

**ORDINANCE 650**

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**

**IN THE MATTER OF:**

An Ordinance of the City Council of the City of Lafayette approving an amendment to the zoning ordinance to create a new zoning district PHC (Pleasant Hill Road Commercial) and to rezone ~~three~~ two parcels – APN ~~232-140-014~~, 232-150-028 and APN 177-061-027 from APO (Administrative Professional Office) to PHC (Pleasant Hill Road Commercial)

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WHEREAS, on September 14, 2015, the City Council directed staff to study and return with options to reclassify three parcels designated in the General Plan and zoned Administrative / Professional Office - APO (APNs 232-140-014, 232-150-028 and 177-061-027) located at or near the intersection of Deer Hill Road and Pleasant Hill Road.; and

WHEREAS, on September 28 and October 26, 2015, the City Council considered options proposed by staff to reclassify and rezone these parcels, and, on October 26, referred the matter to the Planning Commission for review and recommendations; and

WHEREAS, on May 16, 2016, at a duly noticed public hearing, City staff presented options to the Planning Commission to reclassify and rezone Parcel #2 (APN 232-150-028) and Parcel #3 and (APN 177-061-027) to a new designation called “Pleasant Hill Road Commercial – PHC” and the Commission directed staff to consider expanding the list of uses that would be permitted in this new designation; and

WHEREAS, on June 6, 2016, at a public hearing, staff indicated that Parcel 1 was no longer under consideration because the County Assessor’s Office had retired the parcel, removed it from the tax rolls and rightly mapped it with the Highway 24 ROW; and

WHEREAS, on June 6, 2016, at a public hearing, staff submitted for the Commission’s consideration a revised draft ordinance which included an additional land use – single story offices – in the Pleasant Hill Road Commercial district; and

WHEREAS, on June 6, 2016, the Planning Commission considered the General Plan amendment and rezoning at a public hearing, where it received written and oral staff reports from City staff and public comments. The Planning Commission adopted Resolution 2016-09 recommending to the City Council approval of the General Plan amendment and rezoning of the two parcels to Pleasant Hill Road Commercial – PHC; and

WHEREAS, the City has reviewed the environmental impact report certified for General Plan (“EIR”) and determined that no supplemental or subsequent EIR is required prior to approval of the proposed amendments to the General Plan and Zoning Code because these amendments 1) will not require major revisions of the EIR, 2) there have been no substantial changes occur with respect to the circumstances under which the General Plan was approved that will require major revisions in the EIR, and 3) no new

information, which was not known and could not have been known at the time the EIR was certified as complete, has become available; and

WHEREAS, on June 27, 2016, the City Council continued the matter without consideration to July 11 so that staff could notify owners within 500' of the subject parcels; and

WHEREAS, on July 11, 2016, the City Council held a public meeting on the matter where it received written and oral reports from staff, and at which time all persons wishing to testify were heard.

WHEREAS, on July 11, 2016, the City Council considered Resolution 2016-09 to amend the General Plan create a new land use designation Pleasant Hill Road Commercial and to reclassify the two parcels APNs 232-150-028 and 177-061-027 as Pleasant Hill Road Commercial in the General Plan.

**THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:**

**Section 1. CEQA.** The City has reviewed the environmental impact report certified for General Plan ("EIR") and determined that no supplemental or subsequent EIR is required prior to approval of the proposed amendments to the General Plan and Zoning Code because these amendments 1) will not require major revisions of the EIR, 2) there have been no substantial changes occur with respect to the circumstances under which the General Plan was approved that will require major revisions in the EIR, and 3) no new information, which was not known and could not have been known at the time the EIR was certified as complete, has become available.

**Section 2. Findings.** The required findings for approving the requested Zoning Amendment have been evaluated by the City Council as follows:

**ZONING AMENDMENT (GOV. CODE § 65860)**

1. The zoning amendment is compatible with the objectives, policies, general land uses, and programs of the general plan.

*The new zoning district (PHC - Pleasant Hill Road Commercial) is intended to accommodate a narrow list of uses that primarily serve the motorists on Pleasant Hill Road. Traffic generated by the proposed uses – a gas station, park and ride lot and single story offices – will not significantly increase the number of trips on Pleasant Hill and Deer Hill Roads. The City's design review process would ensure that any future development meets the City's high aesthetic standards.*

**Section 3. Approval.** The City Council hereby approves the Zoning Amendment to add a new district "PHC" – Pleasant Hill Road Commercial to Title 6 of the Municipal Code as reflected in Exhibit A. The Zoning Map is also hereby revised to reflect the new zoning district "PHC" for APNs 232-150-028 and 177-061-027.

**Section 4. Effective Date.** This Ordinance becomes effective thirty (30) days after its adoption.

**Section 5. 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 7. 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, 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.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on July 11, 2016, and adopted and ordered published at a meeting of the City Council held on July 25, 2016, by the following vote:

AYES: **Mitchell, M. Anderson, B. Andersson, Reilly and Tatzin**

NOES: **None**

ABSTAIN: **None**

ABSENT: **None**

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Joanne Robbins, City Clerk

  
\_\_\_\_\_  
Mark Mitchell, Mayor

**Attached**

Exhibit A      PHC -- Pleasant Hill Road Commercial District

**Exhibit A**

PHC – Pleasant Hill Road Commercial District

[Attached behind this page]



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PHC

Pleasant Hill Road Commercial District

- 6-998.1 General.
- 6-998.2 Purpose.
- 6-998.3 Uses permitted.
- 6-998.4 Uses requiring a permit.
- 6-998.5 Lot area.
- 6-998.6 Lot width.
- 6-998.7 Lot depth.
- 6-998.8 Height.
- 6-998.9 Setback.
- 6-998.10 Minimum side and rear yards.
- 6-998.11 Floor Area Ratio.
- 6-998.12 Design review.
- 6-998.13 Modifiable sections.

**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](http://www.lovelafayette.org) for an overview of regulations that might apply. You may consult Planning & Building Department staff to ascertain which rules and regulations apply to any given project.

Pleasant Hill Road Commercial District

6-998.1 General.

All land in the Pleasant Hill Road Commercial district (map symbol PHC) shall be used in accordance with the provisions of this article.

6-998.2 Purpose.

The purpose of this article is to provide a limited number of commercial uses that primarily serve residents and motorists in the north eastern sector of Lafayette.

6-998.3 Uses permitted.

The following uses may be conducted as a matter of right in the PHC district, without the need for a land use permit.

- (a) Automobile servicing
- (b) Park-and-ride lot, whether publicly or privately owned
- (c) Offices

6-998.4 Uses requiring a permit.

The following uses are permitted in the PHC district upon the issuance of a land use permit.

- (a) Drive through, drive up or pass through window serving coffee and other soft beverages.

6-998.5 Lot area.

No new lots may be created in the PHC district smaller than 40,000 square feet in size.

6-998.6 Lot width.

No new lots may be created in the PHC district with an average width of less than 75 feet.

6-998.7 Lot depth.

No new lots may be created in the PHC district with a depth of less than 150 feet.

6-998.8 Height.

No buildings or other structures permitted in the PHC district shall exceed 17 feet in height, nor one story.

6-998.9 Setback.

There shall be a landscaped setback of at least ten feet from any street line for any structure in the PHC district. No parking shall be allowed in the required setback.

6-998.10 Minimum side and rear yards.

There shall be a minimum yard setback of ten feet along side and rear property lines.

6-998.11 Floor Area Ratio (FAR)

There shall be a maximum floor area ratio of 0.25 imposed on the land with slopes of 15% or less in the PHC district. Land in excess of 15% slope shall not be developed nor used to calculate the maximum floor area.

**6-998.12 Design review.**

No building, sign or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposals have been approved pursuant to the design review requirements set forth in Part 1 of this title.

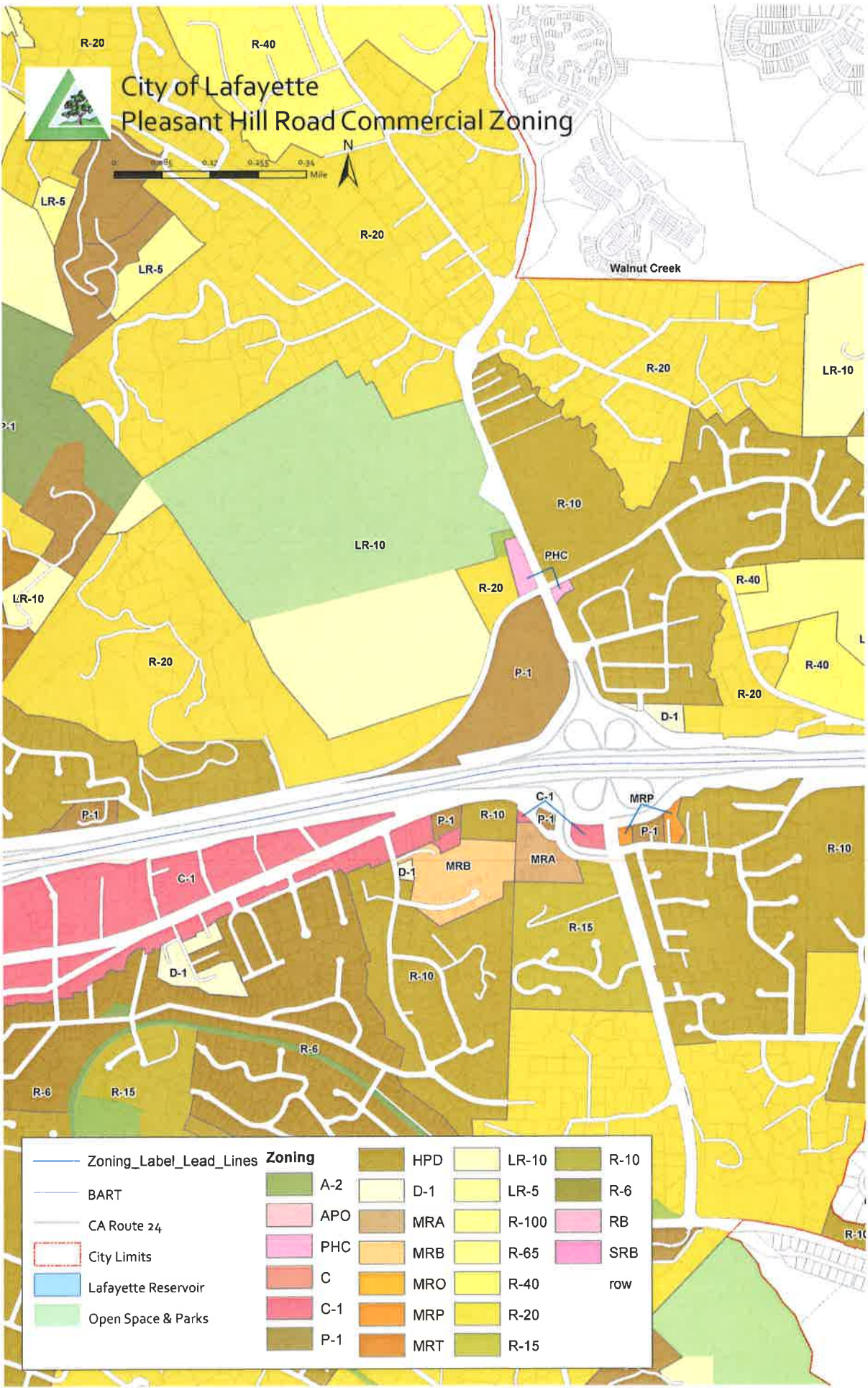
**6-998.13 Modifiable sections.**

Land use permits for special uses enumerated in Section 6-998.4 and variance permits to modify the provisions of Sections 6-998.5 to 6-998.10 may be granted in accordance with the applicable provisions of Chapter 6-1 of this title.





# City of Lafayette Pleasant Hill Road Commercial Zoning



Zoning	
A-2	R-10
APO	R-6
PHC	RB
C	SRB
C-1	row
P-1	
D-1	LR-10
MRA	LR-5
MRB	R-100
MRO	R-65
MRP	R-40
MRT	R-20
HPD	R-15

- Zoning\_Label\_Lead\_Lines
- BART
- CA Route 24
- City Limits
- Lafayette Reservoir
- Open Space & Parks