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2 **AYES:** Ateljevich, Chastain, Holt, and Mitchell  
3 **NOES:** None  
4 **ABSENT:** Harris, Humann, and Lovitt  
5 **ABSTAIN:** None  
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7 **B. ZT01-06 City of Lafayette (Applicant), Hillside Overlay District (HOD) Zoning:** City-  
8 initiated zoning text amendment to amend Chapter 6-20 Hillside Development to clarify  
9 terminology, eliminate confusing or contradictory language, and consolidate required  
10 findings including:

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- 12 • §6-2005 Repealing this section titled Modification of Hillside Overlay District;
- 13 • §§6-2023 and 6-2028 Limiting the restriction on development above a 15-degree  
14 declination to development which has been granted an exception to develop  
15 within a ridgeline setback;
- 16 • §§6-2026 and 6-2027 Clarifying permissibility of development on a Class I, II and  
17 III Ridge;
- 18 • §6-2029 A new section providing for an exception for development on existing  
19 lots of record in a Class I, II or III ridgeline restricted area without the need for an  
20 economic analysis;
- 21 • §6-2048 Revising language for off-site visibility for subdivision in the Hillside  
22 Overlay District;
- 23 • §6-2065 Establishing a two-step Procedure for a Hillside Development Permit for  
24 construction of a new single family residence on a vacant lot of record in the  
25 Hillside Overlay District and permitting the Zoning Administrator review authority  
26 for projects of small scope in a restricted ridgeline areas; and
- 27 • §§6-2067, 6-2070, and 6-2071 Consolidating findings for Hillside Development  
28 Permit.

29 **Recommendation:** Consider proposed revisions, take public testimony, and continue  
30 the matter to July 6, 2006 for a second public hearing.

31 **Project Planner:** Greg Wolff, Tel: 925-299-3204, gwolff@lovelafayette.org  
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33 Mr. Wolff said this is the first public hearing for the proposed zoning text amendment on Chapter 6-20  
34 Hillside Development. This was adopted in June 2002 and revised in June 2003. After approximately  
35 400 Hillside Development Permit applications, it has become evident to staff that clarification in some  
36 areas is appropriate. The amendment would allow the Planning Director to review some minor ridgeline  
37 applications. The staff report summarizes the changes and the ordinance is attached with each proposed  
38 modification. The City Attorney has provided comments.

39 Ms. Subramanian said they have clarified the takings portion, and removed reduced profit discussions  
40 from the ordinance.

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42 The Commission was handed out a letter from Richard Loewke.

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44 Chair Ateljevich opened the meeting to public comment on this item.

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46 Wayne Smith, P.O. Box 3219, Martinez, representing Mr. and Mrs. Franco Reggi, said that they have had  
47 a great deal of problems developing their properties because of the ordinance. Single lots with nothing  
48 on them, lots with an older house on it that the owner wants to remodel, and a small or larger subdivision  
49 have all come under section 6-2028 which they have had difficulty dealing with. They have also had  
50 problems with exceptions on existing lots of record and the language dealing with those exceptions  
51 subject to the 15-degree declination.  
52

53 Mr. Wolff said that 6-2029 applies to the Reggi's circumstance followed by 6-207X where the Planning  
54 Commission can grant encroachment if it finds either A, B or C.

55  
56 Mike Mussano, Ward Young Architects, said that if the Planning Commission had made all findings  
57 including 15-degree declination and 1/3 of the structure showing above the ridge then he has had

1 applications that would have been denied. Lots of houses are on Class II ridgelines and he suggested a  
2 lot-by-lot review if the project does not change the ridgeline.

3  
4 David George, 2730 Oak Canyon Road, spoke specifically to 6-2048 regarding the visibility section. It  
5 now allows new terrain to conceal houses. The Hillside Overlay District should protect scenic views, and  
6 provide for the semi-rural character of the City. He feels the wording in this section will allow people to  
7 berm roads and mounds to conceal homes.

8  
9 Commissioner Chastain said that, setting aside the issue of the stability of the mound, there is no case  
10 where the grading cannot play a role to make the site more concealed.

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12 Mr. George said he felt that was true for preservation of sites but artificial berms, etc would allow these  
13 unnatural changes. He is opposed to the change in Section D regarding the takings clause and would  
14 rather not see a general exception granted for visibility. He feels there should be more specific language.

15  
16 Marie Blits, 3166 Lucas Drive, representing burtonvalley.com, said that definition "O" should stay as  
17 guidelines only. On page 6, under "U", she said there are other places that are public besides those  
18 mentioned. On page 10, she wondered what criteria would be used regarding developing/subdividing  
19 existing lots of record.

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21 Chair Ateljevich said the City has a lot line adjustment ordinance.

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23 Ms. Blits suggested adding privacy to 6-2065 on page 22.

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25 Commissioner Holt said he was against adding this since it was already addressed in design review.

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27 Chair Ateljevich said that in general, it would be inappropriate to add that.

28  
29 Cliff Tong, 9 Dianne Court, representing burtonvalley.com, commended the Commission for cleaning up  
30 the ordinance and feels they have made significant improvements. In 6-2048, he said the principle  
31 sounds good but reads funny. The takings clause should not be for existing homes but lots of record. He  
32 said they need size guidelines for ridgeline/hillside homes and that this is an important issue.

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34 Chair Ateljevich closed the public comment period on this item.

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36 Vice Chair Mitchell said that 6-2048 and 6-2071 look at visibility requirements and he feels that protected  
37 vegetation or proposed architecture is mitigation. He would like protected vegetation and proposed  
38 architecture pulled from these sections with regards to subdivisions.

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40 Commissioner Chastain said some of the wording is potentially manipulative as Mr. George suggested  
41 but if someone wanted to put a house on the hill concealed by proposed architecture that is easy for him  
42 to understand.

43  
44 Commissioner Holt said he has no problem with taking that wording out.

45  
46 The Commission agreed by consensus (3-1 with Commissioner Chastain opposed) to remove the word  
47 architecture from section 6-2048.

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49 Commissioner Holt said he believes the intent of the 15-degree declination was so that a home could be  
50 substantially concealed and not silhouette above the ridge, in which case he could make those findings.

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52 Chair Ateljevich suggested changing "protrude" to "silhouette" above the ridge.

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54 Chair Ateljevich said in 6-2048 A, they should leave C in as it applies to both A and B and therefore they  
55 are only saying this once. This language should be crossed off in B and A.

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57 Chair Ateljevich said that she would go over with staff the minor one-word changes that she has.

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Vice Chair Mitchell is working on the Viewing Evaluation Map.

Chair Ateljevich said this map is part of this process and should be publicly reviewed.

Vice Chair Mitchell said he would include other public gathering spots such as swim clubs, schools both public and private, and religious institutions.

Mr. Wolff said that with tonight's comments, staff would bring back revisions.

Ms. Srivatsa said that changes to the Viewing Evaluation Map should be linked to the ordinance.  
Chair Ateljevich said they did not mention public or private.

Ms. Srivatsa said they would use the old evaluation map until the new one is available.

Ms. Subramanian recommended the map and the revisions to the ordinance should be one package.

**Commissioner Holt moved and Vice Chair Mitchell seconded to continue this item to a second public hearing on July 20, 2006.**

**AYES:** Ateljevich, Chastain, Holt, and Mitchell  
**NOES:** None  
**ABSENT:** Harris, Humann, and Lovitt  
**ABSTAIN:** None

**8. OTHER BUSINESS (NONE)**

**9. COMMISSIONERS' ACTIVITY REPORT (NONE)**

**10. PLANNING MANAGER'S REPORT (NONE)**

**11. ADJOURNMENT**

**Chair Ateljevich adjourned the meeting at 11:40 PM to the regular Planning Commission meeting of July 6, 2006.**

Respectfully submitted,

                  /s/                    
Marie V. Pettersen  
Contract Minutes Taker