

**ORDINANCE 652  
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 Pleasant Hill Road Commercial (PHC) zoning district to add “automotive cleaning” (car wash) to the list of uses requiring a land use permit as an ancillary use to “automotive servicing” (gas station). The project will rely on the previously certified Environmental Impact Report for the Lafayette General Plan Update.

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

WHEREAS, on July 11, 2016, the City Council introduced Ordinance 650 creating a new zoning district (PHC - Pleasant Hill Road Commercial) and rezoned two parcels from APO (Administrative Professional Office) to PHC (Pleasant Hill Road Commercial); and

WHEREAS, on July 11, 2016, the City Council directed staff to consider an amendment to the Pleasant Hill Road Commercial (PHC) zoning district to allow a car wash with the approval of a land use permit; and

WHEREAS, on July 25, 2016, the City Council adopted Ordinance 650; and

WHEREAS, on August 15, 2016, at a duly noticed public hearing, the Planning Commission considered adding “car wash” or “automotive cleaning” to the list of uses requiring a permit in the PHC district. By unanimous vote of those present (4-0-2), the Planning Commission adopted Resolution 2016-15 recommending to the City Council that car wash be added to the list of uses requiring a land use permit in the PHC district. The Planning Commission also clarified that it could only support a car wash as an ancillary use to automotive servicing (gas station) and not as a stand-alone use; and

WHEREAS, on September 12, 2016, the City Council held a public hearing on the matter where it received written and oral reports from staff, and at which time all persons wishing to testify were heard.

**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 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:

§6-213 Findings for a Zone Change

- A. The change proposed is consistent with the General Plan and each of its elements;
- B. Community need is demonstrated for the change proposed.

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

*In the PHC district, a car wash (“automotive cleaning”) as an ancillary use to a gas station (“automotive servicing”) will primarily serve residents and motorists in the north eastern sector of Lafayette and, as such, traffic generated by this use will not significantly increase the number of trips on Pleasant Hill and Deer Hill Roads. The City’s land use permit process will ensure that the impacts of a car wash on the surrounding area will be minimized.*

**Section 3. Approval.** The City Council hereby amends Section 6-998.4 (b) of the “PHC” – Pleasant Hill Road Commercial district.

**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 September 12, 2016, and adopted and ordered published at a meeting of the City Council held on September 26, 2016, by the following vote:

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

NOES: **Mitchell and Tatzin**

ABSTAIN: **None**

ABSENT: **None**

ATTEST:

APPROVED:

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Joanne Robbins, City Clerk

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

**Attached**

Exhibit A PHC – Pleasant Hill Road Commercial District (amended)

**Exhibit A**

PHC – Pleasant Hill Road Commercial District as amended

[Attached behind this page]



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*PHC*

Pleasant Hill Road Commercial District

- 6-998.1 General.
- 6-998.2 Purpose.
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- 6-998.11 Floor Area Ratio.
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## 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.
- (b) Automotive cleaning as an ancillary use to automobile servicing. Automotive cleaning means the washing and polishing of motor vehicles and does not include the major repair or painting of motor vehicles, including body work and installation of major accessories.

### 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.