

1 **B. GP03-04, CITY OF LAFAYETTE (APPLICANT):** Amendment to General Plan Map I-1 to
2 reclassify three properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer
3 Hill and Pleasant Hill roads from Administrative/Professional/Office/Multifamily Residential to
4 Rural Residential Single Family and/or Low Density Single Family. The Planning Commission
5 may also consider an amendment to General Plan Map I-1 to reclassify four properties (APN 232-
6 140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill and Pleasant Hill
7 roads from Low Density Single Family Residential to Rural Residential Single Family.

8 **RZ02-04, CITY OF LAFAYETTE (APPLICANT):** Change of zoning designation for three
9 properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer Hill and Pleasant
10 Hill roads from APO to L-R-10 and/or R-20. The Planning Commission may also consider
11 rezoning four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021)
12 located on Deer Hill and Pleasant Hill roads from R-20 to L-R-10.

13 **Recommendation:** Staff recommends that the Commission review the scopes of work for the
14 slope analysis and conceptual development studies and direct staff to proceed with requests for
15 proposals.

16 **Project Planner:** Christine Sinnette, Tel (925) 299-3241, csinnette@lovelafayette.org
17 (Estimated time: 30 min*)

18 Senior Planner Christine Sinnette said the public hearing on the General Plan amendment and rezoning
19 proposal was continued to this date without consideration from the Planning Commission meeting of
20 September 7, 2006. Although the Commission reviewed the Eastern Deer Hill Opportunities and Constraints
21 Analysis at a previous meeting, the Commission determined that they still needed additional information on
22 the possible developmental potential for the study area. The purpose of the continuance was to allow staff to
23 respond to the Planning Commission's request for more information.

24 The first item requested was a legal opinion from the City Attorney on the effect split-zoning has on the
25 development potential and allowed density of a parcel. The second item was a scope of work and estimated
26 cost for a consulting civil engineer to calculate the average slope of specific properties in the study area.
27 Schell & Martin, a local engineering firm, has estimated that their fee would be between \$2,000 and \$3,500.
28 The last item was for staff to prepare a program or scope of work for conceptual development plans for
29 parcels 27 and 28. In preparing the scope of work, staff specified that the conceptual development studies
30 should test different land use and density options for multi-family residential and office uses and includes 12
31 separate development scenarios.

32 Staff recommends the Commission review the scope of work for the slope analysis and conceptual
33 development studies and direct staff to proceed with requests for proposals.

34 Chair Ateljevich asked if staff is recommending the Commission go through 12 different scenarios with the
35 consultant.

36 Ms. Sinnette said after the last meeting where the Commission expressed an interest in this, she sat down
37 with Ms. Srivatsa and came up with twelve potential scenarios. She admitted that it was probably more than
38 what is needed but she wanted the Commission to make that determination.

39 Commissioner Chastain replied that it is not so much a problem of visualization as it is testing the capacity of
40 the site. He didn't know if it would be necessary to have it visualized and modeled in terms of realization.
41 What is needed is some understanding of what the potential capacity of that site is.

42 Chair Ateljevich pointed out that this was the reason why they asked for the slope calculation.

43 Ms. Srivatsa said staff took this approach because the Commission at their last meeting indicated it was both
44 an issue of land use and visibility.

45 Chair Ateljevich said if they had the slope calculations and could get some idea of capacity of the site, they
46 could then move to visualization. In terms of land use, the Planning Commission in 2001 agreed on a 4-to-2
47 vote to forward a recommendation for rural residential to the City Council.

1 Ms. Srivatsa said during the general plan process, the Planning Commission in a majority vote recommended
2 rural residential. It went to the City Council before the General Plan was adopted and it was decided the
3 change would not be made; the zoning and land use designations were to remain the same and staff would
4 do a special study of the area. When the cost to do the study was determined to be too expensive, the
5 Council at that time directed the reclassification of the properties to rural residential. When it came
6 back to the Planning Commission, the Commission determined that that was not the appropriate
7 zoning or land use classification and again requested a study be done of the area.

8 Commissioner Holt asked if the Commission had approved the study.

9 Chair Ateljevich said what the Council did was to say they were initiating a general plan amendment; they
10 didn't mention what classification because they weren't in agreement. They asked staff what density they
11 would propose and staff said residential.

12 Commissioner Holt asked Ms. Sinnette if that was her understanding.

13 Ms. Sinnette said the Council was not specific as to the actual residential designation; they just said some
14 form of residential.

15 Chair Ateljevich said one thing that could start the decision path is to agree on which one of the
16 scenarios they would study. She would also like to see any scenario based on slope calculations be
17 put on more up-to-date topography, and a determination of where the ridgeline ends.

18 Vice Chair Mitchell agreed the updated topographical information should be used. He thought it was GPAC
19 who decided the ridgeline crossed the street.

20 Chair Ateljevich said it didn't. The ridgeline GPAC used was the old topography which was based on airplane
21 flyovers done in the 1960s. It didn't have the grading on it that was done to put Deer Hill through. When they
22 looked at that topography, it made sense to cross the road. But when you look at the topography now, with
23 Deer Hill in place and the road graded back, the ridgeline does not cross the road. The ordinance demands
24 that the more recent field drawing topography be used.

25 Secondly, Chair Ateljevich said they have to remember that there were certain conditions placed in the
26 general plan which list four criteria. She felt any scenario that they develop should meet the same criteria
27 which is to protect and enhance the rural character of the area; preserve prominent views; include
28 development standards that maintain the semi-rural character of the area and community; and utilize the
29 property south of Deer Hill Road to help communicate the image of Lafayette as a semi-rural community.
30 Chair Ateljevich doesn't believe they should spend city money for developing too many scenarios. She thinks
31 it ought to be toned down to one or two.

32 Commissioner Holt asked if some of the tasks can be combined.

33 Commissioner Harris agreed that ten different paths on parcel 27 seem like an awful lot.

34 Chair Ateljevich said she would rather focus on one or two of them.

35 Commissioner Harris thought it was important that they get some sense visually of that site.

36 Chair Ateljevich said they would also have to evaluate the impression it would give.

37 Vice Chair Mitchell said because the City Council and the owner of properties 27 and 28 wanted a rural
38 designation, he would propose eliminating Task K and L which recommends studying an office option.

39 Ms. Srivatsa asked Vice Chair Mitchell if he was talking about 27 & 28.

40 Vice Chair Mitchell said he was talking about 28.

41 Ms. Srivatsa said she didn't think they were in agreement that it should only be residential.

1 Vice Chair Mitchell suggested staff check the minutes because he remembers specifically asking the
2 representative if they were looking for an office zoning. They said no, they wanted residential. They further
3 clarified it by saying they would prefer multi-residential and that they were not looking for office use.

4 Chair Ateljevich said one scenario they should look at is multi-residential.

5 Commissioner Chastain said that's not exactly the way he remembered it and he's not quite sure what to do
6 with Vice Chair Mitchell's statement.

7 Commissioner Holt agreed that he would also like to revisit that and thinks it's appropriate to at least look at
8 office use, and not just residential.

9 Chair Ateljevich read into the record the action that the City Council took. "It was motioned by Mr. Tatzin
10 and seconded by Mr. Horn to direct staff to initiate a general plan amendment for the seven parcels as
11 outlined in the eastern Deer Hill Road area and that parcels with APO zoning (27 & 28) be changed to
12 residential zoning.

13 Ms. Srivatsa apologized and indicated she misunderstood Vice Chair Mitchell. She thought he said that the
14 property owner wanted residential, not the City Council.

15 Vice Chair Mitchell indicated his recollection was the property owner did not request an office zoning.

16 Ms. Srivatsa indicated staff can go back and check the minutes.

17 Vice Chair Mitchell stated he could be wrong, but he asked the owner specifically about that so it should show
18 up in the minutes.

19 Chair Ateljevich pointed out the Council's motion was for residential.

20 Ms. Srivatsa said although the list of tasks seems very lengthy, it's for a specific area in 27 & 28. Essentially
21 lots 27 & 28 have three distinct zones – the flat area on top of the hill; the Christmas tree lot; and the former
22 gas station. To answer Commissioner Holt's question, one could combine these to create schematics for the
23 three portions.

24 Chair Ateljevich said the slope in the back of Lot 28 is about 70% slope, which is steep. In the
25 constraints analysis, it doesn't point out any soils problems there but it is a landslide in the making.
26 Because it is all crumbly and it looks like half the property is going to come down any day now, it simply
27 isn't a very buildable site. In order to put it to use, regardless of what use, the slope will have to be repaired
28 and a very high retaining wall will have to put in.

29 Commissioner Harris said that coupled with the gas station and high school across the street – he couldn't
30 see putting houses in that area.

31 Chair Ateljevich said she can't either. Regardless of what it's zoned for – she believes the density will be
32 controlled by the Hillside Ordinance. She does not see how anything can be built on Lot 28.

33 Commissioner Holt disagreed with the Chair and felt residential was totally inappropriate.

34 Chair Ateljevich didn't think it should get built at all.

35 Commissioner Holt pointed out it's a legal lot of record so you can't just say that. If he could persuade his
36 fellow Commissioners to agree with him on Lot 28, they can at least make a recommendation tonight.

37 Commissioner Chastain asked what are they trying to decide tonight is to what extent it will be studied. He
38 does not want to just have it truncated because of people's opinion of what should happen there. He
39 remembers the discussion and recalls the Commission was unsure as to exactly what to do. Otherwise, they
40 would have voted along with the City Council and moved forward with this. But he remembers the discussion
41 that more information was needed. The question now is how much more information is needed. He would
42 feel more comfortable about making a decision if he had more information about what the capacity is for some
43 of the lots.

1 Commissioner Lovitt said he does not see any special problem with making the zoning fairly restrictive and
2 making it a residential zoning. If someone comes along with a better idea, they can always submit an
3 application for Commission consideration.

4 Chair Ateljevich asked how many acres are on lot 27, the largest parcel.

5 Ms. Sinnette indicated Lot 27 has 22 acres.

6 Chair Ateljevich said they should study single and multiple-residential. Regardless of what is decided, it's
7 going to depend on how well it can be done and how well it can meet the criteria of the general plan.

8 Commissioner Humann said he does not understand why they are spending a lot of time discussing this. He
9 would like to direct staff to look at the slope density to determine the residential capacity and to send out the
10 RFPs.

11 Commissioner Chastain agreed it is a good idea because it doesn't cost anything to send out RFP.

12 Chair Ateljevich asked if the slope density can be done right away.

13 Ms. Sinnette said that even though sending out an RFP doesn't cost anything, staff time is involved as well as
14 the time it would take a consultant to prepare the proposal. She suggested they move forward with the slope
15 analysis to determine what the density will be so discussion can continue as to whether or not office space is
16 even viable and hone in better on exactly what kind of development will be the best fit.

17 Ms. Srivatsa said she is going to disagree with Ms. Sinnette. She indicated staff will condense the list of
18 scenarios which involved very low density residential as determined by the Council; a single family model; a
19 multi-family model; and one that involved some low density offices and send it out. By the time the
20 Commission gets the slope density calculations, staff will know at that point how much that will cost.

21 Chair Ateljevich closed the public portion of the hearing.

22 **Commissioner Holt moved and Commissioner Harris seconded to direct staff to proceed with Ms.**
23 **Srivatsa's suggestion.**

24 **AYES: Ateljevich, Chastain, Harris, Holt, Humann, Lovitt, and Mitchell**

25 **NOES: None**

26 **ABSENT: None**

27 **ABSTAIN: None**

28 **7. NEW PUBLIC HEARINGS** (Estimated start time: 10:00 pm*)

29 **A. L02-06 & HDP46-06 JIM LOUIE FOR T-MOBILE (APPLICANT), TEMPLE ISAAH**
30 **(OWNER), R-40 ZONING:** Request for: (1) Land Use permit pursuant to Section 6-7103(i) of
31 the Lafayette Municipal Code (LMC), (2) Hillside Development Permit pursuant to Section 6-
32 2015 LMC, and (3) ~~Design Review approval pursuant to Section 6-1903 LMC*~~ to increase the
33 height of an existing wireless telephone antenna 'tree pole' from 35-ft. to 50-ft. and install six
34 new antennas and a 368 sq.ft. equipment shed, located within the Hillside Overlay District at
35 Temple Isaiah, 3800 Mt. Diablo Boulevard. APN 241-010-046.
36 (*applicable only to residential development)

37 **V07-06 JIM LOUIE FOR T-MOBILE (APPLICANT), TEMPLE ISAAH (OWNER), R-40**
38 **ZONING:** Request for: (1) Variance from Section 6-7107(a) of the Lafayette Municipal Code to
39 increase the height of an existing wireless telephone antenna 'tree pole' from 35-ft. to 50-ft.
40 where the maximum permitted structure height is 35-ft., located at Temple Isaiah, 3800 Mt.
41 Diablo Boulevard. APN 241-010-046.

42 **Recommendation:** Consider the application and continue to a date certain to allow the
43 applicant to revise the project plans based on staff and Commission comments.