

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

City-initiated zoning text amendment to amend Chapter
6- 9 of the Lafayette Municipal Code to permit housing by
right within the downtown area)
)
)

Ordinance 614

WHEREAS, on May 23, 2011, the City Council adopted a resolution approving amendments to the Housing Element of the Lafayette General Plan to accommodate the regional housing need allocation established by the State Department of Housing and Community Development;

WHEREAS, the Housing Element of the Lafayette General Plan contains an inventory of sites as required by housing element law, all of which are located in the downtown;

WHEREAS, the analysis in the Housing Element of the Lafayette General Plan found that requiring a discretionary permit for housing in the downtown zoning districts is an impediment to the production of housing for households of all income levels;

WHEREAS, one of the programs in the Housing Element of the Lafayette General Plan (Program H-2.4.2) requires the amendment of the zoning ordinance to permit housing by right in the downtown;

WHEREAS, in July 2011, the State Department of Housing and Community Development determined the Housing Element of the Lafayette General Plan to be in full compliance with housing element law;

WHEREAS, the City initiated the preparation of a specific plan for the downtown in 2006 and completed the plan in 2012;

WHEREAS, the Downtown Specific Plan also calls for the amendment of the zoning ordinance to permit housing by right in the downtown;

WHEREAS, on September 10, 2012, the City Council adopted resolutions certifying the Downtown Specific Plan Environmental Impact Report and adopting the Downtown Specific Plan;

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the City has analyzed the environmental impacts that would result from the proposed zoning amendments in the environmental impact report for the Downtown Specific Plan;

WHEREAS, on October 1, 2012, the Planning Commission conducted a duly noticed public hearing on the proposed zoning amendments, at which time all persons wishing to testify were heard and the issue was fully studied;

WHEREAS, on October 1, 2012, the Planning Commission recommended to the City Council approval of these amendments to Chapter 6-9 of the Lafayette Municipal Code;

WHEREAS, on October 22, 2012 and November 26, 2012, the City Council of the City of Lafayette ("City Council") conducted a duly noticed public hearing to introduce Ordinance 614, and

all interested persons had the opportunity to appear and be heard.

WHEREAS, all other legal and procedural prerequisites relating to the adoption of this ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1. Based on the entire record before the City Council, including all written and oral evidence presented to the City Council at the public hearing on this matter, and the findings made in this Ordinance, the City Council hereby adopts the amendments to zoning districts C, C-1, SRB and RB attached as Exhibit "A" to this Ordinance.

Section 2. Incorporation of Recitals & Findings. Pursuant to Lafayette Municipal Code Section 6-213 and based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby incorporates the recitals as listed above and makes and adopts the following findings:

1. The change proposed is consistent with the general plan and each element of it.

The changes to the zoning ordinance are being made to implement the following goal, policy and program of the Housing Chapter of the General Plan:

Goal H-2: Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs as quantified in this Chapter.

Policy H-2.4: Regional Housing Needs: Provide for additional housing by encouraging the construction of multi-family housing in areas where there is appropriate zoning for this use.

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multi-family housing as of right in areas where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

2. In the case of a general land use regulation, the proposed change is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed; and with the regulations for other land use districts.

Residential uses are already allowed in the C, C1, SRB and RB zoning districts with a discretionary land use permit. The proposed change would allow residential uses by right in these districts.

3. Community need is demonstrated for the change proposed.

The City has a strong commitment to ensuring that the denser housing development is located in the downtown near amenities and services such as BART, shopping, and civic uses. Permitting housing by right in the downtown will further this goal and will also strengthen the City's ability to maintain a

lower density in areas outside of the downtown thereby protecting the City's scenic hillsides and ridgelines.

Section 3. CEQA. The City Council hereby finds that the City has analyzed the environmental impacts that would result from the proposed zoning amendments in the environmental impact report for the Downtown Specific Plan.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

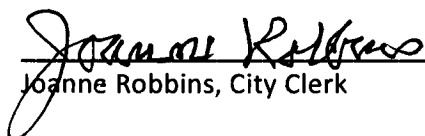
Section 4. Notice of Exemption. The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this Ordinance.

Section 5. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, including the names of the city council members voting for and against its passage, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption, including the names of the city council members who voted for and against its passage.

Section 6. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption. The foregoing Ordinance was introduced by the City Council of the City of Lafayette at a regular meeting of the City Council held on October 22, 2012 and November 26, 2012, and was adopted by the City Council of the City of Lafayette at a regular meeting of the City Council held on December 10, 2012, by the following vote:

AYES: M. Anderson, Tatzin, B. Andersson, Mitchell, and Reilly
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Joanne Robbins, City Clerk

APPROVED:



Mike Anderson, Mayor

EXHIBIT "A"

PROPOSED AMENDMENTS TO CHAPTER 6-9

Article 2. General Commercial District

- 6-923 Uses permitted
- Add subsection (m): Residential dwelling units
- 6-924 Uses requiring a use permit
- Delete subsection (o): Residential dwelling units

Article 4. Special Retail Business District

- 6-964 Uses permitted
- Add subsection (j): Residential dwelling units on upper floors along Mount Diablo Boulevard and on all floors elsewhere in the district
- 6-965 Uses requiring a permit
- Delete subsection (h): Residential dwelling units

Article 1. Retail Business District

- 6-904 Uses permitted
- Add subsection (l): Residential dwelling units on upper floors along Mount Diablo Boulevard (between Mtn. View Drive and First Street on the north side and between Mtn. View Drive and Moraga Road on the south side¹) and on all floors elsewhere in the district
- 6-905 Uses requiring a permit
- Delete subsection (o): Residential dwelling units

Article 5. General Commercial District 1

- 6-983 Uses permitted
- Add subsection (k): Residential dwelling units
- 6-984 Uses requiring a permit
- Delete subsection (r): Residential dwelling units

¹ Consistent with boundaries of the Downtown Retail District.

Contra Costa Times

PO Box 4147
Walnut Creek, CA 94596
(925) 935-2525

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,
#210
LAFAYETTE CA 94549-3793

PROOF OF PUBLICATION

FILE NO. PHN 614

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

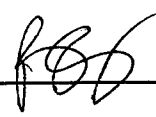
The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

[REDACTED]

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 28th day of November, 2012.

Signature



Legal No.

0004684164

[REDACTED]
LAFAYETTE
MUNICIPAL CODE
CHAPTER 6-9 OF THE
LAFAYETTE MUNI-
CIPAL CODE

Notice is given that on Tuesday, November 13, 2012 the City Council of the City of Lafayette will conduct a public hearing commencing at 7:00 p.m. in the Community Hall at the Lafayette Library & Learning Center, 3491 Mt. Diablo Blvd. Ordinance 614 (ZT05-12), if adopted, will include the following amendments to Chapter 6-9 of the Lafayette Municipal Code:

1. Allow residential dwelling units by right in the General Commercial District (C) and General Commercial District - 1 (C-1).
2. Allow residential dwelling units on upper floors along Mt. Diablo Blvd. and all floors elsewhere in the Special Retail Business District (SRB).
3. Allow residential dwelling units on upper floors along Mt. Diablo Blvd., between Mountain View Drive and First Street on the north side and between Mountain View Drive and Moraga Road on the south side, and all floors elsewhere in the Retail Business District (RB).

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinances is necessary to obtain a full understanding of the ordinances. Certified copies of the full text of the ordinances are posted in the City Clerk's office at 3675 Mt. Diablo Boulevard, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date:
November 9, 2012
Joanne Robbins
City Clerk
CCT# 4684164
Nov. 9, 2012

Contra Costa Sun

PO Box 599
Lafayette, CA 94549
(925) 284-4444

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,
#210
LAFAYETTE CA 94549-3793

PROOF OF PUBLICATION

FILE NO. NOPH 11/26

ord 614

In the matter of

Contra Costa Sun

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Sun, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of November, 1938. Case Number 23392.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/16/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 13th day of December, 2012.

Elizabeth Robinson

Signature

Legal No.

0004690072

NOTICE AND SUMMARY OF PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF THE CITY OF LAFAYETTE

Notice is given that on Monday, November 26, 2012 the City Council of the City of Lafayette will conduct a public hearing commencing at 7:00 p.m. in the Community Hall at the Lafayette Library & Learning Center, 3491 Mt. Diablo Blvd. Ordinance 614 (ZT05-12), if adopted, will include the following amendments to Chapter 6-9 of the Lafayette Municipal Code:

1. Allow residential dwelling units by right in the General Commercial District (C) and General Commercial District - 1 (C-1).
2. Allow residential dwelling units on upper floors along Mt. Diablo Blvd. and all floors elsewhere in the Special Retail Business District (SRB).
3. Allow residential dwelling units on upper floors along Mt. Diablo Blvd., between Mountain View Drive and First Street on the north side and between Mountain View Drive and Moraga Road on the south side, and all floors elsewhere in the Retail Business District (RB).

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinances is necessary to obtain a full understanding of the ordinances. Certified copies of the full text of the ordinances are posted in the City Clerk's office at 3675 Mt. Diablo Boulevard, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date:
November 16, 2012
Joanne Robbins
City Clerk
cct# 4690072
NOV. 16, 2012

Contra Costa Times

PO Box 4147
Walnut Creek, CA 94596
(925) 935-2525

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,
#210
LAFAYETTE CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Ord. 614

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

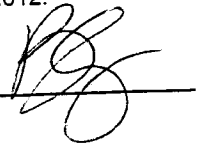
And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/18/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 26th day of December, 2012.

Signature 

Legal No. 0004716917

NOTICE OF ADOPTION OF ORDINANCE 614 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE

At its regular meeting on Monday, December 10, 2012 the City Council of the City of Lafayette adopted Ordinance 614. The recorded vote of the City Council was as follows:

Ayes: M. Anderson, Tatzin, B. Andersson, Mitchell, and Reilly
Noes: None
Abstain: None
Absent: None

The following is a summary: Ordinance 614: City-initiated zoning text amendment to amend Chapter 6-9 of the Lafayette Municipal Code to permit housing by right within the downtown area.

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. Certified copies of the full text of the ordinance are posted in the City Clerk's office at 3675 Mt. Diablo Boulevard, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: December 18, 2012
Joanne Robbins, City Clerk
CCT# 4716917 Dec. 18, 2012

Ord 614



City Council

Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Mark Mitchell, Council Member
Traci Reilly, Council Member

NOTICE OF EXEMPTION

TO: County Clerk
County of Contra Costa
P.O. Box 350
Martinez, CA 94553

FROM: City of Lafayette
Planning Services Division
3675 Mt. Diablo Blvd., Suite 210
P.O. Box 1968
Lafayette, CA 94549

Project Title: ZT05-12 Ordinance 614

Project Location (include city and county): Lafayette, Contra Costa County (City-Wide)

Description of Nature, Purpose, and Beneficiaries of Project:

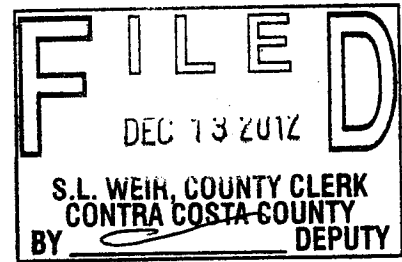
Ordinance 614: City-Initiated Zoning Text Amendment to amend Chapter 6-9 of the Lafayette Municipal Code to permit housing by right within the downtown area

Name of Public Agency Approving Project: City of Lafayette

Name of Person or Agency Carrying Out Project: City of Lafayette

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (Class ___) (Sec. ___)
- Project Not Subject to CEQA (Sec. 15060(c)(2))
- Project Not Approved by Agency (Sec. 21080(b)(5); 15270(a))



Reasons why project is exempt: The Downtown Specific Plan's ("DSP") Environmental Impact Report (State Clearing House Number 2009062056) evaluated the environmental impacts of amending the City's Zoning Ordinance to permit housing by right in the downtown. Thus, because housing-by-right was analyzed in the DSP EIR and has not changed, no revisions to that EIR or further environmental analysis are required.

Contact Person: Michael P. Cass, Assistant Planner

Telephone: (925) 299-3219

Signature: Michael P. Cass

Date: December 10, 2012

Title: Assistant Planner

Signed by Lead Agency

Signed by Applicant

Invoice	Description	Discount	Amount
ORD614	NOTICE OF EMEPTN FILE FEE ZT05-12	\$0.00	\$50.00
Total :		\$0.00	\$50.00

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ING FEE CASH RECEIPT

RECEIPT#
431041
STATE CLEARING HOUSE # (if applicable)

LEARLY

AMING Services Division
DATE **12-13-12**
DOCUMENT NUMBER **12-416**

ANCE 614
AMING Services Division
PHONE NUMBER **(925) 299-3219**
CITY **Lafayette** STATE **CA** ZIP CODE **94591**

istrict Other Special District State Agency Private Entity

\$2,919.00 \$ _____
\$2,101.50 \$ _____
\$850.00 \$ _____
\$992.50 \$ _____
\$50.00 \$ **50**

r Resources Control Board Only)

ams (CRP)

ched)

51579

Other

TOTAL RECEIVED \$ **50**

TITLE
DEPUTY COUNTY CLERK

H. FRANKLIN

REC'T # **0001505047**
December 13, 2012 16:19:04

CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder

Document # **12-416**

Check Number 51574
READ BY
Envir Qual **\$50.00**

Total fee **\$50.00**
Amount Tendered... **\$50.00**

Charges **\$0.00**
HF1.CY/1/0

X

WHITE - PROJECT APPLICANT

YELLOW - DFG/ASB

PINK - LEAD AGENCY

GOLDEN ROD - COUNTY CLERK

DFG 753.5a (Rev. 11/11)