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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.”

Significant Development Proposed for Christmas Tree Lot

... continued from page A1



Pool view image of The Terraces of Lafayette

Courtesy of Norm Dyer, Loving and Campos Architects.

“There is no typical or required time to complete a rezoning – it depends on the parcel(s), land use, environmental considerations and staff resources,” said Ann Merideth, Special Projects Manager for the City of Lafayette. “The applicant is proposing to develop the project under the current zoning Administrative / Professional / Office.”

“Once the application is deemed complete, the project will have to undergo public review by the Design Review Committee and the Planning Commission,” said Meredith. She added the application will need to obtain a Land Use Permit, Hillside Development Permit and Tree Removal Permit. “An example of a land use finding is the project is not detrimental to the health, safety and general welfare of the city,” said Merideth.

“We’re excited about the project, it offers a great diversity of housing that will be a community benefit,” said attorney Allan Moore who represents the property owner. “Not everyone can afford a single family home in Lafayette. We respect the process and want to work with neighbors and community groups”

In a letter sent to the City with the building application, Moore spelled out the history of the property. “Since 2001 the City of Lafayette has made intermittent attempts to change the General Plan and zoning designation.” Having not heard from the City Council since July of last year, and with a record of stop and start administrative hearings, and reversing its own decision, Moore concludes, “the City has treated the Dettmer family in a terribly unfair manner over the ten year period... After all of this time, the Dettmer family has a right to move forward with a project application consistent with current General Plan and zoning designations.”

Although no one is arguing that property owners don’t have rights, the timing of this application seems odd in contrast with Moore’s earlier statements. In the February 17, 2010 edition of this paper we reported that at a recent City Council meeting Moore stated that the Dettmer family was not proposing a project on the site. But in September 2010, we reported Moore said it would be unreasonable not to allow the family to develop the property, “and we are exploring all options.” For more information on the project, including detailed architectural plans, go to their website www.terracesoflafayette.com.

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<p>Accepted recyclable items</p> <ul style="list-style-type: none"> Cardboard, Boxes, packages Carbonless paper Paper towel & toilet paper Newspapers and inserts Salad dressing bottles (rinsed) Aluminum foil (clean) Aluminum pie plates Tissue paper (gift type) 	<ul style="list-style-type: none"> Junk mail Magazines Manila folders Tubes Jars Post-its Office paper Paper bags Milk jugs 	<ul style="list-style-type: none"> Pet food, Steel, Tin cans Buckets without handles Gift wrap (non-metallic) Telephone books Detergent bottles Baby wipe containers Envelopes with metal clasps CRV beverage containers (soda, water, juice) 	<ul style="list-style-type: none"> Prescription bottles (empty) Envelopes (plastic windows OK) Shredded paper (in a paper bag) Household cleaning containers (empty) Shampoo & conditioner bottles Glass (Rinsed; all colors; lids, caps OK) Food cans (clean) Detergent boxes Egg cartons (paper only; no Styrofoam) 	<ul style="list-style-type: none"> Catalogs Bottles Water jugs Metal Cookie sheets Pet food bags Bleach bottles Aluminum cans Lids and caps 	<ul style="list-style-type: none"> Food containers (no Styrofoam) Yogurt containers (yogurt, cottage cheese, margarine, #1-#7) Plastic (Containers only; empty; rinsed; with chasing arrows #5-1-5 & 7; lids, caps OK) <p style="text-align: center;">... and many more please check our website</p>
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Lafayette

- Civic News**
- Public Meetings**
- City Council**
Monday, April 25, 7:00 pm
Lafayette Library & Learning Center, Community Hall, 3491 Mt. Diablo Blvd
- Planning Commission**
Monday, April 18, 7:00 pm
Lafayette Library & Learning Center, Community Hall, 3491 Mt. Diablo Blvd
- Design Review**
Monday, April 25, 7:00 pm
Lafayette Library & Learning Center in the Arts & Science Discovery Center at 3491 Mt. Diablo Blvd.

Check online for agendas, meeting notes and announcements
City of Lafayette:
www.ci.lafayette.ca.us
Chamber of Commerce:
www.lafayettechamber.org



Police Report

Is it on the “day old” shelf? 3/29/11 Going to “pick up” a couple things at Safeway usually means you pay for them. A customer who witnessed the shoplifting flagged down police and pointed out the perp. A store clerk signed a citizen’s arrest; the suspect was cited and released and the items (meat and flowers valued at \$19.64) were re-shelved. What could have been the start of a nice romantic dinner must have caused quite a bit of indigestion.

No stamp of approval, 3/19/11 Mailboxes continue to present a tempting target in Lafayette, this time on Monticello Road. Several were vandalized, one to the tune of \$700. Only one resident (the one out \$700) filed a police report.

Ripe for picking, 3/11/11-3/14/11 Some worm picked an Apple Mac computer book from the backseat of an unlocked car parked on Reliez Station Road. “I didn’t think anyone would find it,” said the former owner. Famous last words. Police have no leads.

Not a pretty yearbook picture, 3/18/11 A minor was caught on the grounds of Acalanes High School with less than an ounce of marijuana in his possession. Police photographed the suspect and had him sign a written statement.

Stooping to drink, 3/26/11 Police charged a minor with public intoxication when they found him on his front porch, slurred of speech and with suspiciously alcohol-tainted breath. He was later released to his mother.

