

City of Lafayette Staff Report

For: Planning Commission
By: Greg Wolff, Senior Planner
Date Written: May 12, 2005
Meeting Date: May 19, 2005

Subject: **HDP70-04 ERIC STRAND (APPLICANT & OWNER), LR-10 ZONING:**
 Request for house site consideration from the Planning Commission to establish a house site pursuant to Section 6-2015 of the Lafayette Municipal Code which requires a Hillside Development Permit to ultimately construct a new, one-story single-family residence on the existing 5.33-acre vacant, unaddressed parcel on Burton Ridge accessed via Michael Lane, in the Hillside Overlay District. Once a house site has been established by the Planning Commission, the applicant will submit full 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. APN 238-080-035.

Statutory Deadline: July 7, 2005 including PSA Extension

Status

The Planning Commission last considered the subject application on May 5, 2005. The Commission received a written and verbal staff report and projected presentation by staff. The Commission evaluated the three potential building sites and determined a modified Site 2S would best meet the goals of the City's hillside regulations. The Commission continued the matter to the May 19, 2005 consent calendar for review of staff's documentation of the Planning Commission's direction on May 5, 2005.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Variance requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SFR Development > 6,000 sq.ft.?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tree Permit Requested?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Planning Commission Site Consideration

The Planning Commission considered Sites 1, 1S, 2, 2S and 3 and finds the following:

1. The subject property is an existing, legal lot of record and the city cannot deny a property owner all economic use of the property, consistent with the U.S. and California Constitutions and established case law.
2. There no "good" building site on the property in terms of the City's hillside development regulations. Therefore, the goal of the Planning Commission is to determine that site that would have the least impacts and would best meet with the applicable goals of the General Plan and the City's hillside development regulations.
3. Sites 1 and 2 were not staked in the location shown on the submitted plans. Rather than being staked to the south of the dead oak tree they were staked to the north of the dead oak tree, where the applicant wishes to build. The sites, as staked, are identified as Sites 1S and 2S.
4. Site 3 is entirely within a Class I Ridgeline Setback. A Class I Ridge is afforded the highest level of scrutiny and protection via the most stringent findings and the largest setback. Only the two most prominent ridges in the city - Burton Ridge and Lafayette Ridge - are designated Class I. Section 6-2023(a) of the Lafayette Municipal Code establishes that no development may take place within 400 feet of the centerline of a Class I Ridge.
5. A modified Site 2S would be situated in a natural swale to the northwest of the property and would allow the surrounding landforms to mitigate off-site visibility of any structure. A modified (lower) Site 2S would allow for development that would best meet the purpose and intent of the hillside development regulations.
6. The foremost goal of the Hillside Development Permit process and design review of the home is mitigating the impacts of the development, foremost being off-site visibility. To that end, the Planning Commission provides the following direction:
 - a. The development shall not encroach into the 400-ft. Class I Ridgeline Setback.
 - b. Recognizing that there is a relationship between house size and the impacts it creates, and that the subject parcel is very heavily constrained, the house shall be no larger than 2,000 square feet unless the applicant can demonstrate to the satisfaction of the Planning Commission that a larger home would have no additional impacts.
 - c. The Planning Commission would be supportive of a variance permitting the development to encroach into the required 50-ft. setback to the west if it serves to lower the house and reduce its off-site visual impacts. The Commission recognizes that no future development will occur between the Strand house and the Church which might be affected by a reduced setback.
 - d. The Planning Commission would be supportive of a variance to allow development on a slope >30% if it serves to reduce off-site visual impacts.
 - e. The development should be appropriately dug into the hillside to lower the height and reduce off-site visual impacts.
 - f. The applicant shall strive to design the project entirely beneath a horizontal plane extending northward from the dead oak knoll to the fire road providing access to the site.

This will mitigate off-site visibility by using the existing topography of the knoll and the hillside to the north to screen the development.

- g. The development should present as narrow a profile as possible downhill to minimize off-site visual impacts.
- h. The applicant shall submit a full site section showing the 15-degree declination from the ridge and the proposed development.
- i. Because of concerns raised by property owners down slope of the project site, it is important to have a hydrology study performed and drainage plan developed for review by the City Engineer early in the review process.

Recommendation

Refer the matter to the Design Review Commission for recommendation, including the enclosed comments and direction, before returning to the Planning Commission for final action.

Attachments

- 1. Comment letter from Daniel Murphy, 3259 Sweet Drive • May 9, 2005