

Meeting Location
Community Center
(Parks & Rec.) Room #7
28 Orinda Way
Orinda, CA 94563



City Hall
22 Orinda Way
Orinda, CA 94563
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PLANNING COMMISSION SPECIAL MEETING ACTION MINUTES OF JANUARY 10, 2017

Adopted by a majority (5-0-2) vote of the Planning Commission on February 14, 2017

1. CALL TO ORDER:

Chair McGrath called the meeting to order at 7:02pm. Commissioners in attendance included Chair McGrath, Vice-Chair Hoeffel and Commissioners Adamson, Faix, Iverson, Mautner & Roberts. Staff in attendance included Planning Director Drummond Buckley, Senior Planner Derek Farmer, Assistant Planner Mayank Patel and Senior Administrative Assistant, Tiffany Fabiani.

2. ADOPTION OF AGENDA:

A motion was made by Vice-Chair Hoeffel, seconded by Commissioner Mautner to adopt the agenda. The motion carried by a unanimous (6-0) vote.

3. PUBLIC FORUM:

Chair McGrath opened the floor to anyone who wished to address the Commission with items not on the agenda. Seeing and hearing no one, Chair McGrath closed the floor.

4. CONSENT CALENDAR:

- A. Adopt Draft Action Minutes of September 27, 2016 Meeting**
- B. Adopt Draft Action Minutes of November 29, 2016 Meeting**
- C. Adopt the 2017 Planning Commission Meeting Calendar**

Vice-Chair Hoeffel and Commissioner Adamson both abstained from vote on Item 4. A as they were absent from that meeting. Commissioners Roberts, Adamson and Iverson abstained from Item 4.B as they were absent.

ACTION: A motion was made by Commissioner Roberts to approve the Consent Calendar. Vice-Chair Hoeffel seconded the motion; and the motion carried by unanimous (6-0) majority vote.

5. CONTINUED PUBLIC HEARINGS: None

6. NEW PUBLIC HEARINGS:

- A.** A public hearing to consider an Exception Permit application to add a third story at basement level to a previously approved new home project. The previously approved design includes a buried basement; the proposed modification to the design would add a covered patio and egress from the basement, causing the basement to count as a third story.

PROJECT SITE: 19 La Campana

APN:	262-192-016
Applications:	EXC-2016-041 (Exception Permit)
Zoning Designation:	RL-20 (Residential Low Density - 20,000 square feet)
Lot Size:	21,820 square feet
Owner:	Kenton Wright
Project Planner:	Daisy Allen, Associate Planner
CEQA Status:	Categorically Exempt: CEQA guidelines §15303
Staff Recommendation:	Staff recommends approval of the Exception Permit application and to adopt the Statement of Official Action.

(Minutes in Summary, Not Verbatim)

Staff provided a brief overview of the staff report and answered questions of the Commission to include clarification of “substantial compliance as stated in Finding “B”, landscape description clarification, verifying the “trigger” of classification as above-grade that required the exception.

Chair McGrath opened the floor to the project applicant.

Mark Becker, the project applicant, provided testimony and answered questions of the Commission.

Chair McGrath calls for any and all ex parte’ communications and/or site visits. Commissioners Faix, Mautner, Iverson, Roberts, Adamson and McGrath visited the site but did not speak to anyone. Vice-Chair Hoeffel visited the site previously, but did not return for this project application.

ADAMSON: Thank you for a clear and concise staff report. No issues with application and ready to move forward with approving the Exceptions permit based on reasons articulated in both staff report and draft SOA. There are no negative impacts from the composition of this access to the basement, there is no visible change from the design, no additional tree removal impacts. The basement egress that has been discussed will be barely visible and will not that this will improve fire safety. With regards to the correspondence from neighbors at 17 and 25 (La Campana) with respect to concerns of design changes, but frankly I’m at a loss to see that they will be of any significance and actually, the changes are barely visible. I’m ready to move forward to approve.

ROBERTS: I concur that the staff report made it quite clear, there is minimal impact from this requested change. I thank the applicant for walking me thru a couple of things I was a little unclear on. I would be concerned about the railing but I think staff can handle that. I do agree that the visual impact will be minimal; however that the safety guidance will be great. Therefore, I don’t have any concerns about this based on negative impact, no concern with this (application) as presented.

HOEFFEL: I did not vote to approve the original plan as I thought it was too much house for this lot. Somewhat concerned by the concept of making this a 3rd story. I think is much more tactful than the prior design with the patio and now that this is effectively subgrade, and given the potential benefit for life-safety and minimal impact, with just this exception, I can be supportive of it. I am somewhat leery of the 3rd story exception given that we have a ton of very large homes that are pushing up against those restrictions, but with minimal impact, I can support it.

IVERSON: I agree with my fellow Commissioners, the president value of a 3rd-story exception worries me. I didn’t find the reasons for fire safety compelling, but the balance of how non-impactful it is to the neighbors, to the overall plan, to the site, I didn’t think this rose to the level of denial. With that in mind, this exception is hard to make for a 3rd-story, also thwarted on fact.

MAUTNER: I'm fine with the design I think that the well is a pretty minor issue and this building doesn't read as a 3rd-story and that is one of the things we need to take into account. I hadn't thought about the safety issue with this detail and I'm fine with approving and really appreciate the amount of work that went into getting this little detail taken care of. I would vote in favor of it.

FAIX: If the application had a much bigger descend down with patio, I would be less likely to do it but it is minimal. I understand the interest in the egress which I think is good. I'm less convinced about this daylighting idea because the set of doors is so far under the portico, and when I think of a media room, I think I would not want those doors at all because of the glare. So I'm ok with this exception because it's not changing the massing of building but if it were different circumstances I would maybe not as support of it, but in this instance its fine.

MCGRATH: I was not part of the original hearing, I probably would have shared very similar concerns to Commissioner Hoeffel. There is a lot of mass to this house and I have to say that I was pretty surprised when I went out to there after reviewing the plans and seeing it at its current as-built stage, it does look pretty massive, and it does look tall relative to the street and I'm not a fan of the slippery slope of exceptions, particularly those that pertain to massing; however, in this particular request that is before us, I don't think this significantly alters what was approved prior and in the interest of safety, I don't see any grounds for not approving it. I think I would vote favorably in approving this exception.

ACTION: A motion was made by Commissioner Mautner to approve the Exception Permit as recommended by staff and to adopt the Statement of Official Action. The motion was seconded by Commissioner Roberts; and the motion carried by a unanimous (7-0) roll-call vote as follows:

Ayes: Adamson, Roberts, Hoeffel, Iverson, Mautner, Faix, McGrath

Nayes: None

Abstentions: None

- B.** A public hearing to consider Design Review and Tree-Removal Permit applications for a new multi-level, 6,310 adjusted square-foot (6,860 gross) single-family residence on a vacant lot that has a net area of 49,182 square feet.

PROJECT SITE:	1 Dalewood Terrace
APN:	261-042-014
Applications:	DRA-2016-102 (Design Review) TRP-2016-027 (Tree Removal)
Zoning Designation:	RL-40 (Residential Low Density – 40,000 square feet)
Lot Size:	49,182 square feet
Owner:	Brad Agler
Project Planner:	Mayank Patel, Assistant Planner
CEQA Status:	Categorically Exempt: CEQA guidelines §15303
Staff Recommendation:	Staff recommends approval of Design Review and Tree-Removal Permit applications and to adopt the Statement of Official Action

(Minutes in Summary, Not Verbatim)

Staff provided a brief overview of the Staff Report.

Chair McGrath called for all ex parte communications and/or site visits. Commissioners Faix, Roberts, Adamson, Iverson and Hoeffel visited the site and spoke to no one. Commissioner Mautner visited

the site and spoke to a neighbor. Chair McGrath attempted to visit the site but Lombardy Lane was closed.

Staff answered questions of the Commission pertaining to charts used in the staff report and potential easement issues on the lot.

Chair McGrath opened the floor to the project applicant.

Bruce Mastack, the project applicant, and Brad Agler, property owner, provided testimony and responded to questions asked of the Commission.

McGrath opened the floor to the public for comment.

Tom DeJhong, neighbor at 3 Dalewood Terrace: Concerned with regards to the proposed project location on the site and stated that he would be happier if the project was located further to the east. DeJhong believes there is too much loose dirt to the west, if the home was moved back further to the east, it would be more stable. DeJhong was also concerned that the proposed home is "too big" visually.

Brad Agler, provided rebuttal for Commission consideration.

During Commission deliberation, Chair McGrath re-opened the floor for public comment and called on the applicant to respond to direct and specific questions of the Commission for clarification.

McGrath opened the floor to any other members of the public for additional comment.

Tom DeJhong addresses the Commission and reaffirmed his position as previously mentioned.

Bruce Mastack provided rebuttal to the Commission for consideration.

McGrath closed the floor.

FAIX: I have trouble with this project whether because of the way its drawn or overall side, there's to me if it were design review, sometimes I wish it had more of that activity, its busy and convoluted and such, but given the findings in terms of the project moving forward, to consider thoughtfully of the façade and landscaping and make it much more authentic or adaptive but I don't have the findings to oppose the project.

HOEFFEL: I am somewhat concerned about the size of the home, it does fit well in terms on context of the lot but it is such a big home, it seems bigger than it necessarily has to be, understanding because of the grade and the trees in keeping with the semi-rural feel why it was placed there. It seems imposing. The front scape, the turnaround can get softened can help alleviate some of the concerns of the neighbor and have less impact, but as of the size, il think it's well design and structured for the lot and its location, I think I can grow to approve the size but would be much happier if it was a bit smaller.

ROBERTS: I agree with my fellow, the size is concerning to me, but based on the placement and amount of time in working with the neighbors to be sensitive and the fact that it has been an empty lot, it is going to change that lot, I wouldn't mind seeing the landscaping in front softened I don't think it's that much out of character in this part of Orinda it not as out of character. I too would be much more comfortable it the house was smaller but based on the outreach to neighbors I can support the application. I think you need to do that. The setback from street is quite grand. I like the idea that over

half the site you're not touching. You've got the buffers of existing trees that you're maintaining. I'd be concerned if you moved the house. IF it's a foundation problem, that you're problem, not from a planning commission standpoint. The design is within the context of the neighborhood and I would go forward.

ACTION: A motion was made by Vice-Chair Hoeffel to approve the Design Review and Tree Removal Permit applications as recommended by staff and to adopt the Statement of Official Action. The motion was seconded by Commissioner Roberts and the motion carried by a unanimous (7-0-0) roll-call vote as follows:

Ayes: Adamson, Roberts, Hoeffel, Iverson, Mautner, Faix, McGrath

Nayes: None

Abstentions: None

- C. A public hearing to consider Design Review applications for five new multi-level, single-family residences on Lots 191, 192, 193, 194 and 195 and two Elevated Deck Permit applications on Lots 193 and 195 in the Wilder subdivision.

PROJECT SITE:	51, 52, 53, 55 & 56 Windy Creek Way (Wilder Lots 191 – 195)
APN:	273-340-018, 273-340-017, 273-340-019, 273-340-020, 273-340-016
Applications:	DRA-2016-063; DRA-2016-064; DRA-2016-065; DRA-2016-066; DRA-2016-067; EDP-2016-036; EDP-2016-037
Zoning Designation:	PD (Planned Development)
Owner:	Taylor Morrison of California, LLC
Project Planner:	Derek Farmer, Senior Planner
CEQA Status:	Categorically Exempt: CEQA guidelines §15303
Staff Recommendation:	Staff recommends approval of Design Review and Elevated Deck Permit applications and to adopt the Statement of Official Action

(Minutes for this item have been transcribed verbatim.)

McGrath: That moves us to Item 6C. Public hearing to consider design review applications for 5 new multi-level single family residences on lots 191, 192, 193, 194 and 195 in the Wilder subdivision and two elevated deck permit applications on lots 193, 195 in the Wilder subdivision. The site is 51, 52, 53, 55 and 56. On Windy Creek Way, Wilder lots 191 through 195, the applicant is Taylor Morrison of California, LLC and the project planner is Derek Farmer.

Adamson: Chairman, before we proceed, I need to recuse myself from Item 6C, as I represent another developer out at the Wilder subdivision.

McGrath: Okay and you are recused for this evening.

(NOTE: Adamson exited the meeting at 8:46pm)

McGrath: Okay, Derek, can you summarize the staff report?

Farmer: Yes, thank you Chairman McGrath and members of the Commission. This is an application for 5 lots at Wilder. This is lots 191 through 195. Two of the lots; Lots 191 and 192 are upsloping and three of the lots; 193, 194, and 195 are down-sloping lots. This is on Windy Creek Way just around the corner from Wilder Road near the bridge. One note—the submittal of this application for these 5

lots were submitted prior to adoption of the amended Wilder DA. They were applied in June, so therefore, they fall under the prior DA, the prior codes, and they are not subject to the re-massing calculations that are now in the current amended Wilder DA. However, they are still subject to the requirements of the previous Development Agreement as well as the City's general standards for design review as stated in OMC Section 17.3.5. Two of the residences before you; Lots 193 and 195 also have elevated deck permits attached. There's an elevated deck on 194 but it doesn't meet the definition for requiring an elevated deck permit. It's smaller than 200 square feet.

The proposed residence on Lot 194 which is the East Bay Cottage design has already been constructed on Lot 220 which is on Wilder Road so if the Commission had a chance to look at the home on 220 Wilder Road they would see what the finished product of this one looks like. They are both down-sloping lots. And, of the plant types represented with these applications, all of the plant types have been previously considered and approved by the Planning Commission.

One note—on Sheet 195.A3 for Lot 195 there is a slight discrepancy in the plan set. The square footage of the basement in the plan set is listed as 1,983 square feet. It should read 2,005 square feet. That is actually represented in the analysis in the staff report. It does not change the basement credit area that remains the same at 894 square feet. It does; however, change the adjusted square footage of the residence. In the plan set it reads as, 3,712 adjusted square feet. It should actually be 3,734 square feet; a slight change, but that is represented in the staff report in Tables 2 and 3 in Chart No. 1. To make sure that change is brought over to the building permit plan set, assuming these plans are approved, I've added a Condition of Approval No. 1 to ensure that the corrected square footage is reflected in the building permit plan set.

With that, staff recommends the Commission approve the design review for the 5 lots and the elevated deck permits for the two lots and adopt the Statement of Official Action with the conditions of approval as stated. Thank you.

McGrath: Should we go through any site visits or any ex parte communications?

Faix: I did not go back to Wilder for this one and I spoke to no one about it.

Mautner: I went there this afternoon and got drenched, but nobody was there so I didn't talk to anybody.

Iverson: I visited yesterday when there was a break in the rain and talked to nobody.

Hoeffel: I didn't have time to go see it because of BART delays this evening.

Roberts: I went on Sunday when it was raining and didn't talk to anyone.

McGrath: And I also did not speak with anyone and I didn't visit the site on this particular application. Are there any questions for staff?

Hoeffel: Just on the Lot 220 version, do you know how much basement credit is in that lot?

Farmer: Not off hand. I believe it's similar. I believe they've been nearly maxed on all the lots as represented. Perhaps the architect might have the answer.

Iverson: And I had a question. What are the stone and stucco color and whether it is the same on the proposed and the one that is built? The renderings made it look like a slightly different color.

McGrath: Why don't we allow them to present.

Farmer: Yes, I believe it is, but I'll defer to the presentation.

McGrath: Any other questions for staff? Okay. The floor is yours. How much time would you like to leave for rebuttal? I don't have any cards here.

Sunil Plaha, project applicant: Just a couple of minutes I guess. Good evening Chair and members of the Commission, Sunil Plaha, project manager for Taylor Morrison to represent the owner of the property. As Derek mentioned we've had the other half of the project approved by yourselves so a lot of this is the same repetition of the same product, the same sort of lot size, etc. as you'll see as you go through the site plan and plan types and elevation. If any of you have gone up to Wilder Road you can see that 70% to 80% of Wilder Road is now complete. There are 5 people in residences and the community is now taking shape. The model home is going in in a couple of weeks as well and we thoroughly recommend the Commission go up and see those homes and see the fit and see what we're building is a quality product out there, and with that, I want to pass it over to our architect who will go through the plans.

Farmer: Do you want the lights Darian?

Darian Rauschendorfer: Whatever you prefer. So, Darian Rauschendorfer, Dahlin Group Architecture and Planning. It's a pleasure to bring you these 5 houses to you tonight. It has been a while and we've had a little bit of time since we have seen you so we have had some time to think about colors and different things like that to kind of tweak for the better in response to some of the comments that you guys had previously.

(NOTE: 3-D Virtual Animation is presented to Commissioners)

So, those of you that have been out there, this is the model home that is out there that is almost completely finished. We think it's pretty great and we're really excited about how some of the details...the execution and how they actually came to finish the house. This is the other up-sloping house. As you can see they've tucked that second floor into the corner of the house which makes a nice porch on the front of this house to kind of change up the different front elevations we have on the street to give it a street scene.

This is one of the houses that's on the corner. In response to color, we let the poplar color just be on the accent items on this house, the tower and the built out base just in response to some of the comments about too much color going on. This is the house that was approved-I think it was one of the last houses that we brought to you that we made comments and revisions to. We also made revisions based on planning staff comments and a little bit of tweaks to the color. The color is a similar color scheme to what is out there. We have honored the intent of the color scheme while tweaking the colors to bring out more earth tones and to bring the two colors a little bit closer together so it's not such a contrast in the brightness you see in the house that's painted out there right now.

So we'll look to the rears of the up-sloping houses. You can start to see how the core of that second one really touches the core of the house which allows for a nice stepping of the house on the rear elevations. And especially this one, as you come up and view it from the back you really do get that feeling that it's kind of stepping with the grade and honoring how the code talks about the houses stepping with the grade.

So this is the rear of one of the houses we brought to you before and it has been approved. They made several modifications at that point in time and brought it back to you to get to this approved

version of it, so it also has a different deck and built out stairs to add variation to the houses out there. For this house, we put the stone on the deck and retaining walls and added the boulders to help soften the look of them. And then this one, again there is variation but the colors are kind of brought together so it's not such a stark contrast and you get the play in the trails, but not the stark contrast of others.

With that, we are open to any questions that you may have.

Mautner: One thing is the graphics. They're really improved.

Rauschendorfer: Thank you very much. We've had a little bit of time to kind of tweak them. Especially in this last round we tried to really—especially the landscaping because I know that was kind of a big ticket item—we worked a lot harder to get it to a level that is in the 2-D drawings.

McGrath: Any questions of the applicant?

Hoeffel: Can you go to the back of Lot 194 for a second?

Rauschendorfer: Yeah.

Hoeffel: So, I'm trying to understand the various retaining walls. What is the natural grade? Are you building up, or....?

Rauschendorfer: So some of these houses on these lots are really to pull with the grade. You can see how retaining walls on the hill here....the grade is maxed out here. When they started, some of these slopes were pretty severe and a 2:1 slope making a pretty steep side yard. So what we did is we kind of stretched it out to smooth it out a little bit since it's not functional in the side yard anyways, but it makes it much more a pedestrian-friendly area to walk down and it is a little bit nicer area for people to have and for, like they have done in the past of liability reasons of landslides or anything.

Plaha: Because all of these retaining walls have been engineered by BKF and we sat down last week and double checked all of these walls and confirmed all the walls in there have a retaining function to some extent on the site and that's why they're there. We've removed as many of the walls that are not needed as we can and so all that remains are those that are needed and in addition, we took the Commission's comments previously that the harsh cut 90 degree angles were not in keeping with the slopes. Where we could, we've actually curved the walls back and had them engineered in a curvature fashion so that it actually cuts into the slope and actually fits and is more in keeping with the hillside as opposed to having a 90 degree very harsh angular retaining structure. You'll see that even the ones on the rear of the property and the ones that are on the side and all of that are contoured to it. I'm happy to keep that theme modern so it kind of mix those as well to give them more of a steady level. As the landscaping matures out there, you will see the roads more gradually vanish on the hillside.

McGrath: So again, what is the exact function of those retaining walls?

Plaha: They serve a retaining function.

McGrath: For the dirt that they're building up against the basement?

Plaha: Correct. You will note that there's only one home that has marginal FAR calculation, the rest of them do not apply.

McGrath: So because we're piling dirt against the side of the house to get a basement credit, we need a retaining wall that now is functional.

Plaha: As I said, of the 5 lots, 4 don't even use the FAR calculation, and one only has one retaining wall which is usually out there because....

McGrath:because it's a lot that has a 2,500 square foot net?

Plaha: It's retaining dirt. That's why we had a bed. If it was the fact that we were maximizing the FAR calculation, then we could have said we wanted it on both sides. It's not. On one side of the property it's retaining because it's there.

McGrath: It's on both sides? Actually on 194 it's on both sides.

Plaha: And I don't believe this one meets the FAR calculation.

McGrath: This is minus 12 feet from the limit with the 1,200 foot basement credit. It happens to be the one that has a 2,500 square foot max net square footage limit and it happens to be negative 12 feet under that limit and it has 1,200 square feet of basement credit.

Rauschendorfer: I mean, the only thing I could say is that this house, while it may be different elevations of this, has also been approved 6 other times, and each time....they are serving a function. These houses are actually more laterally sloped between the pads on these houses as you can start to see in the next house. The transition between the pads of the houses are also laterally leaning in this direction down the street so they are serving a purpose that way so you don't just get it from the front of the lot to the back of the lot slope, you also get the transitional diagonal slope of them kind of marching down the hill.

Plaha: Based on the discussions we've had to rehash this about the FAR calculation and we took the Commission's comments last time that there was an issue. As I said, we've sat down with our engineer, we've discussed it and we met with them last week to go through each one of these walls, the functionality of each one and every one that is on there is retaining earth to some restriction as we discussed previously. The slopes that are add on water have been engineered previously before we even purchased our site and we're kind of re-engineering those grades to make sure they properly sit the way they should, and in addition, I don't want to be sitting here in 5 or 10 years' time with the amount of rain that's out there when the hillside goes into somebody's property. So they are retaining and that's what they're for. The fact that the FAR calculation is applicable is that it's functionality. We've just seen one that's gone through Commission and has used the FAR calculation of 30% all over and I failed to understand why we're having this discussion again for a good portion of the last hour. And, as I've said, I'm happy to bring my engineer next time.

We're ready to verify the fact that the contained walls are retaining walls.

Faix: So it's really hard to believe that those little kick walls at the end that are added, to listen to you say that those are going to prevent landslides. Landslides come from something so much bigger. That's just there to hold soil. So, you know, to me that's really frustrating to hear because there is engineering for the slope slide but landslides don't happen right next to your house....

Plaha:Some of those kick walls are architectural features as well as to try to minimum retain. If you would like us to remove those kick walls we can go back to that level and have those removed if they are not serving to retain. The ones on the sides of the property are retention, full retention.

McGrath: I must look much more gullible than I feel I seem. I see the circular logic here and the circular logic is, I need a pile of dirt to get basement credit so I can stay underneath a limit for this particular lot which is 2,500 net feet, and so I pile up dirt. Now, I can't have that dirt slide so I need a retaining wall to support that dirt. That is not the purpose of the way the design guidelines were written. I actually went back and looked through the original design guidelines, and they do say retaining walls of varying heights-they say rear and side yard terraces are also proposed to extend beyond the house and foundation to allow for outdoor living space that's contiguous with the main living areas which to me says, maybe if I had a balcony or something like that, I would have a means of access to the outside or egress back to the front, I don't see that. Then it says on final grading, you create a setting into the hillside and look for homes and mimick the natural contours where practical and I think that was the intent of the final grading, was to blend those two slopes together and not to artificially create terraces.

Then I see that the basement credit can be calculated that way when a wall is necessary. So we're getting into circular logic again and again and again on what is making the wall necessary, and it can't be the gimmick of exceeding the limit on the square footage is making the wall necessary. This needs to get defined to it be interpreted by all parties the same way but it's logic to me that the lot that has the 2,500 limit is the one that usually...and the line they draw across the basement credit ends up being negative 12 feet short of the maximum.

Mautner: But isn't that the ground rules? They're playing by the ground rules.

McGrath: No, the ground rules are that in certain situations you create this or when they're structurally necessary. You can't make it structurally necessary by using as a gimmick to get more basement credit. I just don't buy that logic.

Plaha: The grades out there are engineered previously to be re-engineered when the dirt is being moved around, we have 60+ lots going up there. So as we're moving up the hill, engineering is consistently cut and we're having to go to our engineer and say, where is the retaining structures needed based on what's happen because we're moving up the hill. This is not the singular hill we're building and the topography around here is not changing that description.

McGrath: But it's a 5,000 square foot home on a lot that was meant for 2,500 square feet. At some point in time, yeah, you're probably going to have to do all kinds of crazy engineering if you push it far beyond its intended limit. I just have trouble seeing that if I were the guy that designed these guidelines, this was where I would want it to end up as the intent of these guidelines, and we've been through this so many times.

Faix: I'm kind of with you I know that you've said there are 6 other ones of these and all I can do is hit my head, like, oh my God, it's still coming back. The rear massing of these 3 in a row here with this H form that's very heavy, that's holding ostensibly what's a very light deck have become these massive things, the worst of which is the big brown one that's like 3 H's in a row; the one to this side. I think the way you described it is we played with stone to make it feel lighter and to me, they've just gotten worse and worse because I've seen some of them built and I have huge reservations about the continuing of these. I think you guys see it as they've been approved once so they should always be approved whereas I think we've said before, the more they get built the more of my reservations to what's being built are getting stronger.

Iverson: Can you just clarify which, because I'm....

Faix: Whatever this brown one is here. Do you see the H that's formed? That one in particular is one. I think that the point of us in past....

Rauschendorfer: So this house....the first house that this actually got approved on you denied it and we came back in and actually listened to your comments of what you wanted and this is what you wanted, and then you approved it.

Faix: I want to undo that statement. I never wanted that. It might have been a compromise to get it there, but to see it again, it's really hard to keep....like I have very little comfort that this meets the stepping down guidelines. There's nothing about this hill that feels like...that particular one that's stepping back...in fact it's really, really heavy. You've got this really heavy, like 2 foot thick column beam chunk hanging off the back. So my frustration is just seeing them again and again and not having much change and going to the site and seeing them built, not seeing the front door, not seeing the maximizing of massing in terms of these garages and the door's sort of hidden behind. I have lots of massing concerns about all of the ones that you're presenting. So it was interesting to me to hear the other Commissioners say, oh, like the graphics are getting better. It might be the rendering technique which is more true to color but the massing is problematic and maybe it got slightly resolved on one, but you know, to keep coming forward with the same design, to me is maybe profitable to the developer as you but it's really hard on a planning sense for me to feel like we're doing good to the community by saying yes to these.

Mautner: We're not doing individual custom homes here. This was a huge development that costs a whole bunch of money to get to this stage and I think they're trying to put a product together within a context of a number of homes that may not be perfect but I think they're moving forward with it.

Faix: But your feeling is when you got there, it seems appropriate when you see them when built out?

Mautner: I think it will be appropriate when all the landscaping goes in. When you go out there right now and it's rainy and it's miserable and the landscaping is not there, yeah, I have a couple of problems I want to bring up but overall I think we have to be a little more open to allowing them to build, and they're trying to go through the guidelines as best they can and we can't ask them to do a custom house each time that's going to be radically different.

McGrath: Well, let's put this in context a little bit because I don't think that's what we're asking. We've approved probably 30 of these homes at least during the time I've been here. Basically, there's 4 lot types, right? And there are limits on each of those lot types. Lot C is 4,500, Lot D is 5,000, Lot A is 2,500 and I think Lot B is 3,800. So we've approved 9 out of 10 applications that have come thru here. I don't think we've turned down one up-sloping lot in any applications before us. The issue here has been the mass of the house as it pertains to down-sloping lots.

So you can look at this particular application. The lots around it are 16,000, 19,000, 28,000 and 14,000. This lot is 12,300 square feet. We're trying to fit a square peg in a round hole and that's the issue. It's not that we're asking for a custom design. It's that there's a specific lot Type A that requires a different design. And so when we see....yeah, if I built to the extent to this, I'd be able to engineer all kinds of solutions, but if I built a house that was the right size for this lot as intended, you wouldn't need engineered solutions of any sort in the context of what we're talking about. So this is the crux of the issue here, and in this particular case, the massing is a double-whammy hit. You get the massing of the wing walls which look terrible when you go out there. I've been out there a bunch of times. I've spent hours out there about a month and one-half ago. You get to that massing and you get to the fact that now you've built houses 1,000 square feet bigger than they're supposed to be and you get that massing. And that's not what these rules were intended to accomplish. So you can argue that it's engineered...you're not going to convince me of that argument.

Plaha: And as I said we would put a smaller house on that lot. They're moving walls and it will be required. It just won't be attached to the home. There will still be walls because as I said, they're retaining.

McGrath: Well, we'll actually view that application when it is submitted to us and see what it looks like and see whatever the design guidelines say, and I think this is insufficiently clear as to what purpose you constitute getting a basement credit because that is the crux here. If you do something artificial and you get credit for something that wasn't intended and you're saying we need it to be there.

Plaha: It's also getting difficult for us because we've come to this Commission with inconsistency, and as I said...

McGrath: You haven't gotten inconsistent feedback.

Plaha: No, what I'm saying is we're taking feedback consistently back and tweaking it and so the homes are consistently changing.

McGrath: I cannot understand that from the Commission. I'm not going to accept that we're giving inconsistent feedback.

Plaha: I'm not saying that. I'm talking about if we tweak, like the other day—we've tried to incorporate the colors, we tried to incorporate as much as we can and then we come back and you don't like the massing on the back. We're going through the same conversation and I just wanted to get some clarity about how to move forward because we've got 30 of these lots and they are all under your design guidelines, and they're all going to come and I'm kind of concerned.

Drummond Buckley: You know, I just want to point out and I think I've said this before, but the handbook that was adopted by the City Council and reviewed by the Planning Commission very clearly allows retaining walls for the purpose of setting a basement credit. Very clearly it's throughout the handbook. If you look at the retaining wall diagrams, I did a presentation in the past and if you look at the retaining wall diagrams, you'll see, retaining walls that sync up with the basement credit. So it was very clearly allowed in the handbook.

McGrath: I actually read through this again tonight. I saw that. I saw a denotation on there that said "as necessary" and so "as necessary" can't be for the purpose of creating the basement credit.

Buckley: It could be. It could be why it's necessary. It's not prohibited. And the diagram shows it. Does somebody have a copy of the handbook that I could...?

McGrath: I have it right here. I have it highlighted right here. It says "as necessary."

Buckley: If you don't mind, I'll look at it for a minute and you guys can keep talking and I'll show you what I'm referring to.

McGrath: To set the tone a little differently, the up-sloping lots I think....

Mautner: Maybe in the context of time and to get some things moving, if this Lot 194 is the one we're hung up on, can we review the other ones and let Drummond come back with his comments and at least get some of this resolved because I only have one comment and that was driving through the built houses. I would like to point out which one, but where you have a double garage and then a 90 degree single garage, the roof on the double garage has the same height as the roof on the single garage and it looks pretty funky. Have you sort of looked at that? I think we have one like that here.

Farmer: You do. It's Lot 190---.....

Mautner: 192? 193? And I saw it in the rendering.

Rauschendorfer: We revised that roof based on staff comments before and we made that revision on Lot 203 which was approved as well. Based on some of those oddities which are found between the nice fitches....so we have revisions and are working with staff.

Maunter: Okay, so you've already been through that. That was the only one that I have that mentions one. So given that, can we sort of as a group resolve the ones we can resolve quickly?

Buckley: So if you look at these exhibits, this is a 4' retaining wall, this is your basement credit, and very clearly this retaining wall is at that point to establish the basement credit line and here too.

McGrath: I saw that Drummond and what I saw prior to that is that it mentions side yards as being accessible from the main floor for purposes of access to the exterior; that would make the positioning of that wall necessary that then would allow for that line to be drawn. This is what I see here earlier up in the document. I just read through it.

Buckley: I disagree with your interpretation.

McGrath: And that's where we just flat disagree. What's the purpose of making it 2 feet below grade if you're going to artificially create the grade? It doesn't make any sense.

Buckley: The purpose is to create that grade.

McGrath: We're interpreting the same design guidelines differently. I see that once you have the necessity to create that wall, then it is a resultant that you get a basement credit. The basement credit cannot be the determinant that created the wall.

Buckley: It can. I'm not saying it should be, but that's what was adopted.

McGrath: I don't see that clear anywhere.

Rauschendorfer: I think the hard part, even with things like that, these walls are necessary. We're trying to get interpretations. If you take into consideration different interpretations, the last round that when we did this—I believe Mayank had reached out to even the City Attorney to figure out which way do we go. And, at that point in time they had agreed with Drummond and the findings that staff had found. So it's hard on our end when we're getting it from different directions.

Plaha: Your City Attorney said that this is....well, as the City Attorney interpreted it, it is difficult for us to come back and then be told we're not interpreting the right way of staff and legal counsel, and that's what makes it difficult for us. As I said, we're not trying to do anything. A, it's political and more importantly, the grades are so engineered that way that these are required. We took on board that Commissioner McGrath was upset the last time so as I said, I sat down last Thursday with my engineer and went through each and every wall and determined that they were retaining. As I said, those little kick walls, if that's what the Commission wants, they retain minimal and at that point, we can remove those. Those side ones are not removable because they are actually retaining soil.

Hoeffel: Okay, I want to beat a dead horse for a second. The side walls are required because of what?

Plaha: They're retaining soil.

Hoeffel: So that you're adding or so that it's there. The engineered grade today doesn't have that soil there.

Plaha: Again, we have to return the property to the natural soil which is what we've been told, so just as was done earlier, it must be excavated and put back. If we excavate and we don't take the walls, it's not going to be the natural slope. So you're asking us to do one thing and then asking us to do something else as well.

McGrath: The retaining wall that you're putting in is above what would be the natural interpolation between the slopes, the pre-graded slopes.

Plaha: I disagree.

McGrath: Okay, all right. We're going to have to—I'm not upset. I just think that this is creating a condition that's creating massing that's not appropriate for the development.

Hoeffel: No, I don't disagree. This is the biggest issue we've had and it is that egregiousness in my view of how you're fitting that much house into it. We had a long debate last time and, you know, I don't like it. I think it's going to be bad in the long run for Wilder. The City apparently doesn't share that view so this is our stump to remind you guys that we don't like it either.

I will say, as we see more of the homes with that backing, as Commissioner Faix was talking about, the rear decks and that treatment is getting repetitive, and so the concern is that if you get 20 or 30 more looking up the hillsides that what you're seeing a lot in the front try to change the excavation of those plans, you know, I'm worried that what we may see up there is you get more homes up that hillside and that's egregious across the back. And I think it will take away from the architecture of the home which individually aren't bad when alone. When looking across here, those 3, you're repeating that deck virtually across those properties and there a couple that are fine, but as you get to your 40, 50 or 60, I'm worried that they'll very much looking like production housing. And yes it is production housing, but it's also semi-custom production housing and we are trying to manage that balance. Yes, you have repetitive lots—I get that, but... you have to give yourself a product especially...it's not flat. It is that hillside and more of these homes are going to be visible then than a flat tract home. So that's my concern about some of that rear massing.

I'm done fighting battles because of the stepping down because of the same thing. The City didn't choose to enforce what I think are clear in the guidelines and I'll sort of go back to my statement on it last time. I would love to deny many of these homes but I believe they all probably meet the new guidelines, but I didn't see them in the staff report where it typically is.

Farmer: They do. They're not subject to the re-massing, but yeah, the rest of the guidelines—they do in terms of heights and setbacks and all that.

Iverson: If I could follow Commissioner Mautner's lead, I too have issues with the A-Lot home. I am not crazy about the fact that you're doing a cottage style on an A lot and just blowing it up. I do understand it's compliant, but I was really struggling with that one application. I think the other 4, to put a more positive note, I think these have come a very long way from the first ones you drive by. The contrast to me between those first lots that are occupied and the orange is too orange, and the cottage style is sort of applique and I looked at these applications and I saw quite a bit of progress.

I actually thought that for the much bigger sizes of these homes that it was really necessary that you made that progress on the articulation and on the colors. The only thing that I had not focused on until this discussion is (inaudible)...I thought that was a very valid point and it's right on, so if we tabled 194 on that A Lot potentially for some changes that might be able to break up that one line. Again, that wasn't my main focus, but it might be a benefit we get. For me, I've always felt that the cottage style was meant to be for your smallest homes. It really doesn't work when it gets over a certain size and it gets very strange. So I think you've done a really good job blowing up the cottage style. I just don't think that's what that style is meant to do. So I'd like to keep working on that A lot as a group. I think the other 4 are perfectly fine and actually work well on the site and the scale. So I would, at least for purposes of getting this discussion moving, support those 4 and keep the conversation going on the A Lot on 194.

McGrath: Yeah, I'm perfectly fine with the other 4. I think particularly the up-sloping lots are fine.

Commissioner Mautner: I'll make a motion to approve Design Review and Elevated Deck Permit applications for (4) lots 191, 192, 193 and 195 as recommended by staff, and to adopt the Statement of Official Action, and then let's table 194 and we'll continue that as soon as we approve the first 4.

Iverson: Can we do that this evening?

McGrath: Yes.

Iverson: I second that motion.

Mautner: Really quick to clarify, a couple of things need to get in agreement on the Permit Streamlining Act deadline for 194. Are you in agreement with that extension?

Iverson: We're still talking tonight.

Mautner: Yeah, but I want to table some of it.

Buckley: You don't want to table it to another meeting.

Mautner: Exactly, but we're so hung up. Let's get something approved.

McGrath: We have 5 applications on this. I think there's a motion to approve 4 of them and let's move on to discussion for the last one.

Farmer: Okay.

Iverson: So I seconded the motion.

McGrath: There's a motion by Commissioner Mautner, a second by Commissioner Iverson. Let's do roll call vote to approve 191, 192, 193 and 195. I believe that's 51, 52, 55, and 56. Roll call.

Commissioner Mautner made a motion to approve Design Review and Elevated Deck Permit applications for (4) lots 191, 192, 193 and 195 as recommended by staff, and to adopt the Statement of Official Action. Commissioner Iverson seconded the motion; and the motion carried by a majority (5-1-0) roll-call vote as follows:

Ayes: Mautner, Iverson, Hoeffel, Roberts, McGrath

Nayes: Faix

Abstentions: None

McGrath: Just to show you I'm not an unreasonable person, okay, congratulations, you've been approved on those 4 applications.

Mautner: How many of the A lots do you have left?

Rauschendorfer: 17.

Mautner: 17?

Iverson: 17 of the A lots you're saying?

Rauschendorfer: Oh, you said the A lots? Oh, I'm not sure.

Buckley: I don't think it's that many Darrian.

Rauschendorfer: I want to say 5? Of the Plan 2 though of this particular plan, there's 3.

McGrath: Have you sold one of these designs on an A lot with the master bedroom downstairs with one window?

Rauschendorfer: Yes, we have. I think we've sold two now.

Iverson: How does that compare with the rate of sales on others? Does it depend on....

McGrath: ...average days on market.

Plaha: The sale of that one....Sales is....you're looking at a \$3 million home, so they're not going to be exactly the same. We have an opening later this month...

Iverson: I'm sorry, the question was, of this style as compared to other styles, how do they pace?

Plaha: We haven't had any adverse feedback to the extent we've sold them. We haven't had any adverse feedback on any of them we've sold, and as I said, as we're progressing, we take the Commission's comments and they're evolving, so

Rauschendorfer: I just want to see how many houses that you've finished to sell. So, of the Plan 2's that are out there, 3?

Iverson: When you say Plan 2, is it a layout or is it a style, or is it a house size?

Rauschendorfer: It's the interior of the floor of the house.

Plaha: The letter depicts the elevation.

McGrath: But the features of Plan 2 are basically this same old facet or single face all on one fenestration level is the idea...on the elevation.

Plaha: According to what elevation?

Mautner: I got confused here. The controversy is with Lot A, and the question was how many more Lot A's do you have to develop that we might have to argue about?

Rauschendorfer: So we have a different floor plan as well; the mid-century modern. That is also put on an A-sized lot. We brought that to you in study session that we got great feedback from and then approved. So it's hard to say how many lots there will be because we have different plans on different lots as well.

Mautner: I understand.

McGrath: I also probably wouldn't....I mean, if you were thinking about the issue strictly limited to A lots. This is an issue that has reared itself in other occasions outside of Taylor Morrison that has to do with how you maximize square footage on any given lot. For me, the issue is really simple. I disagree with the interpretation of the guidelines. I see the result of basement credit is the result of a retaining wall that is structurally necessary for other purposes and not for the purposes of creating a credit. That's my concern. It's been my concern for a year and one-half.

Hoeffel: And I don't disagree with you in terms of your goals, desires and concerns. I think it was clearly the intent of the guidelines to allow for this usage; we use retaining walls to increase basement credits, but is it worth it? Do you think those were the guidelines that were approved and so as I said before I think it's a mistake in the long-run the City is making but I...yeah...I guess I come back to the same rational position I gave to acquiesce to approving it the last time in that if what we have and if re-submitted today would meet the guideline for this would never come to us. So in some ways we have our last ditch efforts to imprint our view of the world unfortunately for you guys. On the other hand, are we making examples of you guys just because of when you filed. That's my belief.

McGrath: My counter to make to that is we made that argument last time and we're right back where we're started. And I do disagree in terms of....I don't see anything here that explicitly says they can be created for that purpose and if someone shows me that, fine. I see that they need to be created for the purposes of continuous living spaces on the main floor. That's what I see. Terraces can be created for continuous living spaces, or obviously if they're necessary for other structural purposes.

Iverson: I guess in listening to you guys, if that was the only issue about the technical compliance of the basement credit and how it's applied, I feel comfortable that the legal interpretation is what it is. However, we do have qualitative review over the entirety of the project application and at least I have a lot of reservations about this particular one. I feel like more people than not on this panel are feeling like this. This just doesn't work. So, it's one that I don't think I would be prepared to approve tonight not because we just have to swallow the pill about the basement credit, I think it's legal and allowed to do that. I just think this particular house, when you add sort of the wing walls and the "cutesy" decorative stuff, it's a lot of stone and it's very bright and there's a lot of mass and it's a small lot, there's just a lot of things about it that I feel like if you guys had come in with something that was smaller on the lot, we probably could have gotten it through. It just feels like the gestalt of this style, the lot size, the basement, the selection, it's not working the way the other 4 do, so I would not be prepared to support this tonight, but it's not just because of the 2 foot walls. It's because the house itself is not one that I feel we can feel good about approving as part of Wilder even within this neighborhood context and these design guidelines. I just feel that one is not fully baked.

Hoeffel: This is what we went through last time with the Commission.

Rauschendorfer: Can I respond to what you....?

McGrath: Yeah, we haven't really....

Lauri Moffett-Fehlberg: Lauri Fehlberg, Senior Principal with the Dahlin Group, Let's talk about the design of the house for a few minutes because I think there's some places we can go that can make everybody happy. So, we've all got the elevations.

Farmer: What page?

Fehlberg: 194, 97 and A-6. The two.....

Mautner: You only have a black and white one. Do you want a color one?

McGrath: It's colored.

Fehlberg: Can I approach?

Mautner: Please.

Fehlberg: So here's what I'm thinking in this whole conversation is that, from a staff standpoint, this is very "cottagey", single story from the street. There's a lot of articulation of small elements that's typical cottage. Both sides are really giving us that little bit....

McGrath: This might be a little easier for recording purposes. Do you have the elevations you're presenting...At least you can go to the wall and I think everyone would see this a little bit better.

Fehlberg: Okay. So part of what I was doing was just sitting here listening, trying to absorb and say, okay, what is this about that we're really starting to have some heartburn with and what I was getting from this conversation, was the philosophical application of the design guidelines aside just architecturally. So it feels like you know the front of the house, single story, feels "cottagey". You can't tell how big that house is from the front. The same thing as your wrap down the sides. You really get the sense of movement with the small gables, the expanded, the lift in the gable here from across the center, the smaller gable, the lift again. You get a nice rhythm on the side of that house. Where I think we're running into trouble—you get the same thing on the sides. You're getting this breakdown in the massing...here's where we're running into trouble. That seems to be where the concern is. And so here's a thought for you. What I'm hearing is the stone is creating a density to that back side. We want to have the deck because that helps give us this expansion into the landscape, into the yard, but what I'm thinking is.....let's get rid of the part that is starting to give everybody heartburn.

In cottage architecture which is reflected on the other sides of the house as well, we have these components of the timbers basically and the detailing there. We've got the timbers here from the decking. We've got the open metal rails. We've got the lines coming down. Let's get rid of the stone on this back and create it out of this timber element so it has a filigreed feeling to it that goes with the architecture. It's still going to be there so the resident can get out, they can see, it gives that extension into the yard. Let's just get rid of the stone. We'll do the detailing all the way to the ground, but it's really starting at the top. What we could do if you wanted to break the stone out, because this is where we'd attract; half our Planning Commission says if it's on the front it's got to be on the back. So, you know, we're always looking for how do we balance the maze. Take the stone off of here. We could take it across as a wainscot across the bottom in the back so it really feels like it's coming out of the earth which is what the cottage style does. It's of the earth. It's the piles of rocks. It's those types of things that we could do to this house and I think it will start to satisfy some of the things that we're concerned with; "the H's", with the heaviness of the stone, and then we can create so the whole back of the house is the white stucco, take the wainscot across the back underneath the windows and detail it nicely like we are with the walls up above.

Iverson: Did you do that on more of your recent Craftsman? Did you do something where you had more stone at the wainscot level?

Fehlberg: Yeah, yeah.

Iverson: I thought so. I actually thought that was a nice result on that one.

McGrath: I actually think we gave you feedback along these lines on this design last time. I remember talking at least about the stone going up above the rail height.

Iverson: I think it's a different style.

Fehlberg: Yes, it's a different style of architecture and so we can take, you know...and this is the kind of advice where I listen and I'm trying to distill down what is it that we can do to this that pulls the detail from around the front of the house into the back. The sides have that nice flow and that nice movement so let's get it back here. I think if we do those two things, I think it will feel good.

Iverson: One more thing though is that you've got this cutesy here and it shows up I believe on the front also, but that also makes it feel like it's trying too hard to be a tiny cottage instead of something that's 'other' and that's another thing if you can figure out with that detail that makes it less 'adorable.' I think it will handle the size better.

Fehlberg: Oh, can I quote you? Less adorable! Can I use that? Not here but other places.

Iverson: I'm sorry, but it seems to me how that...if you're going to use that kind of detail, it needs to be actually small so I just think you can dignify the house style a bit and then I think it reduces the pressure to have the front match the back when the front isn't quite so 'of a type.'

Fehlberg: Tinkered.

Iverson: Yeah.

Fehlberg: So what we can do with that is very simple because on the sides are all of the square gables. Why don't we just take the stoop off and bring it straight back?

Iverson, Roberts: Yeah.

Fehlberg: Just pare it off. It's....

Iverson: I think it would be a calmer style for a bigger house. I really struggled with this being a different animal than the style it was meant to be and I think we need to address it. I think lightening up the back with that trestle style I think would go a very long way to soften the effect.

Fehlberg: It makes it transparent is what it does, so it gets the weight off of that deck.

Mautner: As long as we're doing design work...

Fehlberg: And I'm happy to work with staff to finish this off, you know, to....

Mautner: So one other thing and this is what I saw...go to the next sheet and that's the one car garage. You can see on the back end, that roof feels really uncomfortable.

Fehlberg: Between these two?

Mautner: No, just that one. That one, if you drive by the houses that have been built, it just really feels out of character to have that high of a roof trying to mimic the same height as the two car garage because the two car requires that much height. That's a minor detail and you guys can work on that, but that's....it just seems....

Fehlberg: I think we just drop the plate and you have a handle because you wouldn't want the small gables to have a different pitch than the other small gables. That would be really weird.

Mautner: No, but the two small gables, bring them down and then...they don't have to be the same height as the double-car garage—that's what I'm saying.

Fehlberg: And we can drop the plate. It just drops the whole thing down, and that goes to your point where you get these smaller elements and build to the bigger elements. So, I mean, again, that's a simple fix.

Rauschendorfer: So these will still match and have the same pitch. We'll just bring down this plate....

Mautner: Either down or not as tall.

Fehlberg: We kind of want that lift, but we'll just drop the plate on that.

Mautner: It just seems too much for me.

Fehlberg: For the rest of the house, it's up there, it's unnecessarily so.

Mautner: So if we get that from the back, then the only issue that we've got on the table is the retaining wall? Is that where we're at? Are we getting somewhere?

McGrath: I think anything to improve the architecture to improve the massing is great. My view is not going to change on this interpretation of the code.

Mautner: So how can we resolve this?

McGrath: They're trying to put too much house on a lot that's not sized for that. So that creates just general massing issues. Again, in my view it's too cold. The house is probably 400 square feet bigger than it should be and the wing walls create massing issues. When you look up towards those houses, you can see them across the valley. You can see all the ones that do this. It creates massing issues in the community as a whole. I mean, that's....If the Planning Director believes that that can be a driving force, I don't think that can be the driving force with replacing the wall. There's got to be some other reason and the resultant of that is for get the credit for the....

Roberts: ...to make it the bigger house, which they need in order to pay for what they've done.

McGrath: It should be a less expensive lot because it's an A lot.

Mautner: Can we get a legal interpretation on that?

Buckley: I talked with Fran about it and she said there is nothing in the handbook that prohibits you from using a retaining wall to set the basement line.

Mautner: Okay, so if that's a given....

McGrath: Again, I'm reading that as a necessary retaining wall. I'm reading it as a retaining wall that serves a functional purpose and the functional purpose is not to get the basement credit. That's not a reason to build a retaining wall because...I'm just repeating myself now.

Mautner: I understand. I'm trying to get to the point where we can give them direction and I don't think we want just a rejection at this point. If we've got the massing in the back where I think some of us are more comfortable with....

Iverson: Can we get a little bit smaller house. I know it's not custom and you need to be able to have plans that you can replicate. Can we get the house size down a little bit without fundamentally changing your ability to repeat them all?

Plaha: I think we would have a whole new house.

Rauschendorfer: I think the hard part with some of those things is that some of the walls from the main level to the basement are strategically stacking so it may not be as simple as it may seem because there is symmetry and construction with some of those items.

Faix: Could you get rid of a garage and see the front door? It would reduce massing on at least the front elevation.

Iverson: We would agree with that feedback to have a front door entrance experience. When you drive on Wilder you really do notice that.

Faix: Even when you're walking. It's uncomfortable I think.

Farmer: The one thing or one perspective is that we see that across Wilder. So I mean Davidon has a lot of those where you have single side car and the two front loading and I think that one of the functions is there's supposed to be this little indoor/outdoor connection patio area in between.

Faix: But the problem with this design, and I don't know if it's just Davidon's group or if it's other people's thing is this opening is 3'6". This is a very narrow experience to approach a house and feel like that's where you're supposed to go. Squeeze between these two walls and that's how you enter. I actually think it's a big design flaw, but in terms of massing, if you're looking for massing options and you're taking feedback, that could be one way to reduce the amount of sheer mass on the site. It doesn't necessarily go into your count in some ways but it would be less, right? If we're trying to get less on the site that could be a way to get less if you didn't want to redo your architecture and there's no engineering in it and everything else.

Faix: Or you could have a two-car, basically if you took the side facing off.

Farmer: So eliminate the side facing on the single car.

Faix: I'm just throwing it our there.

Iverson: I know this is feedback but it would help a lot.

Faix: It would because there's a lot of stuff that they're jamming on here.

Buckley: So Tiffany is going to have a real difficult job in trying to transcribe all of this especially with our typical microphone, so keep that in mind as we....I think it's okay to have this fairly informal productive, almost like a work study session. I don't think there's any rule against that. Certainly if there was public here we would offer them an opportunity to respond but there is no one in the audience other than the applicant. The one thing I was going to say about the side facing garage is I think that the intent there was not to prevent a scenario where you have a lot of 3-car garages facing the street where that dominated the streetscape. So there actually is an incentive to have a side-facing garage. We reduce your front yard setback for a side facing garage which is why you see it so many places in Wilder. It may be that the result of that is not as it was originally intended. You know, maybe you have some legitimate points there, but that basically was the intent.

Faix: I understand it's fully permissible, but it just feels like they've got so much on here and they have this very weird approach to their house, assuming you are not entering it from the garage, so all of your guests. And it's a very weird...you know I walk up there a whole bunch and it's an odd scenario that that's your entry point.

Iverson: We're trying to solve this project, but also you guys are going to be approving a lot more houses you know, you're going to see A-Z on this. There's going to be an on-going dialogue, you know, these are really important things to think about beyond just can we get to an approvable project tonight, which would be nice.

Plaha: And yes, just to kind of chime in I guess, Commissioner Mautner, you mentioned that the kind of rude picture on the singular garage, we're talking about the fact that there seems to be more in your view on that site, so the company won't be happy about it, but I will say we will remove it, but if this is a bone of contention we can move forward by having a one-car garage removed and we can get to an approval at that point and make the other changes to soften the rear deck and also looking at the rear picture as well, and the stone wainscoting across. That would then, to your point, Commissioner Faix, open the front of that house up so there is more of an entrance where guests coming through don't have to get through the gap between the two garages, so that visually from the street, would be to reduce the massing as well?

Faix: Yeah.

Plaha: And then also softening the rear elevation and adding additional articulation. I'm sorry, but right now we're trying to solve this and we're happy to.

Iverson: I would support this just on the loss of the garage alone because I would love

Roberts: Part of the reason why the side facing garage is there is to create a courtyard. So if you want to have that courtyard, you could put a fence or some kind of enclosure in front. And we talked about we don't want fences, and we could putthese houses. We have to be....I mean, I don't want to send them away and say, take off the garage and everything's going to be fine, but then to retain this courtyard out in front they're going to put up some kind of fence.

Iverson: But right now it's not a courtyard, it's just a driveway

(Inaudible)

Faix: I think that you're right if they got rid of it, and this is a side note—someone said if it was 400 square feet smaller it might feel like it fits better, so it's like halfway there right, like 245 feet less. But, you're right. If they wanted a feeling of a courtyard, they might need to put like a half wall or...it would

be a different kind of courtyard, but I actually think it would be a courtyard you might feel more likely to use. There are a lot of ways to do it.

Fehlberg:very "cottagey". Cottages always remind me of grandma houses, so it's that little bit of texture and softness you can do with the planting styles. It's not as random as I heard you talking earlier, softens things down a little bit.

McGrath: I guess I go back to what's the original sort of constraints that are put on this lot. Its 2,500 square feet. The garage credit is 400 and okay, they say there's a reasonable basement credits and now we're at 3,500 type of square foot house. That's kind of what this was intended to do and I don't know if you guys would spec 3-car garages on a 3,000 square foot house or not.

Fehlberg: Normally we wouldn't do a 2-car garage for a house of this caliber, but part of what we're trying to do is find that middle ground to break the log jam on this house I guess so just kind of in summary, we're looking at changing up the detailing on the deck in the back, take the stone off of that, take the timber detailing around, take the wainscot across the back with the stones so it has that sense of base across the back, drop the plate over the garage or remove the car garage and maybe do a low wall to express a courtyard feeling...like that type of short....

McGrath: And so now miraculously, we've taken 280 square feet or whatever, all of a sudden these wing walls can recede because they don't need to be there? Is that....?

Fehlberg: We can't move the whole house.

McGrath: I'm not advocating moving the house.

Mautner: It stays but it ends up that the credit that they get is no longer as necessary.

McGrath: I think they're there.

Hoeffel: I understand the concept of trying to remove the garage. I think it's going to be a marketing issue for a multi-million dollar house of this size but generally we need a two-car garage these days unfortunately. I do think it will lighten the house up a little bit, but I think that this is the Wilder style, the side facing garages, and I think it will change the articulation on this one particular design which will not be that bad.

Mautner: There's some modulation from the street now too because now all of a sudden your house is back. The physical part of the house; it helps modulate in essence the front of the house....

McGrath: I'm sorry, I wasn't hearing we were moving the house.

Mautner: No we're not, but if you're moving the garage you're effectively reducing the front of the building from the street.

McGrath: I don't think we've ever had a significant issue with a one-story on these down loaded lots. The issue is always from the back side of the down loading lots.

Mautner: But, there's an added benefit by taking that front structure out in a sense that helps the street corridor because now actually the building is set back another 15 feet.

Iverson: This may be a non-starter. Is there anything you could do with the shape of the materials of the retaining walls that would make you guys feel they are better able to blend? The fact that there's these white airport wings, maybe...

Fehlberg & Plaha: Those can be taken off. It's the stone walls on the side.

Fehlberg: Take the stone out of the boulders so it feels like it's of the earth again, so it's more of a landscaped wall feeling.

Iverson: Got it, especially the ones that bothered me were the ones that are carried back, but I'm not.

McGrath: My issues are more philosophic and precedent-setting in nature because we've seen this on custom houses as well.

Faix: You know I think the idea of the wainscoting is potentially is helpful. To answer your question on what could do it, sometimes I'm thinking of old historic buildings where they would have used stone to line the inside of that basement and that's what's continued because that foundation is that basement. So maybe it's something different than wainscoting and it's more like that basement appears to be made out of stone and you use it less as a façade veneer in places and definitely off that heavy thing.

Fehlberg: It will get a little heavy on that.

Faix: And wainscoting is correct, but that may be a way to like sink it into the ground a little to make it feel like it's part of the earth rather than side wall there.

Plaha: I think if you took into the full extent about the 8 foot, you could reduce some of the massing with the columns but you could have it with the base.

Fehlberg: From our perspective, it's the same amount of stone that if you didn't have that backside that way, I'm just afraid it's going to look really robust stone-wise. And some styles that does work is...I'm trying to lighten it up and then it heavies it down, so it's this balancing act. I guess what we're trying to do is to try and come up with a set of components that, you know, the back deck, the wainscot, take off the little wing walls, take off that front garage, so we can get an approval tonight and just come back to staff and say, staff we've done everything, let's move forward. That's what we're looking for.

Mautner: I just want to... I think what you've mentioned is your pro form eliminating the garage. Is that a doable thing?

Plaha: My boss is not going to be happy about anything. It's one of those things that if we can get to an approval. I'll take it. Is it feasible for a \$2 or \$3 million home to havebecause most people have two-car garages and the third garage is to do something or to have a weekend vehicle in thereAt that kind of level, that's the kind of buyer we had that's out there, but we will have to take a hit on the sales price of that home.

McGrath: I'm going to go back because I think my understanding is that the reason these were structured to have different lot sizes was actually to have some diversity in the sales prices of the homes out there. That was one of the original purposes of creating different sized lots. So I find this kind of circular argument going around.

Plaha: It's just very difficult. In the Bay Area and prices are....

Mautner: Yeah, but the price is going to be less.

McGrath: It is designed to be less. It is by design of the community to be less.

Mautner: And the price for this house is going to be less than the one next door. This is a smaller house based on value per square foot.

McGrath: I understand, as is the cost. So the bargain should be roughly be the same, maybe a little less. I'm not going to argue with your business model, but the intent of the community was to have some diversity in size and price of the homes out there.

Plaha: Yeah.

Mautner: So are we to a place where we've got enough of us that would approve, and maybe I'm the one to do the thing again....

Iverson: I would support a modified project which I think is a pretty ambitious list of offered changes, so I would support this and appreciate the fact that you guys came a very long way in trying some things we haven't tried before to see if we can learn some things for future projects. So I would support this.

Mautner: So if we made a motion, we can see where we end up and see if we can move forward.

McGrath: I would say before the motion, on principle, I would be in a much better place if the result in square footage was in line with a basement credit which was with the completed natural grade that was intended to be placed out there, which is interpolation of the upper grading and lower grading. And, whatever that is; if that's 500 square feet, it's 500 square feet, and recognize this is halfway there.

Fehlberg: Understand that they would have to do a whole new set of seating on the house on the house. Is there anything besides a completely new designed home that could get there?

Mautner: Maybe we could agree to disagree and see if there's enough of us that would go past that. Let's do this. I'll make a motion to approve this lot 194 with the following qualifications that get worked out with planning staff. 1) that the rear of the building; the stone on the columns and horizontal will be removed and the structure will be a lighter timber structure, with the architect to study a stone wainscot along that back surface; 2) the one-car garage will be removed from the site. We will acknowledge that there will be a courtyard created basically at the inside face of the garage so you still end up with the same sized courtyard being a modified wall that's on the street that's not going to be a full height wall. What else am I missing? 3) The white wing walls on the rear of the building will be removed and the grading from the major retaining wall down will be adjusted accordingly to make the surface work. And, whatever landscaping that needs to be adjusted will be adjusted. Does that cover everything?

Iverson: The last one was that there was some curved stone accents on the front and side.

McGrath: That's in the drawing.

Iverson: Oh, that's right, I thought there was somewhere else. Is it only on the garage?

Mautner: So that element doesn't get....yeah. Okay, is that clear? So I make a motion.

Buckley: And also adopt the Statement of Official Action

Mautner: Oh, and we adopt the Statement of Official Action.

McGrath: Is there a second to that motion?

Iverson: I will second that motion.

McGrath: Okay, there is a motion on the table to approve the project with the conditions as stated by Commissioner Mautner and seconded by Commissioner Iverson, and we'll go through a roll call vote. Commissioner Roberts?

Roberts: I don't think we should have them get rid of the single car garage, but in the interest of compromise, I will vote yes.

Hoeffel: Nay. The same reason but I don't want to support forcing them to remove the garage.

Iverson: I would still support it if they kept the garage and lowered the height, so just to get that out there, and I am an "Aye" to this proposal. I like this one better.

Mautner: Aye.

Faix: Aye.

McGrath: Nay. The motion does not pass.

Fabiani: The motion does pass.

Farmer: It was 4-2.

McGrath: Okay, I'm sorry. The motion passes by a vote of 4-2 in favor of the project with the conditions stated. Congratulations.

END

(Summarized recap of Action Minutes)

ACTION #1:

Commissioner Mautner made a motion to approve Design Review and Elevated Deck Permit applications for (4) lots 191, 192, 193 and 195 as recommended by staff, and to adopt the Statement of Official Action. Commissioner Iverson seconded the motion; and the motion carried by a majority (5-1-1) roll-call vote as follows:

Ayes: Mautner, Iverson, Hoeffel, Roberts, McGrath

Nayes: Faix

Abstentions/Recusals: Adamson

ACTION #2:

Commissioner Mautner made a motion to approve Design Review and Elevated Deck Permit application with additional Conditions of Approval as recommended by the Planning Commission as noted:

- A. *The wing walls at the rear elevation shall be removed. Grading of the slope at the locations of these walls will be adjusted accordingly.*
- B. *The columns supporting the elevated deck at the rear elevation shall be revised. The stone finish will be replaced by timber detailing.*
- C. *Stone wainscoting shall be added to the rear elevation.*
- D. *The side-facing, single-car garage shall be removed. The courtyard of the front yard, previously between the side-facing garage and the front entry, shall feature a low patio wall not to exceed the height allowed by Wilder Condition of Approval #14.*

Commissioner Mautner's motion also included adoption of the amended Statement of Official Action that will reflect the additional Conditions of Approval as set forth by the Planning Commission.

Commissioner Iverson seconded the motion; and the motion carried by a majority (4-2-1) roll-call vote as follows:

Ayes: Roberts, Iverson, Mautner, Faix

Nays: Hoeffel, McGrath

Abstentions/Recusal: Adamson

7. OTHER COMMISSION MATTERS:

A. League of California Cities: 2017 Planning Commissioners Academy Announcement

As this was a discussion item only, no action was taken by the Planning Commission.

8. PLANNING COMMISSIONER'S REPORTS:

McGrath: Requested that the Planning Director bring Wilder retaining wall issues and guideline interpretation, "to a head".

Hoeffel: Requested a field trip of the Planning Commission, to walk the Wilder Subdivision.

Buckley: Noted that staff can prepare a noticed Planning Commission meeting and go visit the model homes at Wilder

Iverson: Would like to meet with the Wilder Design Review Board jointly.

9. PLANNING DIRECTOR'S UPDATE: None

10. ADJOURNMENT:

Chair McGrath adjourned the meeting at 10:33pm and noted his anticipated absence from the regular meeting to be held on January 24, 2017. The next regular meeting of the Planning Commission will be Tuesday, January 24, 2017, at 7:00 pm, in Room #7 of the Community Center at 28 Orinda Way.