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HPD

Hillside Planned Development District (H-P-D)

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NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

6-1120 General.

All land in the hillside planned development district (map symbol H-P-D.) shall be used in accordance with the regulations of this chapter. (Ord. 413 § 1 (part), 1993)

6-1121 Findings and purpose.

(a) The city recognizes the intrinsic value and sensitive nature of its scenic hillsides and major ridgelines. They constitute significant natural topographical features and comprise a large part of the natural open space and scenic resources of the community because of their physical dominance of the city's landscape.

(b) Clustered development where flexible regulations are applied can provide an opportunity for implementation of development which best meets the purpose of preserving the city's hillsides and ridgelines. For this reason, the city encourages development by means of the hillside planned development district (H-P-D) zoning classification.

(c) By minimizing grading for roads and grouping dwelling units in the more stable and suitable areas where visibility to the public is minimal, habitat for wildlife and native vegetation can be protected, usable public open space can be provided and hillsides can be maintained in as nearly natural a condition as feasible consistent with development.

(d) Each property has its own unique characteristics, including, but not limited to topography, tree-cover and visual impact. The regulations in this chapter are intended to provide flexibility in the treatment of the development of individual properties as indicated by their uniqueness rather than to provide a fixed set of strict standards applicable in the same manner to all properties.

(e) These regulations are intended to allow diversification in the relationship of buildings, structures, lot sizes and open spaces while ensuring substantial compliance with the general plan and observing adequate standards necessary to satisfy the requirements of the public health, safety and general welfare without unduly inhibiting the advantages of integrated site planning.

(Ord. 413 § 1 (part), 1993)

6-1122 Establishment and designation.

The establishment of a hillside planned development (H-P-D) district is limited to land which has an average percent of slope of 15 percent or greater as defined in Section 6-3103. (Ord. 413 § 1 (part), 1993)

6-1123 Stages of approval.

There are three stages of approval in the H-P-D:

- (a) Preliminary development plan;
- (b) Processing of rezoning application;
- (c) Final development plan.

(Ord. 413 § 1 (part), 1993)

6-1124 Preliminary development plan approval.

(a) The first stage in the H-P-D district procedure is approval of a preliminary development plan.

(b) The applicant shall submit a preliminary development plan for approval. The proposed preliminary development plan shall include the following information presented in the form of textual material and general schematics:

- (1) The proposed use of the land;
- (2) Existing natural land features and topography;
- (3) Surveyed location of each tree having a trunk over four inches in diameter and within 100 feet of all construction and grading. The plat shall

denote tree species, show accurate drip lines, base of trunk elevations and indicate whether or not the tree is to be removed;

- (4) A circulation plan for each vehicular and pedestrian way;
- (5) The proposed building sites;
- (6) General locations of each hiking, riding, and bicycle trail, and recreational facility;
- (7) A plan showing the natural open space which will remain upon completion of development;
- (8) The location and dimensions of existing structures;
- (9) Landscaping, parking areas and typical proposed structures;
- (10) The anticipated grading for the development;
- (11) A current preliminary soils and geological report prepared by a registered geotechnical engineer;
- (12) A written legal description of the property;
- (13) A preliminary report indicating provision for storm drainage, sewage disposal and public utilities;
- (14) A statement indicating how and why the proposed development conforms to the general plan;
- (15) A statement requesting the zoning change, signed by the applicant;
- (16) Additional information required by the planning director.

(c) The planning commission shall give notice and hold a public hearing upon the preliminary development plan in the same manner followed for the rezoning of land to H-P-D district. The planning commission may conduct the process for preliminary development plan approval and rezoning together.

(d) An appeal from the planning commission decision on the preliminary development plan may be taken to the city council in accordance with the procedure for an appeal from a decision of planning commission upon an application for a conditional use permit. If no appeal is taken the decision of the planning commission on the preliminary development plan is final.

(Ord. 422 § 1, 1993; Ord. 413 § 1 (part), 1993)

6-1125 Findings required to approve a preliminary development plan.

To approve a preliminary development plan the planning commission must find that:

- (a) The proposed development meets all of the development requirements of Section 6-3106 of the hillside regulations;
- (b) On-site and off-site views of the ridges and open hillsides will not be substantially impaired;
- (c) The visibility of improvements including structures, earthwork and roadways will not detract from the open and uncluttered topography of the city;
- (d) Grading to be performed takes into account the environmental characteristics of the property, including prominent geological features, existing stream beds, significant tree cover, and is designed in keeping with the best engineering practice to avoid erosion, slides and flooding;
- (e) Each proposed house location and the location of each related structure is sited to minimize loss of privacy and not unduly impact, restrict or block significant views;
- (f) Each street, building and other manmade structure is designed and located in such a manner as to complement the natural terrain and landscape;
- (g) Woodland, riparian vegetation, rock outcropping, stream, pond and other natural features are preserved in their natural state where possible; and
- (h) The amount and location of open space preserves environmentally sensitive and visible portions of the site.

(Ord. 413 § 1 (part), 1993)

6-1126

Rezoning process.

- (a) The second stage in the H-P-D district procedure is the processing of an application for rezoning. The planning commission may combine the rezoning application with the preliminary development plan approval process.
- (b) If the planning commission recommends against approval of the rezoning, its decision is final unless appealed to the city council. If the planning commission recommends approval of the rezoning, the city council shall consider the recommendation. The procedure for adoption of the ordinance rezoning the property is governed by Government Code Sections 65854—65857.

(Ord. 413 § 1 (part), 1993)

6-1127

Final development plan approval.

- (a) The third stage in the H-P-D district procedure is approval of the final development plan.
- (b) After approval of a preliminary development plan and the adoption of an ordinance rezoning the property to H-P-D district, the applicant shall file a final development plan with the planning director. The final development plan shall include:
 - (1) A precise site plan in conformity with the approved preliminary development plan showing, as appropriate, all the information required on the preliminary development plan;
 - (2) Preliminary building plans, including floor plans and exterior elevations;
 - (3) Landscaping plans;
 - (4) Engineering plans, including site grading, street improvements, drainage and public utility extensions.
- (c) The planning director shall refer the final development plan to the planning commission. The planning commission shall hold a public hearing on the final development plan and shall recommend approval, approval with conditions or disapproval. The action of the planning commission recommending disapproval is final unless appealed to the city council.
- (d) An appeal from the planning commission decision may be taken to the city council in accordance with the procedure for appeal of a planning commission decision upon an application for a conditional use permit. If no appeal is taken the decision of the planning commission is final.

(Ord. 413 § 1 (part), 1993)

6-1128

Action by city council.

The city council shall hold a public hearing on the recommendation of the planning commission to approve the final development plan and shall approve, modify or disapprove the recommendation. The public hearing and notice procedure is governed by Government Code Sections 65856—65857. (Ord. 413 § 1 (part), 1993)

6-1129

Latitude in imposing regulations.

The planning commission and city council may require that the final development plan contain standards, regulations, limitations and restrictions which are designed to protect and maintain property values and community amenities which will foster and maintain the health, safety and general welfare of the community. The standards, regulations, limitations and restrictions may include but are not limited to the following:

- (1) Height limitations on buildings and structures;
- (2) Percent coverage of land by buildings and structures;
- (3) Parking ratios in areas expressed in relation to use of various portions of the property;

- (4) The location, width and improvement of vehicular and pedestrian access to various portions of the property;
- (5) Arrangement and spacing of buildings and structures to provide appropriate open spaces;
- (6) Architectural design of buildings and structures;
- (7) Schedule of time for construction and establishment of the land uses, proposed buildings and stages of development;
- (8) Requiring performance bonds to ensure development as approved;

(Ord. 413 § 1 (part), 1993)

6-1130 Incorporation of final development plan into ordinance.

The final development plan as approved and the conditions attached to it become a part of the ordinance rezoning the property to H-P-D district. (Ord. 413 § 1 (part), 1993)

6-1131 Maximum number of dwelling units permitted.

Unless the number of dwelling units is increased as provided in Section 6-1132, the maximum number of dwelling units permitted is that determined by the land use regulations which specify the minimum lot area applicable to the property immediately before being classified H-P-D district or Section 6-3104, whichever is less. (Ord. 413 § 1 (part), 1993)

6-1132 Exceptions to maximum density.

(a) If the maximum number of dwelling units is governed by Section 6-3104, the planning commission may, concurrently with approving the preliminary development plan, grant an increase of up to 66.67 percent of the maximum number of dwelling units upon making each of the following findings:

- (1) The increase in units will not create environmental damage nor pose a problem to public health, safety or welfare;
- (2) The proposed density does not exceed that of the underlying zoning district; except in the case of the L-R district where the maximum density may not exceed one D.U./three acres.

(b) In the LR district, if the maximum number of dwelling units is governed by the land use regulations, the maximum density may be increased to one D.U./three acres.

(c) If a property has an average slope of 35 percent or greater, the density may be increased up to .333 D.U./acre (one DU/three acres) subject to the requirements that the dwelling units are clustered and each dwelling unit is located on a parcel of one acre or less.

(d) In considering an adjustment to the density, the city shall also consider the following factors:

- (1) The degree to which the clustering of dwelling units and the design of the development permits the protection of open space including visually prominent and ecologically significant areas;
- (2) The provision of open space which is usable to the public as recreational land or the offer to and acceptance by the city or other public agency of land in excess of the park land dedication requirements of this code;
- (3) The provision of amenities such as common recreation areas and on-site or off-site improvements which are not normally required in residential developments;
- (4) The extent to which each proposed dwelling unit will have a floor area of less than 3,000 square feet.

(Ord. 413 § 1 (part), 1993)

6-1133 Minimum lot size.

There is no minimum lot size in the H-P-D district. (Ord. 413 § 1 (part), 1993)

6-1134 Uses permitted.

Land uses permitted in the H-P-D district are the same as the uses permitted by the land use classification applicable to the property immediately before being classified H-P-D district. (Ord. 413 § 1 (part), 1993)

6-1135 Changes in final development plan.

A request may be made to change the final development plan and its conditions of approval by the submission of an application. The planning commission shall hear the application for change and may recommend its approval to the city council if it finds that the proposed change does not deviate from the intent and purpose of the approved final development plan. A substantive change in the final development plan which deviates from the intent and purpose of the approved development plan may only be made by following the procedure for rezoning. (Ord. 413 § 1 (part), 1993)

6-1136 Termination of zoning.

(a) Reversion. The H-P-D district becomes null and void and the land use district classification shall revert to the immediately preceding zoning designation if either:

(1) Within 24 months after the effective date of the establishment of the H-P-D district a final development plan is not submitted to the planning commission; or

(2) Within 24 months after the city council's approval of the final development plan, the construction specified in the plan has not been started.

(b) Extensions. Upon a showing of good cause, the city council may grant not more than one extension of the time limitations set forth in subsection (a), each for no more than two years.

(Ord. 413 § 1 (part), 1993)