



## Planning Services Division

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### DESIGN REVIEW OF STRUCTURES OVER 17'-0" IN HEIGHT

#### Sections:

- 6-1901 Purpose.
- 6-1902 Definitions.
- 6-1903 Structures subject to design review.
- 6-1904 Procedures for design review.
- 6-1905 Specific findings required.
- 6-1906 Exemptions.
- 6-1907 Fees.

#### **6-1901 Purpose.**

The purpose of this chapter is to reduce the impact of (1) two-story structures, (2) second story additions and (3) structures greater than 17 feet in height in residential neighborhoods, and to implement the Lafayette general plan which envisions maintaining the semi-rural character of the city and providing a variety of housing sizes. This chapter is intended to:

- (a) Minimize loss of light and privacy to neighbors caused by the construction of large structures;
- (b) Minimize the out-of-scale appearance of large structures relative to other structures in a neighborhood;
- (c) Maintain the existing character of established residential neighborhoods;
- (d) Permit reasonable expansion of existing structures.

(Ord. 534 § 1, 2002; Ord. 386 § 1 (part), 1991)

#### **6-1902 Definitions.**

In this chapter:

- (a) "Attic" means an area which is not habitable under the Uniform Building Code dimensional requirements (Section 1207) and is utilized only for storage. The area must be unheated and unfinished and have no access other than a hatch (i.e., no stairs or doorway).
- (b) "Basement" means an unfinished and unheated area of the building which is not habitable, and finished floor level directly above being not greater than six feet above grade for more than 50 percent of the total perimeter or more than 12 feet above grade at any point.
- (c) "Construction" means the building of new floor area on a lot (either a new structure or addition to an existing structure).

(Ord. 534 § 1, 2002; Ord. 386 § 1 (part), 1991)

#### **6-1903 Structures subject to design review.**

- (a) A structure in a single-family residential land use district that is proposed to exceed 17 feet in height is subject to design review as provided in this chapter.
- (b) For the purposes of this chapter, height means the vertical distance between the average of the highest and lowest grade at the lowest foundation wall (measured at existing grade or finished grade, whichever is lower) and the highest point of the structure. An appurtenance attached to a structure, which is listed in Section 6-513, is excepted from the height limit.

(Ord. 534 § 1, 2002; Ord. 469 § 1, 1996; Ord. 386 § 1 (part), 1991)

#### **6-1904 Procedures for design review.**

The procedure for design review of a structure over 17 feet 0 inches in height is as follows:

- (1) An application for design review shall be submitted to the zoning administrator accompanied by the required fee;
- (2) If the zoning administrator finds that the proposed structure is de minimus in nature and complies with the purpose and intent of this chapter, the zoning administrator may issue a design review permit without the requirement for a public hearing;
- (3) If a public hearing is required, the zoning administrator shall mail written notice of an application as prescribed in Section 6-211 of the municipal code;
- (4) The zoning administrator may refer the application to the design review commission for review and action;
- (5) The zoning administrator may approve, conditionally approve or deny the application. A decision of the zoning administrator is subject to the right of appeal in the manner as set forth in Chapter 6-2, Article 3, Sections 6-225 through 6-238. The appeal of a decision by the design review commission is subject to the requirements of Section 2-511.

(Ord. 534 § 1, 2002; Ord. 386 § 1 (part), 1991)

#### **6-1905 Specific findings required.**

The zoning administrator or design review commission or reviewing body on appeal, as the case may be, may not approve the application for design review required under Section 6-1903 unless it makes all the following findings:

- (a) The structure substantially complies with the city's residential design guidelines;
- (b) The structure is so designed that it will appear compatible with the scale and style of the existing neighborhood and will not significantly detract from the established character of the neighborhood;
- (c) The structure is so designed that it does not appear too tall or massive in relation to surrounding structures or topography when viewed from off-site;
- (d) The structure is so designed that it does not unreasonably reduce the privacy or views of adjacent properties.

(Ord. 534 § 1, 2002; Ord. 457 § 4, 1996; Ord. 386 § 1 (part), 1991)

#### **6-1906 Exemptions.**

The following structures are exempt from the design review requirement of Section 6-1903:

- (a) An existing one-story house in which an existing basement or under story area is developed for living quarters;
- (b) An existing one-story house in which an existing attic area is converted to living quarters without any structural expansion to the exterior walls or roof of the residence.

(Ord. 536 § 1, 2002; Ord. 386 § 1 (part), 1991)

#### **6-1907 Fees.**

- (a) The fee for the design review required under Section 6-1903(a) by the zoning administrator is the same as that required for a variance application, as fixed by city council resolution;
- (b) The fee for the design review required under Section 6-1903(b) by the design review commission is the deposit amount required for a design review application by the design review commission, as fixed by city council resolution;
- (c) The fee for determining that a project is exempt from the public hearing requirement shall be charged for one hour of planning services at the hourly rate established by the City Council.

(Ord. 534 § 1, 2002; Ord. 386 § 1 (part), 1991)