

City of Lafayette Staff Report

For: Planning Commission

By: Greg Wolff, Senior Planner

Date Written: June 12, 2006

Meeting Date: June 22, 2006

Subject: **ZT01-06 CITY OF LAFAYETTE (APPLICANT), HILLSIDE OVERLAY DISTRICT (HOD) ZONING;** City-initiated zoning text amendment to amend Chapter 6-20 Hillside Development to clarify terminology, eliminate confusing or contradictory language, and consolidate required findings including:

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

PURPOSE

Chapter 6-20 Hillside Development was adopted in June 2002 and revised in June 2003. Since that time staff and the Commissions have had the opportunity to use the ordinance with approximately 400 Hillside Development Permit applications covering a wide variety of circumstances. It has become evident that some revisions could be made to clarify the content of the ordinance and simply its application on a daily basis.

The 2006 Planning Division Work Plan Non Housing Element Task List included item #4 “Fine Tune the Hillside Ordinance.” The City Council appointed a committee consisting of Council Members Mike Anderson and Don Tatzin and Planning Commissioners Jeanne Ateljevich and Jamie Harris. The committee has met throughout the spring and is recommending revisions to Chapter 6-20 Hillside Development outlined herein.

SUMMARY OF ROPOSED REVISIONS

The following is a summary of sections of Chapter 6-20 that would be significantly revised with text explaining why the revision is proposed. The list and text are intended to be read alongside the ~~strikeout~~ & underline version of Chapter 6-20 attached to this report, which illustrates all revisions and includes italicized explanatory text.

§6-2005 Modification of Hillside Overlay District

Repeal this section because there no prescribed process or criteria in the ordinance for such a request. The language was originally copied from §6-2006 Modification of the Lafayette Area Ridge Map, for which it actually makes sense.

§6-2023 Declination

Restrict the application of the 15-degree declination to the Class I & II ridgeline setback areas. Currently the declination restriction extends to the limits of the Hillside Overlay District.

§§6-2026 & 6-2027 Development on a Class I, II & III Ridge

These sections currently apply to all types of development. The proposal is to make these sections applicable to subdivision only, and to draft a new section §6-2028 applicable to development on existing lots of record on a Class I, II & III Ridge.

New §6-2028 Exception to Develop in a Restricted Ridgeline Area

Repeal the former §6-2028 relating to vegetation in a restricted ridgeline area because this is covered in §6-2051. Draft a new §6-2028 establishing the process for an exception to allow development on existing lots of record in a Class I, II or III restricted ridgeline area. Under the current ordinance, an addition to an existing single-family residence in a Class I ridge setback would require the hearing authority to make economic taking findings. As proposed, the hearing authority would need to find that the project strictly satisfy the thirteen findings for a Hillside Development Permit (§6-2070).

New §6-2029 Exception to the 15-degree declination

Draft a new §6-2029 establishing the process by which the Planning Commission may grant an exception permitting development that would encroach into the 15-degree declination (only when the Planning Commission has granted an exception to building within a Class I or II ridgeline setback).

§6-2048 Off Site Visibility for Subdivision

- A. **In the HOD only** – allow for new terrain (where currently existing terrain is required) or proposed architecture (currently silent on architecture) to be used to substantially conceal proposed structures.
- B. **Within 100-ft. of a ridgeline protected area** – require substantial concealment from existing vegetation or existing terrain (formerly silent on existing or proposed terrain) and eliminate “to the maximum extent feasible.” The takings escape provision in subsection (D) can allow development that would otherwise not be concealed.
- C. No change.

- D. Added takings escape provision for development that would not be substantially concealed and where development restrictions would otherwise ‘take’ the property.

§6-2065 Procedure for a Hillside Development Permit

- A (8) – formalizes the 2-step process for a Hillside Development Permit for a new home on an existing vacant.
- B. revised to avoid having a minor project in a restricted ridgeline area go to the Planning Commission. Authorizes the Zoning Administrator to act on projects of small scope.

§§6-2067, 6-2070 & 6-2071 Findings for Hillside Development Permit

Currently, a Hillside Development Permit requires at minimum, two sets of findings; General Findings for a HDP and either findings for existing lots of record or subdivision. To streamline the findings, the General Findings for HDP (§6-2067) were incorporated into each of the two others. The result – a project can be approved with one set of findings. One set for Existing lots of Record, one set for Subdivision.

Almost all the findings in §§6-2067 were maintained without changed, but consolidated into either 6-2070 or 6-2071. Where there was duplication among findings, the committee attempted to eliminate such duplication.

§6-2067 Findings to permit development on an existing lot of record in a ridgeline setback.

The proposal is to make the existing §§6-2026 & 6-2027 applicable to subdivision only, and to add a new section §6-2029 applicable to development on existing lots of record on a Class I, II & III Ridge. The existing general findings for a Hillside Development Permit in §6-2067 are proposed to be integrated into §§6-2070 & 6-2071. This revised §6-2067 would contain the findings for grant of exception to permit development on existing lots of record in a restricted ridgeline area. In short, the Planning Commission could approve such development if it finds that the site plan and design are such that the proposed development would provide a result that strictly satisfies the Findings for Hillside Development Permit on Existing Lots of Record set forth in §6-2070.

RECOMMENDATION

Review the attached strikeout and underline version of Chapter 6-20 Hillside Development and continue the matter to the July 5, 2006 for a second public hearing.

Chart of Applicable Sections of Chapter 6-20 Hillside Development

Chapter 6-20 Hillside Development Overview of Sections 2006-05-16	Class I Ridge	Class II Ridge	Class III Ridge	15-degree Declination	Hillside Overlay District
Existing Lot of Record	Governing §6-2023(A) Exception §6-2029 Findings §6-2067	Governing §6-2023(B) Exception §6-2029 Findings §6-2067	Governing §6-2024 Exception §6-2029 Findings §6-2067	Governing §6-2028(A) Exception §6-2028 Findings §6-207X	Governing §6-2015 Findings §6-2070
Subdivision	Governing §6-2023(A) Exception §6-2026 Findings §6-2068	Governing §6-2023(B) Exception §6-2027 Findings §6-2069	Governing §6-2024 Exception §6-2027 Findings §6-2069	Governing §6-2028(A) Exception §6-2028(B) Findings §6-207X	Governing §6-2042 Findings §6-2071

Findings
6-2067 Exception for existing lot of record in a class I or II or III restricted ridgeline area. (A. The site plan and design are such that the proposed development would provide a result that satisfies the strict standards and policies in § 6-2070.)
6-2068 Exception permitting subdivision in a class I setback.
6-2069 Exception permitting subdivision in a class II setback.
6-207X Exception to permit development in 15-degree declination (existing lot of record or subdivision)
6-2070 Hillside Development Permit on Existing Lots of Record
6-2071 Subdivision in the Hillside Overlay District.