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## Downtown Building Height Requirements Tightened

By Aleksandr Auzers, with Cathy Tyson

"Are we serious about preserving Lafayette's character," Eliot Hudson, representing the Secluded Valley Homeowners' Association, asked rhetorically, "or is this all a joke?" Hudson's impassioned plea to the City's seven-member Planning Commission, which met in a special session to discuss the ongoing matter of the City's Downtown Specific Plan (DSP), was one of the latest salvos in an increasingly contentious dispute between supporters and opponents of the DSP's building height limits.

Presently, developers wishing to construct buildings in Lafayette which will exceed a hard height limit of thirty-five feet must first secure an amendment to the City's General Plan. Such amendments are implemented on a case-by-case basis, requiring City Council approval. The lone exception is the area north of Mt. Diablo Boulevard, bounded by Dolores Drive and First Street, where a maximum height of forty-five feet is prescribed.

The Downtown Specific Plan, which is still being revised and weighed, must ultimately obtain City Council approval. In its current state, the Plan proposes a general limit of three building stories, with a maximum height of thirty-five feet. Of central concern on Wednesday, March 30, were the DSP regulations which allow developers to petition for and obtain exemptions to this limit, for a new maximum of forty-five feet in all Downtown zones.

Conversely, four special areas with reduced maximums are identified, including Plaza Way, with two stories and thirty-five feet, and all residential neighborhoods in the downtown area, also with thirty-five feet. These areas are ineligible for height limit exceptions through the DSP. In all Downtown zones, developers would still be required to adhere to the City's general design standards.

City planning staff explained that under the DSP, height exception petitioners would address the Planning Commission, whose evaluation of the proposal must conclude that the project under consideration meets criteria within several broad standards, or "findings." The standards can generally be construed to require buildings which: are proportionally sound, yield relatively unobstructed views from the outside, and provide easily-accessible services that promote the public interest. Projects which are found to satisfy the findings are eligible for height limit exceptions, subject to the Commission's vote.

Several people spoke during the public comment period. Jay Lifson, Executive Director of the Lafayette Chamber of Commerce, noted that his organization supports the City staff's recommendations for the DSP, adding that Lafayette is "not that little anymore." Other citizens voiced concerns that the DSP will overcomplicate investment in Lafayette, degrade the town's character, or lead to increased levels of traffic congestion. One man, who was admonished by the Chair for uncivil behavior, accused the Commission of ignoring the wishes of Lafayette's citizens, calling it "gutless."

The Commission voted 5-2 in favor of the DSP's height limit exemption procedures. Commissioners Mark Mitchell and Will Lovitt were opposed, with Mitchell stating that he did not "have confidence in the qualitative standards [of the DSP height exception findings]." Commissioner Rick Humann, siding with the majority, described the DSP's regulations as "a change in procedure, not a change in spirit."

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