

City of Lafayette Staff Report

For: Planning Commission
By: Greg Wolff, Senior Planner
Date Written: March 28, 2006
Meeting Date: April 6, 2005
Subject: **HDP38-05 THOMAS & DONNA AMEN (APPLICANTS & OWNERS) LR-10 ZONING:** Request for a Hillside Development per section 6-2015 of the Lafayette Municipal Code to establish a building site for the future construction of a single family residence at 3315 Hillside Terrace. APN 230-030-065
Statutory Deadline: July 3, 2006 (with PSA extension)

Purpose

The applicant seeks a Hillside Development Permit to construct a new single-family residence an existing lot of record accessed via Reliez Valley Road and Hillside Terrace. The parcel is in the Hillside Overlay District, and partially encumbered by a Class II Ridgeline and 250-ft. Class II Ridgeline Setback. Development is proposed within the 100-ft. of the Class II Ridgeline Setback, thus requiring Planning Commission review and approval pursuant to §6-2065(b)(1) LMC.

Consistent with past practice, the application is being brought to the Planning Commission first for consideration of an appropriate house site. Once an appropriate house site has been determined by the Planning Commission, the applicant will submit full house design plans for Hillside Development Permit consideration by the Design Review Commission and Planning Commission. Public notification will be provided again at that time. Only establishment of an appropriate house site is under consideration at this time.

Executive Summary

The subject application continues the applicants' pursuit of approval for a new home on the vacant lot addressed 3315 Hillside Terrace, APN 230-030-065. Previously considered under design review application DR31-98, the original application proposed a 7,500-sq.ft. house high upon "Hillside Terrace Ridge" (reference City of Lafayette Sensitive Resources Map "Major Ridgelines" adopted by Ordinance 366, March 1, 1993).

Direction from the Design Review Commission, Planning Commission and staff at the time was to move the house off of the ridge, to a location lower on the lot. The applicant proposed an additional 6 Schemes that moved the home site along the spine of the ridge. The last site plan, Scheme 8, showed the home site moved off the ridge, roughly in the middle of the lot in plan view and in elevation. The house shown in Scheme 8 would not silhouette above the ridgeline and was supported by the Planning Commission.

The current proposal places the home site on the ridge, roughly in the vicinity of prior Scheme 5. The site is on the ridge and is inconsistent with Chapter 6-20 Hillside Development. The

proposed siting does not respect the 250-ft. setback from the ridge shown by site specific topography and development would silhouette above the ridgeline, when viewed from lower elevations on the Viewing Evaluation Map.

Triggers-at-a-Glance

Trigger	Yes	No	Trigger	Yes	No
Within a protected ridgeline setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading > 50 cu.yds.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Within 100-ft. of a ridgeline setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DR required as condition of approval?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In the Hillside Overlay District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In a commercial or MFR zone?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Over 17-ft. in height to ridge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Variance requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SFR Development > 6,000 sq.ft.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tree Permit Requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Public Notification and Comment

Pursuant to the policy established by the City Council, Planning Services Division staff mailed a Notice of Public Hearing to owners of property within 500-ft. of the subject parcel. This is 200-ft. beyond the 300-ft. distance required by state law. The Notice of Public Hearing was mailed and the area was posted with same on or before February 8, 2006 for the meeting date of March 2, 2006. The matter was subsequently continued, without consideration to the March 16, 2006 and ultimately the subject meeting. Public comments are attached to this report.

Lot History

The lot was reconfigured to its current form in 1997 via a ministerially approved lot line revision application submitted by Frank Worner (LLR10-97 approved maps attached), prior to the Amen's purchasing the lot, and subsequent to the 1993 adoption of the Hillside & Ridgeline Preservation Ordinance and maps.

Project History

Development of a new, single-family residence on the subject vacant parcel was first proposed in 1998 when Thomas & Donna Amen submitted an application for design review (DR31-98) to construct a roughly 7,500-sq.ft. house. The administrative record for DR31-98 constitutes hundreds of pages in length and extends to 2001. A cursory review of the record shows that William Wood Architects on behalf of Mr. & Mrs. Amen submitted a total of eight different schemes (site plans).

Consistent direction from the Design Review Commission and Planning Commission and staff was to move the home off of the ridge, as initially proposed in Scheme 1. Schemes 2-7 moved the house along the saddle of the ridge to the southeast. Scheme 8 moved the house toward the center of the lot where it would not silhouette above the ridgeline. The Planning Commission approved the house site shown in Scheme 8. The record ends with a staff report for April 10, 2001 (attached). There is no record of the applicant pursuing the application after that point and the matter was considered withdrawn for lack of activity.

Lafayette Area Ridge Map

The administrative record shows that the Design Review Commission, Planning Commission and staff concluded that the "Hillside Terrace Ridge" extends across the site from the

northwest to the southeast, terminating off site somewhere in the vicinity of the Duffy residence.

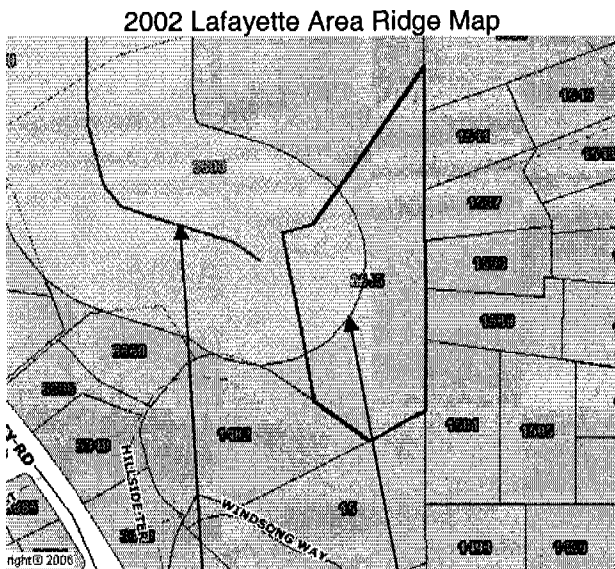
In July 2002 the City of Lafayette adopted new hillside development regulations and the Hillside Overlay District and Lafayette Area Ridge Map. The maps were based on 1:24,000 USGS orthographic quarter quadrangle maps showing 100-meter topographic information. This provided the City with general, city-wide topographic data. The 2002 Lafayette Area Ridge Map shows the ridge terminating off site to the northwest and the 250-ft. setback extending onto the site.

The Hillside Development ordinance adopted in 2002 includes §6-2006 Modification of Lafayette Area Ridge Map which states:

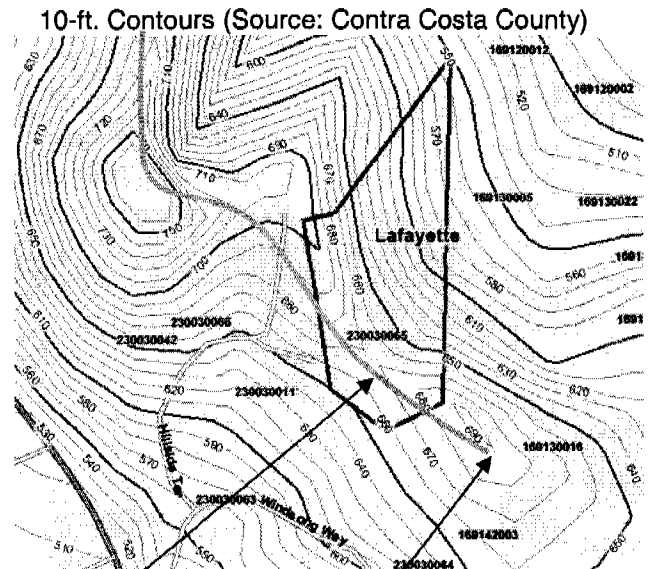
§6-2006 Modification of Lafayette Area Ridge Map

Each restricted ridgeline area within which development is prohibited by sections 6-2023 and 6-2024 is described in the map adopted by section 6-2004. If a precise onsite measurement shows that the area within which development is prohibited varies from that shown on the City's map, the area shown by the onsite measurement controls.

Site specific topography currently submitted by the applicant supports the City's initial finding that the ridge crosses the property from the northwest to the southeast, terminating off site. This is consistent with 10-ft. contour topography available from Contra Costa County.



Class II Ridgeline • 250-ft. Setback



Saddle • Terminus of Ridge on Duffy Property

Geology Report

The applicant has submitted two preliminary soils investigation reports. The 1998 report speaks to development on the ridge as initially proposed in 1998. The 2004 report suggests "the feasibility of developing the eastern slope for residential usage may be marginal from geotechnical and practical standpoints, and most likely not feasible from an economic standpoint." The 2004 report relies on the same exhibits as the 1998 report. Subsurface

investigation has been done only on sites along the ridge; no subsurface investigation has been done near the center of the parcel for the "Alternative Site" on the eastern slope shown in Scheme 8 (approved by the Planning Commission). General landslide and geologic maps from 1975 and 1980, respectively, are included in the report.

Off Site Visibility

The applicant has erected story poles illustrating the ridge height of the proposed new, single-family residence. The house would be cut into the existing grade somewhat, thus many poles are shorter than the building walls would be. While the walls are not accurately depicted because of existing grade that will be cut into, the ultimate ridge height of the residence is accurately depicted. Planning Services Division staff conducted a windshield survey to determine the visual impacts of the proposed home site. Staff used the Viewing Evaluation Map as a guide from which views were considered. Planning staff found the most prominent views were from Taylor Boulevard and Greenhills Drive. The story poles silhouette above the ridgeline from these locations. Staff took photos which are included in the Commission packet.

Conformance with the General Plan and Zoning

Applicable Sections of the General Plan

Guiding Principles (Lafayette General Plan Introduction, page 1)

- **Preserve and enhance the character of Lafayette as a semi-rural community.**
- **Create and maintain a strong sense of community in Lafayette.**
- **Protect the natural and scenic quality of our surrounding hillsides and ridgelines, creek areas, trees and other vegetation.**
- **Encourage the involvement of citizen volunteers in land use and policy planning.**

NATURAL AND SCENIC LANDS

Natural and Scenic Lands include the land use designations which preserve the natural environment through the protection of open space, parklands, ridgelines, hillsides and riparian corridors. Development is to be allowed only in areas designated Rural Residential and only when it is subordinate to and supportive of the preservation of natural conditions.

These land use designations will enable the City to meet the goals, policies and programs outlined in the Open Space and Conservation Chapter. The general location of these lands is indicated on Map III-1: *Hillside Overlay Area*. (Lafayette General Plan, page I-7)

Rural Residential: This designation is intended to retain hillsides in as nearly a natural condition as is feasible while allowing residential development which is subordinate to and supportive of preserving scenic views and the natural hillside character of the area. Houses shall be sited, designed and of such a size so as to blend into the natural environment and have minimal impacts on it. Visibility of any development shall be kept to a minimum. Development density shall not exceed 0.1 dwelling units per acre. (Lafayette General Plan, page I-8)

Goal LU-2 **Ensure that development respects the natural environment of Lafayette. Preserve the scenic quality of ridgelines, hills, creek areas, and trees.**

Appropriate site planning provides for the preservation of visual and functional open space in conjunction with overall site development. Clustering buildings on a site allows development to occur on the most buildable portions of lots, minimizing

Applicable Sections of the General Plan	
	<p><i>grading for building sites and roads. Density remains the same as could be feasibly developed under the zoning regulations which apply to the property at the time an application is made.</i></p> <p><i>Refer to the Open Space and Conservation Chapter for additional goals, policies and programs to preserve ridgelines, hills, creek areas and trees. (Lafayette General Plan page I-10)</i></p>
Policy LU-2.3	<p>Preservation of Views: Structures in the hillside overlay area shall be sited and designed to be substantially concealed when viewed from below from publicly owned property. The hillsides and ridgelines should appear essentially undeveloped, to the maximum extent feasible.</p> <p>Program LU-2.3.1: Require design review approval of all projects in the hillside overlay area as shown on Map III-1 <i>Hillside Overlay Area</i>. The approval body shall focus on retaining the natural features and character of hill areas. (Lafayette General Plan page I-11)</p>
Goal OS-3	<p>Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.</p>
Policy OS-3.1	<p>Protect natural features of the lands: The character and natural features of hills, steep slopes, riparian areas, woodlands, and open areas will be preserved in as natural a condition as feasible.</p> <p>Program OS-3.1.1: Ensure that grading does not detract from the natural forms of hillsides and that development retains the ecological characteristics of the site. This includes prominent geological features, individual trees, woodland, riparian vegetation, rock outcroppings, streams, ponds, drainage swales, and other natural features. Minimize the disturbance or removal of vegetation.</p> <p>Program OS-3.1.2: Limit the scarring and cutting of hillsides caused by grading, especially for long roads and driveways.</p>
Policy OS-3.2	<p>Preserve the predominant views of the hill areas: Require that structures in identified environmentally sensitive areas be substantially concealed by existing vegetation or terrain when viewed from lower elevations, to the maximum extent feasible.</p> <p><i>The Viewing Evaluation Map, on file at the City offices, illustrates areas within the city from which views will be considered.</i></p> <p>Program OS-3.2.1: Require structures in identified environmentally sensitive areas be located away from prominent locations such as hilltops, knolls and open slopes, wherever feasible. (Lafayette General Plan page III-5)</p>

Staff generally finds that the proposed home site is inconsistent with the stated goals and policies of the General Plan. Staff believes the "Alternative Site" shown on Scheme 8 more fully satisfies the stated goals and policies and the required findings for a Hillside Development Permit listed below.

General Findings for a Hillside Development Permit, §6-2067

- A. The development is consistent with the applicable goals and policies of the general plan and is in conformance with applicable zoning regulations.
- B. The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds and ponds, native vegetation, native riparian vegetation, animal habitats and other natural features.

- C. The development and each associated improvement is located and designed to complement the natural terrain and landscape of the site and surrounding properties, and relates to the development pattern, including density and distribution, of the surrounding neighborhood.
- D. Structures in a hillside overlay district will, to the extent feasible, be located away from prominent locations such as ridgelines, hilltops, knolls and open slopes.
- E. Development grading will be minimized to reduce cut and fill, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides and flooding, and abate visual impacts.
- F. Each structure proposed complies with the city's residential design guidelines, and development landscaping will ensure visual relief and complement each proposed structure to provide an attractive environment.
- G. The development will not create a nuisance, hazard or enforcement problem within the neighborhood or the city, nor require the city to provide an unusual or disproportionate level of public services.
- H. The new or replacement vegetation for the development is native to the surrounding area in areas abutting open space and natural areas, such as oak woodland, chaparral, grassland and riparian areas, excluding planting for erosion control or land stabilization.

Findings required for approval of development on existing lots of record in the hillside overlay district, §6-2070

- A. When within a L-R-10 or L-R-5 district, within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide to establish locations from which views are considered.
- B. The development uses site planning techniques to the extent feasible to preserve hillsides, knolls, ridgelines and open space, minimize grading and impacts to habitat, and preserve on-site open space and vegetation, terrain, scenic vistas, streams or other courses, or other areas of ecological significance.
- C. The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas while protecting trees, minimizing grading and preserving to the extent feasible the natural hillside character of the site.
- D. The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:
 - 1. Preserve the open space and uncluttered topography of the city.
 - 2. Minimize the loss of privacy to surrounding residents.
 - 3. Not have a significant visual impact when viewed from lower elevations from publicly owned properties (including freeways, roadways, open space, parks and trails), using the viewing evaluation map as a guide.
 - 4. Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.

§6-2069 Findings required for grant of exception permitting development within class II or III ridgeline setback.

In order to grant an exception to the prohibition of development on a class II ridge imposed by section 6-2023 or on a class III ridge imposed by section 6-2024, the planning commission shall find either that:

- A. Special conditions and unique characteristics of the subject property exist and a site plan and design is such that the proposed development would provide a result that satisfies the policies in section 6-2067 and 6-2070 or 6-2071, as the case may be, and that would otherwise satisfy the strict standards of sections 6-2023 or 6-2024; or
- B. An exception is necessary to allow an economically viable use of the property and the development meets the standards in section 6-2070 or 6-2071, as the case may be. In granting an exception under this subsection B the density:
 1. Shall not exceed the density permitted by the slope density formula or the underlying zoning district, whichever is less; and
 2. Shall not exceed that necessary to avoid an unconstitutional taking of property.

Recommendation

Staff recommends the Planning Commission find the proposed home site is proposed on a Class II Ridgeline contrary to §6-2024 LMC. Staff further recommends that the Planning Commission find the "Alternative Site" as shown on Scheme 8 as the appropriate building site because it most closely meets the General Plan goals and policies and the required findings for development on an existing lot of record in the Hillside Overlay District as set forth in §6-2067 & §6-2070.

Attachments

1. Location Map, Hillside Overlay District & Lafayette Area Ridgeline Map, Aerial Photo
2. Application forms and response to findings
3. Letter from Gagen, McCoy, McMahan & Armstrong • April 25, 2005
4. Letter from Gagen, McCoy, McMahan & Armstrong • October 20, 2005
5. Letter from Grimoldi Construction • September 19, 2005
6. Letter from Grimoldi Construction • July 31, 2001
7. Soil Investigation Report by Engeo Incorporated • May 13, 2004
8. Soil Investigation Report by Engeo Incorporated • June 30, 1998
9. Approved Plats for Lot Line Revision LLR10-97 • 3300 & 3315 Hillside Terrace
10. Exhibits L-1 through L-4, photo simulations prepared by the applicant
11. Photos of Story Poles taken by staff • March 23, 2006
12. Transmittal from Wm. Wood Architects • Story Poles Diagram & Heights • 2/27/2006
13. Public Comments
14. Staff Report & Minutes for April 10, 2001 Design Review Commission Meeting
15. Project Plans
 - a. HDP38-05 Opportunities & Constraints Analysis (Sheets 1-6)
 - b. HDP38-05 Project Plans (4 sheets)
 - c. Class II Ridgeline & 250-ft. Ridgeline Setback with 10-ft. Contours & Aerial
 - d. 2002 Lafayette Area Ridge Map & Hillside Overlay District Map (Site Circled)
 - e. Sensitive Resources Map showing "Major Ridgelines" (Site Circled)
 - f. DR31-98 Project Plans • Schemes 1 through 8