down from the subject property and enters into the street. Dr. Karas indicated the drainage report included the connection of drains from the roof runoff and the landscaping into a drainage system. He commented there is no drainage system on Brown Ave., where there is one drain. He provided photos of how the drain appears when it functions and when it is overrun with water. When it overruns the water skips across Brown Avenue and onto his property, which it has done on three separate occasions causing damage. Dr. Karas said the current drain cannot address the present flow of water, and without a plan to mitigate the drainage off the new property, the overruns will be common occurrence. Further photos depicted how the current drain appears most of the rainy season where it is plugged with leaves and debris making it nonfunctional. He presented a photograph of the front of his
driveway showing debris, rocks, dirt and mud. Dr. Karas provided schematic of this property in relation to the drains on Brown Avenue and the subject property, and the location of each element. He explained that all of the drainage from the drains depicted will end up on his property. He commented that the proposed diffusers will be non-functional after 3 or 4 days of heavy rains and there is no evidence of any landscaping that will help prevent that from occurring. Dr. Karas requested a condition of approval that the landscaping is appropriately done. Reiterating that there is nothing to prevent water from coming down the driveway and the right side of the subject property and his fear is that his property will continue to receive damage as a result. He suggested that the recommendation for approval should be denied because the current proposal increases the hardscape and does nothing to address the drainage. Dr. Karas would like to see an independent drainage report should be acquired to allow an open discussion as to what needs to be done to prevent further damage to this property.

Mr. Stevens indicated he would provide written documentation on how they intend to address the issues raised. He had sent out three emails to neighbors and received responses from two of them. He regretted Mr. Jackson had not received it and indicated an invitation to visit the property and discuss the proposal. While Mr. Stevens did not dispute the neighbors’ concerns, he wanted to make sure that the Design Review Commission understood what their recommendations to mitigate the concerns are. He believed they are adequate and indicated that written documentation and collateral material will be provided to illustrate their proposal.

Commission Chair Collins closed the public hearing.

Commissioner Cass did not think the C3 drainage plan was adequate and was surprised the City Engineer found it to be so. It appeared to Commissioner Cass there is a lot of uncovered area that will continue to run down the hillside and driveway. He did not see enough dissipaters on the plan. As a result, Commissioner Cass suggested the Commission ask for a peer review of the drainage plan.

Commissioner Cass acknowledged that erosion measures have been put in place but was concerned about the waddles placed across the driveway. He commented that as soon as construction starts that waddle will become completely ineffective. Commissioner Cass thought effects of construction should have been taken into account in installing the erosion measures so they could last throughout the construction period. Commissioner Cass stated that the landscape plan was not completely up to date, noting he had no idea the what size or species of trees to be put along the fence are because they are not shown in the landscape plan. With regard to a concrete wall versus a wood fence versus a 6 foot berm, Commissioner Cass observed that the fence is solid and about 5’6”. He did not think making it 6 feet would make provide much more mitigation for the neighbor. Commissioner Cass commented that the story poles look very tall when viewed from the street; however, when he went onto the site and stood at the approximate locations of where some of the windows would be, he found there would be very little views that would affect neighbor privacy. By putting 11 trees along the southern border they would serve to supplement the 5’6” fence depending upon the species. Commissioner Cass was not concerned about the relationship of the garage and entry to the neighbor’s bedrooms, seeing it as a preferred location for those elements as they are not the active living areas of the proposed home.

Commissioner Cass had concerns about the height of the ADU but noted that ADU’s have been approved by the City Council as a way to provide supplemental housing in Lafayette. The Design Review Commission’s purview only extends to whether it fits with the regulations set (1,200-s.f., 2 bedrooms, etc.). As shown, the proposed ADU is over the maximum height of 17 feet. While its mass would be viewed by the neighbor it would not impact the neighbor’s privacy.
Commissioner Sim in conjunction with Commissioner Cass’ comments on the ADU said he would be interested in looking how the ADU relates to the adjacent property below, suggesting a cross-section through the site would be helpful. He commented that he was having difficulty understanding the proposal three-dimensionally with regards to how the additional height and massing will impact the sight lines and relationships to the adjacent context. Commissioner Sim would like to see more cross-sections through the project relative to the immediate neighbor below. Additionally, he was having difficulty with the three scheme comparison in terms of datum points. Commissioner Sim asked the applicant to clearly show what the finished grade was for the approved plan relative to the current proposal to understand the impact from the cut and fill balance and how the new proposal will impact the adjacent neighbor. Commissioner Sim stated when looking at buildings he looks at the corners, and compared the previously approved building corners with the proposed building corners. He noted that the approved design had corners that tapered away where the current more angular design creates more compositional play vertically. Considering it from the impacted neighbor’s view, Commissioner Sim suggested that needs further consideration. He expressed concern about the runoff coming from the property and its continuation throughout the construction period. Commissioner Sim agreed that a peer review of the drainage plan is needed as well as a better understanding of the overall infrastructure.

Commissioner Keppel expressed his dislike of story poles, which he commented do not tell the real story. He agreed with Commissioner Cass’ solution that it is better to go out and stand at the story pole site to understand the real height of a structure. Commissioner Keppel stated that drainage does not technically fall under the purview of the Design Review Commission and it is a private road. However, he added that the drainage plan on the surface appears to be inadequate. Commissioner Keppel thought a peer review of the plan would be a good idea, along with keeping the City Engineer in the loop. With regard to screening the impacted neighbor, Commissioner Keppel thought the proposal appeared wholly inadequate. While he did not believe that buildings should not be seen, they likewise should not be a nuisance either. He asked the applicant to rethink the proposed screening. Commissioner Keppel did not care for the redwood fence, would not like to see a concrete wall either, and suggested that landscaped berms can sometimes be successful and sometimes not. He suggested there were other alternatives to consider. Addressing tree removal, Commissioner Keppel recommended that an arborist review the proposal to make certain that anything being removed needs to be removed. If there are trees that do not need removal, they should be worked around. He added that the landscape plan does not yet work for him and needs another look. Commissioner Keppel commented with regard to the ADU that there is a tremendous housing problem here and the addition of an ADU is a good thing. Although there is some height issues to be dealt with, he observed the more people that can be put on large sites such as this one the better it is. If the ADU is compliant across the board, he can support its addition. Commissioner Keppel loved the proposed style of architecture but noted that Lafayette has a tendency to fall in love with certain architectural styles. 8 out of 10 houses seen by the Design Review Commission are modernist homes. Noting that the subject home design appears to be very well done, he commented in general he was open to people thinking outside the box in terms of design.

Commissioner Fu supported the previous comments regarding the drainage, neighborly relations, etc. He focused his comments on massing and design. Commissioner Fu commented the proposed structure appears to be significantly larger in mass than the previously approved massing as shown in the comparison exhibit, although smaller than the denied proposal. Commissioner Fu was concerned by this change in the overall massing. He had no issue with the ADU, if compliant. With regard to the proposed design, Commissioner Fu found it somewhat elegant except that there is clumsiness in its bulky roofline,
which could be overly concerning particularly for a neighbor below that will be looking up through the
tree line at the thick roofline. Commissioner Fu felt the beginning of an elegant story behind the design
but noted the thick roof sandwich could aesthetically be in your face to some of the lower neighbors.
Viewing the submitted colors and materials, Commissioner Fu had no problem with the proposed colors
but saw no representation of the metal roof material. He would like to see an actual sample of it. The
applicant clarified that it is not metal but a painted surface. Commissioner Fu asked about the wood
species proposed. Mr. Townsend said it was to be determined. Commissioner Fu explained that he
preferred to see actual representations of materials proposed.

Commission Chair Collins found the dark black on a big heavy section of the roof troubling. He
commented the combination of black over what appears to be quite white in the Hillside Overlay District
is not appropriate on the hillside. Turning to the discussion of water coming off the site, Commission
Chair Collins stated the object of dealing with water from the site is to match the pre-construction
condition of water and not just collecting it and putting it into a storm drain. He was interested in
seeing the applicant’s solution but indicated that it seemed a long way to go. The idea of it just running
down the driveway and across the street to a drain would not match the pre-construction situation.
Commission Chair Collins needed to see more information on the sewer easement and profile, stating
that his issue was not with the current design of the house and if it could be lowered down to the
approved grading height he would like it a whole lot more. The applicant has stated it cannot be at the
approved grading because it conflicts with the coverage of the sewer. If this is the case Commission
Chair Collins will have other considerations to evaluate but as shown he thought the building needed to
be down at the grade where it was approved. Commission Chair Collins agreed with Commissioner Fu
that the building is significantly more massive in appearance than the approved siting and massing, and
the applicant needs to address that issue. He would like the applicant to submit information about
context and requested the downhill house be shown in a cut to understand how the proposed house
appears in that relation. He would also like to see the area to the right and referred to sheet A10 noting
he was bothered by the upper elevation as it is a complete representation of what the house will look
like on the right side of the ADU. Commission Chair Collins commented that the hill drops off very quick
on that side and does not appear anything like how it was represented in the drawing. He would also
like to see down the hill in the other direction as well. Commission Chair Collins liked the look of the
ADU but it must be 17 feet or under in height, and suggested there were other places to park with a
huge garage and carport. Commission Chair Collins indicated that in order to approve the higher
elevation requested by the applicant he will need to know that the sewer pipe is in the way. At this
point, he did not have that information.

Ms. Allen summarized the Commission’s comments and requests as follows:
• Submit information on the sewer easement and pipe
• Provide a section showing context with the neighboring structures
• A materials board with actual samples
• Revision of the landscape plan to be internally consistent.
Commissioner Cass requested that the landscape plan show trees to be removed, noting there did not
appear to be anything left to remove.

Commission Chair Collins moved to continue HDP35-15CCII to October 15, 2019 to allow the applicant
time to address the comments and recommendations of the Design Review Commission.
Commissioner Sim seconded the motion, which carried by unanimous consent. (5-0-0)
8. NEW PUBLIC HEARINGS:

A. DR19-19 Rose Dastmalchi (Owner) R-40 Zoning: Request for Design Review for a proposed new 4,936 sq. ft. two-story, detached garage with a height of 25'-1" for an existing 7,189 sq. ft. single-family residence at 4067 Happy Valley Road, APN 247-020-007.

Recommendation: Review the application, conduct a public hearing, find the project exempt from the California Environmental Quality Act (CEQA) and adopt Design Review Commission Resolution 2019-23 approving the application subject to conditions.

Project Planner: Sarah Allen

Ms. Allen reported the Design Review Commission had seen this proposal previously in a study session. The application requests design review approval for a structure over 17 feet in height and over 6,000-s.f. gross floor area. The proposal is an approximate 5,000-s.f. two-story detached structure to be used as a garage.

During the study session the Commission was generally supportive of the project. Notice of the applicant was sent out to the neighboring residences within 300 feet and no written public comment has been received to date.

Ms. Allen referred the Design Review Commission to the draft resolution of approval and noted the following project specific conditions of approval:

- COA 12 - The property owner shall not use the accessory building as a living quarters, unless and until an application for an Accessory Dwelling Unit is filed and approved by the City of Lafayette. Any living unit must comply with the development standards in effect at the time of application. The accessory structure as approved was represented and is intended to be used as a detached garage and workshop for private, non-commercial use.

- COA 15 - The property owner shall revise the landscape plan to show the hedge along the western property line. The revised plan shall be the basis for the landscape maintenance agreement required in Condition #15. Should the hedge fail, the property owner shall replant a hedge, shrub or other landscaping which provides a similar amount of screening.

Ms. Allen advised that the applicant has already addressed COA 15, showing the existing landscaping along the western property line. This landscaping would be maintained as part of a Landscape Maintenance Agreement (LMA).

Ms. Allen recommended the Design Review Commission review the project, hold a public hearing and adopt the resolution of approval approving the project subject to the conditions of approval.

Commissioner Keppel asked about variance requests. Ms. Allen reported the project was revised to eliminate the variance request.

Scott Hudgins, Hudgins Design Group, was present at the meeting with property owner Rose Dastmalchi. Mr. Hudgins stated that the current proposal is significantly different from the project seen in study session in terms of form, location, drainage, etc. The goal was to hide the structure within the existing landscape of the property.

Mr. Hudgins commended Ms. Allen’s concise staff report and indicated his agreement with all of the proposed conditions of approval. There was one portion of the staff report he wished to clarify in that
the report identified the highest point of the structure as 25’1”, which is in the furthest back corner of the property. The building does taper without it being orthogonal in any direction to a 17’6” dimension at the entry to the property and Mr. Hudgins wished to point that information out to the Design Review Commission. He further noted that the trees in that location are more than twice the size of the structure, which is well hidden behind the trees.

Mr. Hudgins advised that the accessible structure will not be used for living or any commercial activity. It will only be used as a garage. The second story element as presented is a very small portion of the project and is more of a loft space looking down onto the auto pavilion garage area.

In addition to Planning staff’s requested landscape revisions that have been made, Mr. Hudgins referred to the site photos submitted. He stated that the project will be significantly hidden from neighbor view but there may be glimpsed view when driving by.

Commissioner Fu asked about a materials palette. Mr. Hudgins referred to a material chip representing the material to be used on the outer finish, and noted the garage door would be painted in the same color.

Commissioner Sim asked about downspouts and whether they were internal. Mr. Hudgins said the water would be collected in a drain and taken down inside the 12” thick wall.

Commission Chair Collins opened the hearing to public comment.

Sheila Guess, a Happy Valley Road resident, lives directly across the street from the subject property. She attended the meeting because some of the neighbors saw the design on the City’s website and were concerned about it. Ms. Guess came to the meeting since it would be most visible from her property. She was most concerned about the landscape plan as the structure would be viewed when coming down her driveway. Ms. Guess had no problem with the proposal as long as the trees are maintained and she cannot see it from her house. Ms. Guess supported the property owner’s right to build on her property.

Ms. Guess did have a problem with Commissioner Keppel’s comment about additional housing in Lafayette. Ms. Guess did not think that Lafayette has a housing problem. She believed the problem is that Lafayette is getting over-housed. Ms. Guess wanted to make it clear to all of the Design Review Commissioners that there are a lot of residents who are really made about what’s going on in Lafayette.

Responding to the public comment, Ms. Dastmalchi assured her neighbor that she would absolutely maintain the trees on the property. While a beautiful building, she wished to keep it private.

Commissioner Keppel recalled at the study session that the Design Review Commission requested the sink be eliminated, yet it is still on the plans. Commissioner Cass noted that the sink removal was included in COA 12. Another recommendation was for the wall depicted on A302 to be broken up and not be just a giant wall with nothing. Commissioner Keppel did not recognize any change to it, and suggested a condition of approval to relook at the elevation and add perhaps some transom windows or something to help break it up. He supported the condition of approval for a LMA. Otherwise, Commissioner Keppel was happy with the proposal.
Commissioner Fu recalled commenting that he enjoyed the dichotomy and interplay between the modernist building and the existing house. He thought it would provide an elegant twist of juxtapositions for the property owners. Commissioner Fu thought the design was elegantly done and liked the material sample provided, commenting that it has an earthy tone yet metal based without a glossy finish. The structure will hide within its surrounding trees yet be a faceted jewelry box on the property. His only concern was with the same façade pointed out by Commissioner Keppel. Commissioner Fu noted that all the other facades have an angle as it comes off the ground except for gridline 1 that is a straight sheer vertical. While he did not dislike it, he personally would have continued that angled language throughout all sides. Commissioner Fu asked how the parapet will be detailed and the materials transition into it. Mr. Hudgins responded it would have a zero edge.

Commissioner Sim liked the project from a site planning standpoint, and commended the design. With regard to the elevations mentioned by other Commissioners, he commented that sometimes you have to do less on one side to get a wow on another side. He particularly liked the garage opening that faces toward the house. Commissioner Sim appreciated the landscaping added for the neighbors’ sake.

Commissioner Cass liked the proposal as presented. He did not have a problem with the flatter side as it will be concealed by the existing vegetation. As long as the landscaping is maintained per the LMA, Commissioner Cass had no problem with approving the project at this meeting.

Commission Chair Collins liked the proposal and did not see the need to change anything.

Commission Chair Collins moved to approve DR19-19 subject to the conditions of approval. Commissioner Cass seconded the motion, which carried by unanimous consent. (5-0-0)

Commission Chair Collins advised of the 14-day appeal period.

B.  **DR16-19 & SU09-19 Michael & Nancy Scribner (Owners) R-40 Zoning:** Request for 1) Design Review to demolish an existing 2,787 sq. ft. single-family residence and accessory building and construct a new ~4,400 sq. ft. one story single-family residence with a maximum ridge height of 26’; 2) a Second Unit Permit to construct a new ~665 sq. ft. Accessory Dwelling Unit; 3) a Tree Permit for the removal of one 29” multi-trunked Coast live oak tree; and a Grading Permit for 1,000 CY of earth movement (500 cut / 500 fill) at 3809 Happy Valley Road, APN 244-010-005.

**Recommendation:** Review the application, conduct a public hearing, find the project exempt from the California Environmental Quality Act (CEQA) and adopt Design Review Commission Resolution 2019-24 approving the application subject to conditions.

**Project Planner:** Sarah Allen

Planning Technician Adam Wright offered Planning staff’s report. The subject property is in the R-40 zoning district. The proposal is subject to design review for structures over 17-feet in height, over 6,000-s.f. in gross floor area, grading over 50-c.y. and a tree permit.

The Design Review Commission previously reviewed the proposal in a study session earlier in 2019. The proposal would demolish an existing 3,218-s.f. single-family residence and accessory unit and construct a new ~4,400-s.f. one-story single-family residence with a maximum ridge height of 26’ and a 665-s.f. accessory building that would replace an existing 600-s.f. pool house.
Planning staff recommended the Design Review Commission approve the project subject to the conditions of approval. Project specific conditions of approval include:

- The ADU should be modified to reflect the maximum height limit of 17 feet
- The property owner should apply for an address assignment for the ADU.

Mr. Wright clarified that the applicant has decided that the structure will not be an ADU and will remove the sink from outside the bathroom prior to finalizing the building plans.

Scott Thomsen, Left Coast Architects, was present at the meeting with David Thorne, Landscape Architect. Mr. Thomsen recalled the Design Review Commission’s comments at the study session were generally favorable. He reviewed some changes to the proposal:

- It was brought to their attention that the proposed ADU would be too close to the neighbor and the owners have changed it to an office/pool house instead.
- The Design Review Commission commented that the front elevation was too long with an unbroken roofline so they have added a faux dormer to break up the massing.
- The Design Review Commission commented that the pool house had the look of a Hampton Inn. They have revised the design to mimic more of the authentic French cottage architecture of the house, keeping it simple and mimicking the arched doors and large shutters on the house.
- It was pointed out that the accessory structure encroached into a tree dripline by ~12 feet. In redesigning the accessory structure it has reoriented outside the dripline.
- Impervious versus pervious surfaces – The proposal has modified to have as much pervious surfaces as possible and reduce the impervious areas to the extent possible. The impervious surfaces were reduced from ~11,400-s.f. to just over 10,000-s.f.

Mr. Thorne felt they had done a good job of reducing the hardscape to what they feel is a minimum amount. They also discussed with the property owners other ways to reduce impermeable areas. They decided to remove all of the gravel paths from the original design and changed them to more random stepping stones. Mr. Thorne worked with Mr. Thomsen on the redesign of the accessory structure and noted that the amount of patio has been reduced and it has been shifted out of the tree canopy. Other changes included elimination of the pedestrian entry gate and column. Per Commissioner Cass’ request the applicant did a WELO calculation and Mr. Thorne advised the proposal is in compliance. Per Commissioner Keppel’s request they clarified the fountains and reduced some to almost birdbaths. Mr. Thorne described the water use as nominal. He stated there are a lot of natives in the perimeter landscape plantings and encouraged the property owners to commit to fairly large 36” box native oaks, as well as 24” box oaks as a starting point along the perimeter. Mr. Thorne advised that the issue of grapevines was a passionate and important subject for the property owners, who have a vineyard in Sonoma. While the proposal for the vineyard was controversial, Mr. Thorne noted it is hidden on the property and an important element of the proposal.

Commissioner Cass asked about the turfstone and grasscrete. Mr. Thorne referred to an image on the drawings (L2.1) and advised it is the only product that is Fire Department acceptable.

Commission Chair Collins opened the hearing to public comment.

Bob McClain, a Lafayette resident, asked about the trigger for classifying an ADU. Mr. Wright said Lafayette’s biggest trigger for evaluating whether a building is an accessory building or accessory dwelling unit (ADU) is a sink outside of the bathroom. A structure becomes an ADU once all of the
necessary facilities for eating, cooking and sleeping are provided in the unit. It is assumed that without a sink outside of the bathroom there are not sufficient facilities for cooking and cleaning.

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

Commissioner Fu thanked the applicant for the changes and commented that the accessory structure is no longer a Hampton Inn. He thought both structures were well thought out and well designed. Commissioner Fu commented that the material palette is understated and elegant. He appreciated the outdoor lighting being shown on the landscape plan and thought it to be appropriately lit and non-obtrusive to the neighbors. Commissioner Fu noted they all appeared to be dark sky compliant.

Commissioner Keppel commended the architect for always responding to the comments of the Design Review Commission and doing it really well. He commented that the material board provided was an excellent example for other applicants. Commissioner Keppel was not fond of the fountain and birdbath but appreciated that the water usage has been reduced.

Commissioner Sim commended both the architecture and landscape architecture. He appreciated the design language and how all the details come together.

Commissioner Cass supported the previous comments and appreciated that the presentation explained and highlighted very clearly exactly what has been changed. He liked the reorientation of the guest house. That being said, Commissioner Cass thought the hardscape was being pushed a little too much and the water use a little too much. Overall, he thought it was a very attractive site.

Commission Chair Collins thought the proposal looked great but still had an issue with the wall. He would hate to see Happy Valley Road become a continuous road of 6 foot stone walls because that was not what he believed it should be. The other properties in the area, except for one other up the road, have open fencing. Commission Chair Collins was concerned about creating a pattern and a precedent because it will change the entire road significantly. He recalled offering the same statement in the previous study session.

Commissioner Keppel supported Commission Chair Collins’ comment and suggested a walk along the trail in Danville where the horses are with a lot of open fencing as a reference point for future projects. He commented that it is a very different experience than series of stone walls.

Commission Chair Collins had preferred landscape screening over the wall and had pointed out that most of the big houses built in the last 10 years along Happy Valley Road have used evergreen shrubs and trees, with some fencing. He commented that makes for more of a community.

Commissioner Sim was open to the discussion, and noted that relative to the architectural and landscape style the fence and edges should relate to it and its presentation to the street.

Commission Chair Collins was open to a stone column with some sort of fencing in between, noting that is something seen up and down the Happy Valley area. The Design Review Commission has approved that type of fencing on other projects. Commission Chair Collins felt that was a better look for Lafayette. He suggested there was other ways to mitigate road noise without affecting the public outside.
Commissioner Sim asked the applicant to consider the comments. He understood Commission Chair Collins’ comment about the use of stone walls becoming a precedent in the area.

Mr. Thorne responded that the subject site is on a busy section of Happy Valley Road with a lot of traffic and noise from the school, which is an important issue for the property owner. He pointed out that the wall is not straight wall. Mr. Thorne agreed that a line of walled properties along Happy Valley is not a good thing. The proposed wall is landscaped and serpentine with gaps. It also tapers and moves in a lot of different ways and is not parallel to street. The idea was for the wall to be timeless and work around the native trees. He described it as an organic solution.

Commissioner Keppel commented that sound attenuation is a perfectly good reason for the wall, and it has been designed well. However, as a Design Review Commission he felt they need to be mindful of the situation and not let it happen in places it does not need to happen.

Mr. Thorne pointed out that on the opposite side of the driveway there will be a low free-standing wall designed to lead one into the driveway. The walls as designed do not go coast to coast.

Commission Chair Collins acknowledged and understood Mr. Thorne’s explanation, however, he reiterated his concern about it becoming a repeated pattern on this street. He felt there were other ways to deal with sound.

Commission Chair Collins moved to approve DR16-19 and SU09-19 with the deletion of the proposed wall and change it to some other form of barrier. Commissioner Sim seconded the motion, which carried with Commissioners Collins, Sim and Keppel voting aye and Commissioners Cass and Fu voting no. (3-2-0)

Commission Chair Collins recommended the applicant work with Planning staff on a modified design for a more open fencing style, with input from Commission Chair Collins if needed.

Ms. Allen asked if the Design Review Commission would be in favor of a shorter stone wall. Commission Chair Collins said his issue was that it is continuous. If it were sections of wall that was less solid along the entire property front that would be better. He commented that the section on the other side of the driveway at the top of the creek does not do anything for the property or seem necessary.

Commissioner Cass asked about eliminating that smaller wall and leaving the rest. He commented that vegetation will not provide sound reduction, pointing out it takes 100 feet of forest to get about 3db reduction. Commission Chair Collins indicated that Commissioner Cass’ comment will be the justification offered by future applicants for the inclusion of a solid wall. He stated that if this would be the only house that would ask for a solid wall he would be okay with it. However, he guaranteed there will be 10 more houses over the next two years that will request the same thing.

Commissioner Cass supported the removal of the smaller wall on the right and recommended changing the solid wall at the vineyard.

Commission Chair Collins offered that a motion had been made and carried. He suggested if the applicant felt that additional guidance was needed from the Commission the matter could be brought back for discussion.
Mr. Thomsen said the areas of the house where there was the most concern about sound were the bedrooms on the far left and at the areas to the right they were less concerned about sound. Mr. Thorne mentioned one study they did where the vineyard wall was shortened.

Commission Chair Collins said he would love to see a sound study that shows how much sound is obstructed by a 6 foot wall. Commissioner Cass suggested that it reduces tire noise.

Commissioner Cass commented that he did not feel noise was a big issue on Happy Valley Road, and that school children noises are different from traffic noise.

10. OTHER BUSINESS:

A. ARC Volunteer for September 27th. Commissioner Cass accepted the assignment.

11. Commissioner’s Reports. Commissioner Sim commented that Commission Chair Collins brought up a good point about over use of stone walls. He thought it would be a good idea to lay out the broader design issues by a subcommittee to determine ways to control them. Commission Chair Collins commented that the Design Review Commission typically does not support 6 foot walls at the front of a house. Ms. Allen confirmed that is not an aesthetic that is encouraged due to the walled off nature; however, it is a 6-foot structure and property owners are allowed to have them. Commission Chair Collins said 6 foot fences/walls are typically used on the sides and back of houses, not on the front.

Commission Chair Collins advised of the 7 p.m. meeting tomorrow on housing at the Lafayette Community Center.

12. Assistant Planning Director’s Report. Ms. Allen reviewed the tentative agenda for Tuesday, October 15:

- Blackhart application on Moraga Road
- A two-story addition application
- A Phase II Hillside Development Permit
- McDonalds’ sign
- Lai proposal on Springhill Road
- Study session for a new residence
- Submittal requirements requested by Commissioner Sim

13. ADJOURN: The meeting concluded at 9:00 p.m. The next regularly scheduled meeting of the Design Review Commission is Tuesday, October 15, 2019.

Respectfully submitted,

Danielle Signorella