

# COMMENT LETTER # PC1

1 City of Lafayette  
2 Planning Commission  
3 Meeting Minutes  
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5 Monday, June 18, 2012 • 7:00 PM

6 Lafayette Library & Learning Center • 3491 Mt. Diablo Blvd. • Community Hall

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8 CALL TO ORDER

9 Chair Ateljevich called the Regular Planning Commission meeting to order at 7:00 PM.

10 ROLL CALL

11 Present: Planning Commission Chair Ateljevich, Vice Chair Maggio, Commissioners Chastain, Curtin-Tinley  
12 (arrived late) Lovitt and Mitchell

13 Absent: Commissioner Humann

14 STAFF PRESENT

15 Ann Merideth, Special Projects Manager; Greg Wolff, Senior Planner

16 ADOPTION OF AGENDA

17 Vice Chair Maggio moved to adopt the agenda; Commissioner Mitchell seconded the motion which carried  
18 by unanimous consent.

19 PUBLIC COMMENTS - None

20 CONSENT CALENDAR

21 **A. May 21, 2012 Draft Meeting Minutes**

22 **Recommendation:** Approve

23 Vice Chair Maggio moved to approve the Meeting Minutes of May 21, 2012; Commissioner Lovitt  
24 seconded the motion which carried by unanimous consent.

25 OLD BUSINESS

26 **A. L03-11 TERRACES OF LAFAYETTE: Draft Environmental Impact Report:** Receipt of comments on the  
27 Draft EIR during the EIR public review period.

28 **Recommendation:** Receive and provide comments on the Draft Environmental Impact Report for  
29 response in the Final EIR.

30 **Project Planner:** Ann Merideth, Tel. (925) 299-3218 • [amerideth@lovelafayette.org](mailto:amerideth@lovelafayette.org)

31 **Estimated Start Time 7:00 PM / Duration 2 Hours**

32 Special Projects Manager Ann Merideth gave the staff report, stating the Commission typically holds a  
33 meeting during the public review period on a Draft EIR, the purpose of which is to allow the Commission  
34 to ask questions and make comments that will be responded to in the Final EIR. It is also another vehicle  
35 for the public to provide comments and questions. Any question or comments received will be included in  
36 the Final document along with responses. The EIR consultants present are Steve Noack from The Planning  
37 Center and Rich Haygood from TJKM. They will take notes along with staff, and these will also be included  
38 in the Final EIR. Ms. Merideth noted that many people are interested in the project itself in terms of its

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1 merits. The Planning Commission will have public hearings after the environmental review process is  
2 complete. The focus of tonight is on the information in the EIR.

3 Chair Ateljevich asked the public to reference the page number of a particular section when making  
4 comments.

5 Allan Moore, Gagen and McCoy, representing owner Anna Maria Dettmer as well as the applicant and  
6 developer, said they have four speakers and he asked to be able to provide speakers with available time to  
7 speak for a few minutes each and for him to speak for five minutes.

8 Ms. Merideth said she spoke with Mr. Bowie this afternoon. Typically with an EIR, the applicant is viewed  
9 as a member of the public. They are not presenting the project and recommended speakers be allowed  
10 three minutes each as individuals.

11 Mr. Moore distributed a handout to staff for the Commission and said they are very disappointed in the  
12 Draft EIR. They believe respectfully that the report violates their constitutional rights and due process  
13 rights. EIRs are governed by the California Environmental Quality Act which states the purpose of an EIR is  
14 to put forth information so the Commission and the public can understand the project. He quoted from  
15 Guidelines Section 15121, and said it is not an advocacy document to lead one to a decision, but an  
16 informational document. Unfortunately, this EIR fails to give the Commission the information it desires.

17 They anticipated this problem, so as part of their application they worked with staff and the EIR consultant  
18 to make a list of the documents needing to be discussed in the EIR. On this list is the document before the  
19 Commission. The EIR is about 3.5 inches thick and has about 16 significant and unavoidable impacts.  
20 About half of those impacts indicate that they are within the Hillside Ordinance and within the City's  
21 ridgeline setback. On the face of their application, they submitted extensive consultant information  
22 showing they were not in the Hillside District and not within the City's ridgeline setback. They then had  
23 ENGEO indicate in its 13-page report precisely where the ridgeline ends. This conclusion shows the  
24 ridgeline ends about 650 feet to the west of their project line. The topography map in the EIR is wrong and  
25 is based upon topography decades old and shows a ridge going across Highway 24 as if that ridge still  
26 exists. ENGEO points that out and concludes there is no ridgeline and they are not within the Hillside  
27 District. The EIR's response is nothing and it does not reference the ENGEO report. It does not discuss it or  
28 attach it as an appendix. Other documents on the list they checked out with staff were not even discussed  
29 in the EIR or referenced or attached which is a travesty, and he thinks this violates their rights to due  
30 process and a fair hearing. In conclusion, the Commission may disagree or agree with the project, but  
31 CEQA says EIRs are supposed to be informational. He asked how the information they submitted not be  
32 discussed in the EIR.

33 Linda Riebel said she is not against affordable housing or infill, but what she is against is guaranteed  
34 gridlock. There is no way that this project or even a project half its size cannot completely devastate the  
35 circulation at the east end of Lafayette. She began reading the traffic section on 4-13 of the EIR and it  
36 seems thorough. It is indisputable that the traffic will back up through the collector and arterial roads. It is  
37 1.6 miles from the intersection of Deer Hill and Pleasant Hill to the BART pedestrian entrance. She does  
38 not think people will walk, but rather drive to BART. The traffic is already terrible all day long and the  
39 construction alone of the development will damage the roads. Most important are safety issues. She  
40 asked that with guaranteed gridlock, how police, fire and ambulances will reach citizens who need  
41 assistance. Also, ridge protection is something of value and questioned how the legal debate over the  
42 legality of the City's hillside and ridgeline ordinance will play out.

43 George Wilson, 14 Richelle Court, said he has lived in town for 42 years and is an acoustical and vibration  
44 consultant with 46 years' experience which has included many large EIR studies and reports. The range of

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**PC1-2**

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**PC1-8**

1 projects includes complete new rail systems to smaller residential multi-family units. He founded Wilson  
2 and Associates in 1966 and is now President Emeritus. His experience and qualifications for review of the  
3 Terraces project Draft EIR are extensive, and include the fact that he wrote the original General Plan noise  
4 section for Lafayette and he wrote the original Noise Ordinance provisions. The DEIR introductory  
5 paragraph on noise at page 4.10-1 indicates that the Noise Chapter incorporates the findings of a noise  
6 study prepared by Wilson and Associates in June 2011 and references a third party peer review and  
7 supplements to the WIA findings with additional field measurements and noise and vibration calculations  
8 by the EIR consultant. What is not pointed out is that the WIA study was only a California Title 24 study  
9 designed to identify the project design requirements to comply with the California Building Code Title 24  
10 noise and sound insulation requirements. It is a study to determine the requirements to meet the  
11 minimum standards for noise and sound insulation in a new multi-family dwelling and not a study to  
12 determine environmental impacts and mitigations. In fact, in Chapter 7 the list of project team and sub-  
13 consultants does not include Wilson and Associates. They had no part in preparing this EIR. He confirmed  
14 last week with staff that they had no communication since presenting the original report and they were  
15 not even aware that an EIR report had been prepared. There are a number of things that are wrong with  
16 this report, and because of time limitations most of his comments will be in writing. One item is all of the  
17 information on groundborne vibration in the report is a terrible demonstration of poor background and  
18 information. The entire conclusion that there is no ground vibration potential from the BART trains can  
19 only be demonstrated from taking measurements on site and not by taking an FTA screening distance.

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**PC1-11**

20 Commissioner Chastain confirmed Mr. Wilson will be submitting more information in writing.

21 Vice Chair Maggio said as a result of this she asked how it has impacted the content and conclusions of the  
22 EIR. Mr. Wilson said there is no support whatsoever for the conclusion that the potential ground vibration  
23 from the BART trains is an insignificant impact. They do not even mention the ground vibration from  
24 trucks on Highway 24 which is even closer to the buildings. Vice Chair Maggio asked if Mr. Wilson was  
25 inferring there could be greater impacts. Mr. Wilson said he is inferring there may be an impact; that no  
26 measurements were done and the study should be completely restarted as far as the vibration section is  
27 concerned and should begin with on-site measurements.

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28 Commissioner Mitchell said in the EIR there are plan objectives, such as to supply housing for the area. He  
29 asked staff where this was located.

**PC1-13**

30 Bruce Peterson, St. Mary's Road, said the same people are opposing this project are the same people who  
31 wanted to raise taxes to pay Lafayette's own little dead end streets. Some people call the site the  
32 Christmas tree lot. The biggest part of the project consists of a huge ugly old quarry. The present owner  
33 has hired a company to make the best use of this old quarry and hired the best attorney to help them. This  
34 attorney has a good record of winning lawsuits against the City of Lafayette. If one wants to make  
35 attorneys rich, he asked the Commission to scream out its opposition in improving the ugly old quarry. If  
36 the Commission wants the City, County and School District to reap windfall and property tax, remain  
37 silent. There is a 150-unit apartment complex across the freeway from this project and he has never  
38 noticed it creating any problems. If people want to keep the ugly old quarry growing star thistles, he  
39 suggested raising the money to buy it or lease it.

**PC1-14**

40 James Wilson, Rancho View Road, said he is not familiar with this process, but looked at the EIR report and  
41 was amazed at its size. But he is reminded of something Bob Dylan saying, "You don't need to be a  
42 weatherman to know which way the wind blows." He has been commuting this road for 32 years. He does  
43 not live on St. Mary's Road, but he can tell the Commission it will have a significant impact. He cannot  
44 express it enough, but the visual and traffic impacts will be horrendous. There have been times when it  
45 has taken longer to go 1.5 miles on Pleasant Hill Road than it takes him to get to the Tunnel, and it will be

**PC1-15**

1 that much worse with the schools in the area. This does not take into account the visual impacts, open  
2 space, and consideration of the ridgeline which is terribly visible. There is nothing in this project that fits  
3 Lafayette, and he voiced his opposition now.

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4 Charles Clark, Matthews Court, Pleasanton, said Lafayette and Pleasanton are similar. Pleasanton had a  
5 29,000 unit housing cap where no more rental units could be built. This was challenged because of  
6 constitutionality reasons. The City voted it in overwhelmingly but the State basically reversed it. Lafayette  
7 has similar techniques to get the same result. From what he has seen, Lafayette's population has been  
8 declining over the last few decades from 32,000 to 28,000. He is in the apartment rental business and  
9 would like to build more, but from what he has seen here, if a building can be seen it cannot be built.  
10 Lafayette is anti-growth, anti-development, anti-residential housing and he would like to see more  
11 projects built. This project is a good one; it is near a school, it has lots of circulation in and out of it, and he  
12 supported it be approved.

PC1-17

13 Norm Dyer, LCA Architects, Walnut Creek, said they prepared the architectural design for the Terraces  
14 project and several additional project studies and exhibits, two of which are conspicuously absent from  
15 the DEIR's evaluation. The DEIR's conclusion that four or five aesthetic impacts are significant and  
16 unavoidable is not support by their facts nor is it the result of a fair and impartial evaluation of the project.  
17 The DEIR does not even do the applicant the courtesy of including or evaluating several key documents  
18 which were prepared by LCA Architects, one at the request of City staff specifically per their instruction.  
19 First and foremost, he said it must be remembered that the project site has previously been used as a  
20 quarry and a construction staging area and has been subject to a significant amount of materials removal  
21 and grading. The site and terrain were altered many years ago, such that neither the original ridgeline nor  
22 formerly scenic hillsides have survived. Secondly, it must be remembered that the aesthetics evaluation of  
23 any project is necessarily a subjective determination. In that regard, special attention should be made to  
24 present an unbiased and a balanced analysis which places the project and property in proper context. The  
25 DEIR does neither of these, but instead fails to evaluate the complete project, evaluates the project  
26 against incorrect General Plan policies, overstates impacts by selectively choosing view evaluation  
27 locations, draws conclusions which are not supported by the analysis, and offers no reasonable mitigation  
28 consistent with project objectives. In conclusion, he is very disappointed that their fine work was not  
29 included in the DEIR nor was it evaluated, and said he will be submitting written correspondence  
30 regarding his comments.

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31 **Noted Present:**

32 Commissioner Curtin-Tinley was noted present at 7:30 p.m.

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33 Charlie Abrams, Principal with Abrams Associates Traffic Engineering, Walnut Creek, said after their  
34 analysis the bottom line is that this project does not have any significant impacts that cannot be mitigated.  
35 The EIR ignores the part of the project which is a proposal to add a third continuous lane along the  
36 frontage of the project. It is not recommended as a mitigation measure and it has enormous benefits on  
37 existing traffic conditions, with a minimum of widening and provides right-of-way from the project itself.  
38 The EIR is fully of technical errors, it has faulty traffic counts, major conclusions are based upon one traffic  
39 count taken last December. Their report, which was not utilized, had three traffic counts at three different  
40 times of the year, and provided a much better basis for evaluating traffic conditions. Another section of  
41 the report where peak hour factors are used severely inflates traffic counts. The EIR uses existing signal  
42 timing on this intersection. If optimized signal timing is used, which they have worked out, it relieves many  
43 of the intersection's problems. The intersection is now purposely mistimed in order to impede through-  
44 traffic coming in on Pleasant Hill Road, which should not be the basis for evaluating this project. Also,  
45 many impacts are based on a model called CORSIM, which predicts traffic 20 years in the future and

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1 estimates problems with weaving factors and concludes these cannot be mitigated. The use of this model  
2 in applying it to this project is voodoo science and does not fit into such an analysis. Because of these  
3 many technical errors, this EIR when reviewed will show there are no impacts that cannot be mitigated as  
4 part of the project.

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PC1-30

5 Marylee Guinon, the applicant's biological consultant, Walnut Creek, referred to her written comments  
6 which provide specific information as to how the Draft EIR can be improved to reflect more current and  
7 accurate information, and said she would address only a couple of items. First, the applicant, in  
8 consultation with the regulatory agencies, has designed an alternative that fully avoids impacts to the on-  
9 site creek by creation or construction with a culvert, removal of two lanes down to one lane, and then  
10 creek enhancement with native plantings. As a result of this full avoidance alternative, the Army Corps of  
11 Engineers has requested they withdraw their Army Corps of Engineers' permit. Fish and Game has  
12 reviewed and approved this alternative and has a full draft of their permit, and she has something in  
13 process similarly with the Water Quality Control Board as well. Because of the full avoidance and  
14 enhancement planning, these agencies will not be requiring any off-site mitigation. With concurrence  
15 from these three regulatory agencies for state and federal biological resources, they only have one  
16 authority remaining—the City of Lafayette. The part of the EIR that brings up the blue wild rye grassland is  
17 odd, and it could be dealt with very logically. The Draft EIR describes the blue wild rye plant association,  
18 which is neither protected by federal or state laws, the species and plant community is common and  
19 widespread. The grassland association is on an inventory watch list. The alliance list indicates a high  
20 inventory priority in the City and is urged to consider it under CEQA. The EIR acknowledges that the blue  
21 wild rye grassland can be readily mitigated by exercising additional avoidance on the site and preservation  
22 and restoration on an on-site property. On page 4.3-49 the EIR explains why the mitigation ratio of only  
23 one to one is necessary and she quoted, "A higher placement ratio would not be warranted because of the  
24 extent of an apparent past disturbance to the remaining native grasslands on the site and the relative ease  
25 which this particular species can be salvaged, replanted and re-established at alternative locations".  
26 However, for the EIR to conclude that these impacts to remain significant and unavoidable after mitigation  
27 is arbitrary and unfounded; she thought it was a typographical error. If one compares BIO-5 and BIO-4, the  
28 wetlands and the grasslands, it is the same exact logic—mitigation, best management practices, ratios,  
29 monitoring success criteria. Yet the wetlands and creeks that are regulated by the state and feral agencies  
30 is concluded to be significant and unavoidable, and she urged that this issue be looked at closely.

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31 Guy Atwood asked if there will still be an opportunity for the public to meet with the Circulation  
32 Commission and to provide comments to them. Their meeting was canceled tonight and the final written  
33 report is due June 28<sup>th</sup>. Regarding the history of the property, he lived next to the property 44 years ago  
34 for over three years, and Deerhill Road did not even go through to Pleasant Hill Road in 1968. It was a dirt  
35 road and it went around below and to the house. The creation of Deerhill Road, which is an artificial  
36 boundary, was not even completed until about 1969/1970. At that time, there was nothing but rolling hills  
37 there. There was no quarrying in 1971 and none of the flat areas present today. He still maintains that if  
38 the proper ridgeline calculations were made, they wouldn't meet the steepness requirement, and he  
39 believes there would not be allowed more than one half dozen homes. Additionally, it seems like the  
40 whole EIR is based upon the fact that the 400,000 cubic yards of dirt has been either taken off the  
41 property or redesigned the whole project Yet if they are not allowed to remove this dirt, it seems that all  
42 conclusions on aesthetics and other things related would be incorrect. Therefore, he is curious as to why it  
43 assumes that this gets done when in fact it might be the one thing they are not allowed to do from the  
44 beginning under any kind of permit. He is also curious as to why there was not a fourth project alternative.  
45 Staff did a constraints and analysis study which showed 14 housing units would be allowed on this  
46 property, and this is a project alternative that should be looked at. In addition, he thinks the quarry is only  
47 a small part of the remaining area of the parcel, which has basically been used as a single family home.

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1 Lastly, he did not understand why people can assume they can do what they are doing. Any permit to  
2 allow building on this property is still a discretionary permit and is not necessarily guaranteed or allowed  
3 other than for an office building. For anyone to make a comment that 700 units can be built there is  
4 outlandish, and he said he would put further comments in writing.

**PC1-39**

5 Chair Ateljevich questioned how the timing of the June 28<sup>th</sup> deadline will work out given the cancellation  
6 of the Circulation Commission meeting. Ms. Merideth said the Commission does not meet until July, but  
7 staff will see whether a special meeting could be scheduled before next week, and this will be noticed if it  
8 occurs.

**PC1-40**

9 Chair Ateljevich said if there is no special meeting, she asked if they would respond as individuals, and Ms.  
10 Merideth said yes.

11 Jonathan Westen said he heard the introduction from the developer's representative about how he is  
12 extremely disappointed with the EIR and went on with a series of threats about the constitutional issues  
13 with it. He hopes that the Commission will not be biased by it, and he is disappointed to hear that this  
14 angle on it is just an odd assault. With respect to the aesthetic conclusions, he agrees completely with the  
15 final project conclusions that they are significant and unavoidable. The analysis of each individual  
16 viewpoint though has some problems. There seems to be an over-focus on the possible ridgelines and no  
17 regard for the semi-rural characteristic component of the community. So, even when looking at viewpoint  
18 2 or 4, the conclusion is that it doesn't impact the view of the ridgeline. But, when looking at the  
19 difference of the current view of spot 2 to the proposed spot 2, you go from a semi-rural look to a mini-  
20 city. This certainly changes the feel and characteristic of it, and this is lost in the analysis. Also, on page  
21 4.1-43, it states, "the development of the project site when combined with other development projects  
22 within the vicinity would not contribute to an overall shift in the existing visual character of the  
23 surrounding area." This could not be further from the truth and this is completely redesigning the  
24 landscape of one of two entry points into the City. Lastly, he agrees with the conclusions that aesthetic  
25 problems with the project are significant and unavoidable, but he thinks there is more consideration that  
26 needs to be done to the analysis because these conclusions are a lot stronger than what is represented in  
27 the current proposal.

**PC1-41**

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28 David Bowie said as attorneys they are required to raise various issues as a matter of process. If they talk  
29 about due process, they are not trying to threaten anybody, but practically, they have to make a record,  
30 and make it in the event there should be some kind of litigation. He said he found himself somewhat in  
31 agreement with Mr. Atwood regarding the dearth of any viable project alternative. One thing that  
32 occurred during the course of the presentation or preparation of the EIR is that there was a dearth of any  
33 real dialogue between the project consultants and the EIR consultants. Had there been such a dialogue,  
34 there could have been some effort made to come up with a viable project alternative which would have  
35 done a better job of addressing the issue of proper mitigations. This was disappointing this did not occur.  
36 They will be submitting a project alternative as part of their written comments. He agrees with Mr.  
37 Atwood that the project alternative is sadly lacking. Regarding traffic, the EIR makes a number of mentions  
38 of the gateway constraint policy. He would love to have the EIR consultants attempt to reconcile this  
39 policy with the need to try and create an adequate traffic flow through the Pleasant Hill Road/Deerhill  
40 Road intersections. The policy is that there should be an attempt to create obstructions in traffic—to slow  
41 down traffic so it does not run very well in an attempt to create the desire to use other forms of  
42 transportation other than cars. This is the policy currently in effect. The traffic signals are not optimized  
43 and are actually working against the flow of traffic. One thing he has noted is that if the traffic signals were  
44 optimized and at the same time used an accurate traffic count, one would find there is no mitigatable  
45 impact even without the addition of a traffic lane, which is something they have proposed for the project.

**PC1-44**

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1 So, in effect, there is an artificial situation here, and it impacts all Lafayette citizens who travel through  
2 that intersection. And he suspects that not many citizens are aware of that particular constraint policy. He  
3 thinks there needs to be a reconciliation between that policy and the actual significant physical adverse  
4 impacts upon the environment that congestion and traffic causes. The flip side of this is also true—if you  
5 will give effect to the constraints policy, the Commission should approve this project because it will add to  
6 congestion which is actually a goal of the regional area. So, under either analysis, he submitted there is no  
7 non-mitigatable environmental impact related to traffic.

**PC1-46  
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8 Chad Follmer said his comments have to do with impacts on the schools. The EIR in section 4.12 on page  
9 26 claims that a yield rate of 0.2 percent is based on the Walnut Creek School District. He asked that the  
10 City look at other school districts because many people move to Lafayette specifically for the schools. He  
11 suspects it might be a higher yield rate that would greatly impact that. He also thinks that the capacities  
12 may need to be reviewed because they are different from what the current student count and maximum  
13 capacity to be. Also, under developer fees under Section 65996 of the California Government Code, the  
14 fees will fully offset the impact to the schools, which he did not believe was true. The fees only impact the  
15 structural impact and do not take into account that a big part of the funding for services in Lafayette  
16 schools are from private funds. Lastly, on the parcel taxes, they would lose revenue on this because they  
17 would be paid as one parcel. To have 315 family units paying one parcel tax does not quite cover costs.

**PC1-47**

**PC1-48**

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**PC1-50**

18 Madeline Swartz said the corner is very important to her. She said her house is contiguous with Stanley  
19 Boulevard and she can either go left to Walnut Creek or right to Lafayette. She goes often to Walnut Creek  
20 to shop because she does not want to travel on the corner when school is in session, during the commute  
21 hour, and it is getting worse. She does not know what the EIR says but she felt there must be impacts to  
22 the corner given the proposal for 315 units.

**PC1-51**

23 Colin Elliott said he has children in Acalanes, Springbrook and Stanley, and he and his wife travel through  
24 the intersection often. He appreciates the developer's attorney trying to claim that black is white and  
25 there will be no traffic impact from this development, but clearly this defies common sense. Having sat  
26 there, he can see what speed the lights change at, and there is nothing that can be done to mitigate the  
27 traffic coming from all directions at different times throughout the day. In addition, he is particularly  
28 concerned with the high school and the effects of this development, not just from the traffic but from the  
29 earthmoving, and some of the details concern him, particularly that one could make the earthmoving less  
30 of a significant impact just by using BAAQMD basic controls for dust mitigation. This site can get very  
31 windy in the evenings, and he would predict that basic mitigation of watering would not be near enough  
32 for a site like this, and this would need to be reviewed in much more detail. Regarding project alternatives,  
33 he was also concerned that not enough detail was included about what these might be. He also noted  
34 there did not appear to be any mention in the Land Use and Planning section of the EIR about the Housing  
35 Element. It seems that this project is not at all in compliance with the City's own Housing Element, and  
36 this needs to be brought out as well.

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**PC1-55**

37 Vali Frank said she regularly commutes through this intersection off of Reliez Valley Road. She has children  
38 at Springhill Elementary School, and she has also spent the past 15 years as an attorney for the EPA and  
39 has some background in the Clean Air Act. She is concerned specifically with the air quality aspects of the  
40 EIR. She does not think it adequately measures the impacts on sensitive receptors. It does identify  
41 sensitive receptors, both at some of the adjacent preschools and also Acalanes Elementary School. It  
42 would exclude Springhill because it is more than 1,000 feet, but she would like to see a more thorough  
43 analysis, specifically of the impacts both on the preschools, Acalanes and Springhill schools. She is also  
44 concerned that the five-acre alternative of what was originally agreed to by the City Planning Commission  
45 was adequately addressed in the EIR. Finally, she noticed there are comments from the Director of the

**PC1-56**

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<p>1 Contra Costa Transportation Agency which noted that they felt there was not sufficient mitigation, the  2 project is not a good idea because it was not close to or easily accessible to any public transportation. It is  3 more than one mile from BART, there is no pedestrian access provided for in the plan for any of the  4 current Contra Costa bus stops, and the transit agency was clear they do not have funding to add  5 additional bus stops. They also noted that due to the moderate income nature of housing, there will  6 undoubtedly be a need for public transit. She emphasized that the agency specifically responsible for  7 public transportation in this area has identified this as a poor project. She would like to see further  8 analysis in the EIR of this specific issue now that they have this comment from the transit agency, and she  9 will also provide additional comments in writing.</p>	<p><b>PC1-59 cont.</b></p>
<p>10 Commissioner Mitchell stated that in the Commission’s staff report, the Commission did receive the letter  11 from the Director of CCTA, and she addresses the fact that there are no plans or money to facilitate  12 additional public transportation in that location.</p>	<p><b>PC1-60</b></p>
<p>13 Chair Ateljevich closed the public comment period.</p>	<p><b>PC1-61</b></p>
<p>14 Commissioner Mitchell questioned if staff was able to locate the EIR plan objectives such as housing  15 supply, and he asked if it was just the information listed on 3-12. Ms. Merideth said the information begins  16 on page 3-10.</p>	<p><b>PC1-62</b></p>
<p>17 Vice Chair Maggio suggested staff or the consultant discuss some of the issues brought up by the  18 applicant, such as why some of the documents were not included and asked if they would be included in  19 the future. Ms. Merideth said this will all be part of the Final EIR response. Everything submitted by the  20 applicant was reviewed by the consultants.</p>	<p><b>PC1-63</b></p>
<p>21 Chair Ateljevich commented that the Hillside Ordinance does provide that if there is disagreement about a  22 ridgeline’s location that it be re-studied to determine the correct location.</p>	<p><b>PC1-64</b></p>
<p>23 Commissioner Mitchell asked if this property falls into the Hillside Overlay District, and Chair Ateljevich  24 said it does. He asked if the slope density calculation would apply as well, and Ms. Merideth said no,  25 because this is not a subdivision.</p>	<p><b>PC1-65</b></p>
<p>26 Commissioner Mitchell asked the following questions which Ms. Merideth noted would be addressed in  27 the Final EIR:</p>	
<p>28 1. How did the consultant arrive at determining the mitigated project? He noted there are also  29 two “no-build” areas which are near the corner, and he asked why this was selected?</p>	<p><b>PC1-66</b></p>
<p>30 2. Is there is a reason why Mr. Atwood’s idea that project alternative #4 was not included?</p>	<p><b>PC1-67</b></p>
<p>31 3. Regarding plan objectives listed on 3-12, it shows #1 which is to provide multi-family moderate  32 income rental housing in Lafayette which he agrees is a great goal, but he does not think this  33 would be the number 1 priority as it relates to this particular parcel. He would like an  34 explanation of how the project objectives were determined.</p>	<p><b>PC1-68</b></p>
<p>35 4. The school mitigation fees appear to be a one-time fee, and he questioned the fiscal impacts  36 which many speakers brought up. A number of the fees are paid for by residents and he does  37 not see this as a problem with multi-family housing, but he questioned what the impacts would  38 be.</p>	<p><b>PC1-69</b></p>
<p>39 5. The photo-simulations on 4.10-19 do a good job of showing the photo-simulations from the  40 east and the south but not from the southeast. He was not sure if Highway 24 was considered a  41 scenic highway there, but he would like a photo-simulation from the southeast.</p>	<p><b>PC1-70</b></p>



1 6. Regarding grading on 3-26, it appears that the upper portion of the lot has been leveled off. It  
2 looks as though the properties are in two locations: at the top and at the bottom. He asked for  
3 a larger topographical map in order to understand the difference between the existing grades  
4 and proposed grades.

PC1-71

5 Commissioner Chastain noted that Commissioner Mitchell mentioned some of his concerns in terms of  
6 views from Highway 24. He thinks the photo-simulations are lacking. He also questions the impacts to  
7 schools.

PC1-72  
PC1-73

8 Chair Ateljevich asked if the school impact was normally responded to by the superintendents of the  
9 school districts involved. Ms. Merideth said she is sure the City would hear from them before June 28<sup>th</sup>.

PC1-74

10 Commissioner Mitchell said he had asked that they get a better understanding of the circulation issues. He  
11 noticed that many of the intersections have significant and unavoidable consequences and impacts. He  
12 asked to receive a presentation specifically describing what is occurring at these intersections and why the  
13 impacts are the way they are.

PC1-75

14 Commissioner Curtin-Tinley apologized for arriving late and questioned the remaining process. Ms.  
15 Merideth stated there was a brief presentation about what the purpose of gathering comments are, but  
16 she said once the comment period is over, comments are given to the consultants for response and they  
17 will be folded into a Final EIR which will return to the Planning Commission for further consideration. This  
18 should happen in early fall. Once the environmental review process is completed, the land use permit, the  
19 hillside development permit will be considered and reviewed by the Planning Commission for a final  
20 determination which will include many hearings. Commissioner Curtin-Tinley confirmed that the Planning  
21 Commission is the final approval body.

22 Chair Ateljevich questioned whether staff will notice future hearings. Ms. Merideth said if the Circulation  
23 Commission decides to hold a special meeting, staff will provide notice. She said individuals, as well as the  
24 Commission, are welcome to submit comments, and these will be forwarded to the consultants.

PC1-76

25 Chair Ateljevich said it is expected that the Draft EIR will not become a Final EIR until this fall, and at that  
26 time, there will be another public hearing on the EIR itself. The Planning Commission will then begin  
27 consideration of the project, and design review would be part of their concern at that time. She noted that  
28 approval of the EIR does not constitute in itself approval of a project.

29 Commissioner Mitchell said for the public's benefit, he is sure the public has many questions and the best  
30 place to address those questions is to submit written comments to staff.

31 **BREAK**

32 Chair Ateljevich called for a 5-minute break at 8:13 p.m. and thereafter reconvened the regular meeting at  
33 8:17 p.m.