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## Planning Commission Sends Wilder Developer Back to the Drawing Board

*By Victor Ryerson*

By unanimous vote at its Aug. 11 meeting, the Orinda Planning Commission approved the design of two single-story homes in Wilder, but sent the developer home to redesign three others for failure to comply with a "step-down" provision of the Development Agreement for the Gateway valley. That provision, which echoes a long-standing Orinda zoning law design principle, requires a hillside home to be designed to step down the slope, so it does not present a massive facade from the front. The underlying concept is that such a design will better harmonize esthetically with Orinda's steep hillsides. The commission's action will delay the rejected designs until they can be resubmitted for consideration.

Ironically, at the end of the meeting, Orinda Planning Director Emmanuel Ursu announced that a plan to streamline the design review process for Wilder subdivision homes will be presented to the Orinda City Council, possibly as early as Sept. 28. The new procedure, which was recommended by the City Council Committee on Wilder, would bypass the commission altogether, committing decisions on approval to a zoning administrator. Ursu or his designee would be the administrator. The rejected designs were proposed by Taylor Morrison of California LLC, which owns 61 lots in Wilder. It is developing its lots on an aggressive schedule, and has filed 17 design review applications for single-family residences. The commission found fault with the designs of three homes because the upper story was not set back from the story below in stepwise fashion. Taylor Morrison attempted to compensate for this by including niches, stairways and recessions in the homes. The commission made clear that Orinda's design requirements may not be glossed over in this fashion, and that it did not want to set a precedent for future applications by approving the noncompliant designs.

"Have we stepped down the whole house? No we have not," admitted Taylor Morrison's architect, John Rothroff. But he argued that other features, such as recesses incorporated into the facades and varied roof heights, were tantamount to "stepping" the structures.

The commissioners wanted to hear none of it. "If you are on a slope, you have to step down the house," responded commissioner Dave Hoppock. "The code says 'step.' ... It doesn't talk about the appearance of stepping down, it talks about stepping down."

"We're looking for breaking planes," added commissioner Joe McGrath.

With that, the commission sent the developer back to the drawing board to rethink the designs. Several commissioners further expressed discomfort with previous approvals that seemingly fudged Gateway Development Agreement requirements. "If we have rules and continually override them, [what good are they?]," asked Hoppock.

If rigorous adherence to the Development Agreement is the city's goal, the proposal to shortcut the design review approval process would seem to be a move in the opposite direction. Recommended by the City Council Subcommittee on Wilder, which consists of mayor Dean Orr and council member Amy Worth, under the proposal the design review and approval procedure would be reduced to an administrative process. The city's planning staff would review each conceptual plan and offer its input. The plan would then go to the Wilder Development Committee, consisting of an architect, a landscape architect, and a developer representative - in this case, Brook Street, the majority partner. Finally, the applicant would bring the plan to the zoning administrator for final approval, which would not require a hearing unless requested by a neighbor or member of the public. Any appeals would go before the city council.

The proposal is intended to eliminate redundancies, and tracks other zoning administrator provisions in Orinda's zoning law, according to Ursu. It will be reviewed by both the Planning Commission and the City Council, and is just in the talking stage, he emphasized.

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