

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 a)
zoning amendment, a planned unit)
development, development agreement)
a land use permit, hillside development)
permit, design review, grading permit,)
subdivision, and tree permit for the Deer Hill)
Project located at 3312 & 3233 Deer Hill Road)
(APNS 232-150-027 & 232-140-016))

Ordinance No. 641

WHEREAS, on March 21, 2011, the City of Lafayette ("City") received an application for the Terraces of Lafayette Project ("Terraces") which proposed 315 moderate-income apartments in 14 buildings at the southwest corner of Pleasant Hill Road and Deer Hill Road (APN 232-150-027); and

WHEREAS, on August 12, 2013, after executing a contract with The Planning Center | DC&E for preparation of an Environmental Impact Report for the project, and after all the prerequisite notifications to all parties and the opportunity to comment on the Draft EIR, and all comments were responded to in the Final EIR, the City Council considered and duly certified the EIR for the Terraces Project; and

WHEREAS, on December 9, 2013, the City Manager presented to the City Council the potential for an alternative to the Terraces of Lafayette Project, which would include 44-45 single-family residences and community park facilities; and

WHEREAS, on January 13 and January 22, 2014 the Lafayette City Council held public hearings to receive public input and discuss whether to consider the alternative to the Terraces of Lafayette Project; and

WHEREAS, on January 23, 2014, the City and Dettmer and O'Brien Land Company, LLC entered into a Terraces of Lafayette Project Alternative Process Agreement ("Process Agreement") setting forth the agreed upon components of the Project Alternative and the parameters under which it would be considered by the City, including public review by all City Commissions having purview over some aspect of the project, including the Parks, Trails & Recreation Commission, Circulation Commission, Design Review Commission, and Planning Commission, with final action by the City Council.

WHEREAS, on March 21, 2014, the City received an application for the Terraces of Lafayette Project Alternative, named the "Homes at Deer Hill" by the developer, with the components as set forth in the Process Agreement and which requested the following.

- 1. General Plan Amendment to change the land use designation of 3312 & 3233 Deer Hill Road (APNS 232-150-027 & 232-140-016) (the "Property") from Administrative / Professional Office (APO) which permits multiple-family residential up to 35 dwelling units per acre to Low Density Single Family Residential (SFR-LD) which permits single-family residential up to 2 dwelling units per acre.

2. Re-zoning the Property from Administrative/Professional Office (APO) to Single Family Residential District -20 (R-20) ("Zoning Amendment") and to Planned Unit Development (P-1) ("Planned Unit Development").
3. Exemption from the 15-degree declination restriction and ridgeline setback requirement, under LMC Sections 6-2028, 6-2029, 6-2067, and 6-2071.
4. Land Use Permit for the proposed dog park in the R-20 Zone ("Land Use Permit").
5. Hillside Development Permit for development within the Hillside Overlay District ("Hillside Development Permit").
6. Design Review of the aesthetic elements of the project under LMC Article 5, Design Review ("Design Review").
7. Tree Permit for removal of 62 protected trees ("Tree Permit").
8. Grading Permit for proposed grading of the site ("Grading Permit").
9. Subdivision to create 44 single-family residential lots, common area and community park parcels ("Subdivision").
10. Development Agreement between the City and the Developer ("Development Agreement") attached hereto as Exhibit "A".

WHEREAS, on April 4, 2014, the City entered into an agreement for professional services with PlaceWorks (formerly The Planning Center / DC&E), which had prepared the Certified EIR for the Terraces of Lafayette Project, to complete the Environmental Review for the Homes at Deer Hill; and

WHEREAS, on June 12, 2014, an Environmental Checklist / Initial Study was published, which determined that a Supplemental Environmental Impact Report ("Supplemental EIR" or "SEIR") was required and a Notice of Preparation was duly released; and

WHEREAS, on January 29, 2015, the Draft Supplemental EIR was released for public review, and the Notice of Completion of the Draft SEIR was filed with the County Clerk and State Office of Planning and Research Clearinghouse establishing a 45-day public comment period from January 30, 2015 to March 16, 2015; and

WHEREAS, on May 14, 2015, the Final Supplemental EIR, including all comments submitted on the Draft SEIR during the comment period, a response to each comment, and necessary edits to the Draft SEIR, was released; and

WHEREAS, the Supplemental EIR concluded that all of the significant impacts identified can be mitigated to less-than-significant levels with mitigation measures with two exceptions. The following two impacts would be significant and unavoidable:

TRAF-7: Under Cumulative Year 2030 plus Revised Project Conditions, the addition of Project Alternative vehicle trips would increase the peak hour peak direction Delay Index by approximately 0.22 for southbound traffic in the AM peak hour. Because the Delay Index would increase by more than 0.05 for peak hour peak direction traffic where the Delay Index exceeds 2.0 on Pleasant Hill Road, the result would be a significant cumulative impact.

NOISE-2: Because outdoor recreation areas would not be positioned or adequately shielded to achieve 60 dBA Ldn exterior noise standards established by the City, a significant impact would occur without additional noise protection measures.

WHEREAS, the Planning Commission held a public hearing on the Final SEIR on May 18, 2015, at which time all persons wishing to testify were heard; and

WHEREAS, the Planning Commission has reviewed and considered the Draft SEIR and the Final SEIR and recommended its certification to the City Council in Planning Commission Resolution 2015-12; and

WHEREAS, the Parks, Trails, and Recreation Commission held public meetings on February 11 and March 11, 2015 where it received public comments and discussed the proposed community park facilities. The Commission concluded that there is significant unmet need for the proposed facilities and that the Homes at Deer Hill would provide three of the top seven facilities outlined in the Parks Facilities Master Plan. The Parks, Trails, and Recreation Commission forwarded a memorandum to the Planning Commission in support of the proposed facilities; and

WHEREAS, the Design Review Commission held public meetings on February 12, March 10, and June 29, 2015, where it received public comments and discussed the proposed project and recommended approval of the macroscopic design of the project and indicated that detailed design development review should occur at the Design Review Commission after project approval, and requested a condition of approval stipulating this, consistent with past practice for other large development projects in Lafayette; and

WHEREAS, the Circulation Commission held public meetings on February 2 and March 2, 2015 where it received public comments and discussed the pedestrian, bicycle and vehicular circulation of the proposed project and surrounding transportation facilities. In addition to other topics, the Commission discussed the options for handling traffic at the intersections of Deer Hill Road with the project driveway and Deer Hill Road with Brown Avenue (including stop signs, traffic lights, roundabouts). The Circulation Commission's recommendations for conditions of approval are summarized in its March 2, 2015 action agenda.

WHEREAS, the Planning Commission held a public hearing on April 8, 2015 on the project where it received written and oral reports from staff, a presentation from the applicant team and comments from members of the public. The Commission posed multiple questions, requested additional clarifying information from the applicant and offered initial comments; and

WHEREAS, the Planning Commission held a second public hearing on May 4, 2015 on the project where it received written and oral reports from staff, a presentation from the applicant team and comments from members of the public. The Commission reviewed the significant impacts and mitigation measures in the Draft Supplemental EIR, as well as information from the applicant and staff addressing questions raised at the prior hearing including a greater understanding of the need for and design of the athletic field as well as a greater understanding of the options for traffic control and why staff is supportive of the proposed roundabouts.

WHEREAS, the Planning Commission held a third public hearing on May 18, 2015 on the project where it received written and oral reports from staff, a presentation from the applicant team and comments from members of the public. The Commission reviewed the Final Supplemental EIR containing all

comments received on the Draft SEIR, a response to each comment, and necessary revisions to the Draft SEIR. The Commission also discussed the findings required to approve the project, potential conditions of approval and the Draft Development Agreement.

WHEREAS, the Planning Commission on June 1, 2015 adopted Planning Commission Resolution 2015-13 recommending to the City Council approval, subject to conditions, of the General Plan Amendment. Rezoning and other entitlement requests by the Homes at Deer Hill Project.

WHEREAS, the City Council on June 8, 2015 held a public meeting on the Project where it received written and oral reports from staff, a presentation on the overall Project from the applicant team, and at which time all persons wishing to testify were heard.

WHEREAS, the City Council on June 22, 2015 held a public meeting on the Project where it received written and oral reports from staff, a presentation from the applicant team on grading, landscaping, visual screening and environmental impacts of the project, and at which time all persons wishing to testify were heard.

WHEREAS, the City Council at a special meeting on July 6, 2015 held a public meeting on the Project where it received written and oral reports from staff, a presentation from the applicant team on circulation for vehicles, bicyclists and pedestrian traffic control options, air quality and school impacts related to the project, and at which time all persons wishing to testify were heard.

WHEREAS, the City Council on July 27, 2015 held a public meeting on the Project where it received written and oral reports from staff, a presentation from the applicant team on the community park and directed staff to prepare: a resolution certifying the SEIR and adopting a Statement of Overriding Considerations, a resolution approving the General Plan Amendment; and an ordinance approving the Zoning Amendment, Planned Unit Development, Development Agreement, Land Use Permit, and other Project entitlements.

WHEREAS, the City Council at a special meeting on August 8, 2015 held a public meeting on the Project where it received written and oral reports from staff, received information on the Development Agreement, Mitigation Monitoring and Reporting Program, draft conditions of approval and findings for the project.

WHEREAS, the City Council on August 10, 2015 considered Resolution 2015-50 regarding the environmental review for the project, Resolution 2015-51 regarding the General Plan Amendment, and Ordinance 641 regarding the Zoning Amendment, Development Agreement, and project approvals.

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

Section 1. **CEQA.** The environmental impacts of the Project were analyzed in a Supplemental EIR in accordance with the California Environmental Quality Act and the State CEQA Guidelines. Resolution 2015-50 provides for the City Council's adoption of environmental findings, certification of the Supplemental EIR, adoption of the Mitigation Monitoring and Reporting Program and adoption of a Statement of Overriding Considerations.

Section 2. **Findings.** The required findings for approving the requested Zoning Amendment, Planned Unit Development, Development Agreement, Land Use Permit, Hillside Development Permit,

Design Review, Tree Permit, Grading Permit, and Subdivision, 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 zoning amendment to re-zone the property from Administrative Professional Office (APO) to Low Density Single Family Residential (SFR-LD) is consistent with the objectives, policies, general land uses, and programs of the Lafayette General Plan because the amendment would reduce the development potential from a maximum of 35 multi-family dwelling units per acre to a maximum of 2 single-family dwelling units per acre. This lower density and change to single-family residential better protects the character of neighboring residential neighborhoods and is consistent with the pattern of single-family development north of Highway 24, with multiple-family residential and commercial land uses south of Highway 24. The change also better preserves the scenic quality and natural environment with a less intense potential for development.

PLANNED UNIT DEVELOPMENT (LAFAYETTE MUNICIPAL CODE §6-1108)

1. That the applicant intends to start construction within two and one-half years from the effective date of zoning change;

The applicant has indicated its intention to start construction of the planned unit development as soon as possible after the effective date of the zoning change, within two and one-half years, and as soon as the subsequent review required by the conditions of approval is completed by the City.

2. That the proposed planned unit development substantially conforms to the general plan;

The Planned Unit Development substantially conforms to the Lafayette General Plan because the proposed density better protects the character of the residential neighborhoods and is consistent with the pattern of development of residential neighborhoods north of Highway 24. The clustering of the homes preserves scenic open space and natural vegetation around the residences which will be supplemented with native and native-compatible plantings. The Planned Unit Development includes a community park that will help the community with meeting the needs and interest of all ages and capabilities that will include an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. The Planned Unit Development provides approximately 11 acres of parkland to the City that will assist the City in meeting its general plan goal of 5 acres of parkland per 1,000 residents.

3. That, in the case of residential development, such development will constitute a residential environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood and community;

The development is a residential development that is consistent with the pattern of development of residential neighborhoods north of Highway 24. The Planned Unit Development better preserves the scenic quality and natural features with a less intense development and provides perimeter open space and native screening vegetation. The Project will provide needed housing and community park facilities

including a multi-use athletic field, dog park, multi-purpose trail, and parking. The site planning and architecture of the development are well designed and the details and development drawings will be reviewed by the Design Review Commission to ensure the project is of high caliber design and construction, consistent with the community's vision for itself.

4. That, in the case of commercial development, such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed use, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that said development will be attractive and efficient and will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development;

The project is not proposing commercial development; therefore this finding is not applicable.

5. That, in the case of proposed industrial development, such development is fully in conformity with the applicable performance standards, and will constitute an efficient and well-organized development, with adequate provisions for truck access service and necessary storage; and that such development will have no adverse effect upon adjacent or surrounding development;

The project is not proposing industrial development; therefore this finding is not applicable.

6. That the development of a harmonious, integrated plan justifies exceptions from the normal application of this title.

The architectural character of the proposed homes is appropriate to Lafayette with ample articulation, rich materials, low slope roofs, and indoor-outdoor living with private courtyards. The Homes at Deer Hill will be viewed architecturally as a project largely unto itself and not within an immediate context of single-family residences in the area. The lot sizes are smaller at 4,500 sq.ft. and the houses are smaller than typically found for new construction Lafayette. The smaller lot sizes and reduced setbacks are appropriate since the homes are designed as an integrated whole considering the relationship of each home to its neighbors and their privacy and views. Clustering the homes reduces their off-site visibility and provides for open space around the homes which will be planted in a naturalistic fashion with native trees to substantially conceal the development. A condition of approval requires additional review of detailed design drawings for each aspect of the project, including the residential site plan, architecture, landscape, colors and materials, to ensure the highest quality design and construction.

The Project will provide needed housing and community park facilities including a multi-use athletic field, dog park, multipurpose trail, and parking. The community park and other public amenities will assist the City with meeting the needs and interest of all ages and capabilities. The City's Park and Recreation Facilities Master Plan recommends that new city park facilities be added to underserved areas north of the freeway where there are no city parks. The proposed community park is a significant benefit to the entire City and helps satisfy the goals and priorities in the General Plan and Parks Facilities Master Plan.

As provided for in the purpose section of the planned unit district, it is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied; where the application of conventional regulations, designed primarily for individual lot development, to an integrated development may create a monotonous and stultified neighborhood. The planned unit district allows the City Council to require standards, regulations, limitations and restrictions that are less restrictive than those specified elsewhere in Title 6 of the Lafayette Municipal Code and which are

designed to protect and maintain property values and community amenities near the subject property, and which would foster and maintain the health, safety and general welfare of the City. In this case, the integrated development of the clustered homes and significant benefits to the community, including the community park and other public amenities, the site planning and architecture, provide a cohesive design and the City Council's imposition of less restrictive standards than those of the hillside development ordinance are warranted as the project is designed to protect and maintain property values and community amenities near the property and will maintain the health, safety and general welfare of the City as further provided in the design review and subdivision findings below.

DEVELOPMENT AGREEMENT (GOV. CODE § 65867.5)

1. The development agreement is consistent with the general plan.

The Development Agreement is consistent with the Lafayette General Plan because the proposed density better protects the character of the residential neighborhoods and is consistent with the pattern of development of residential neighborhoods north of Highway 24. The clustering of the homes preserves scenic open space and natural vegetation around the residences which will be supplemented with native and native-compatible plantings. The project will provide needed housing and community park facilities including an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. The community park and other public amenities will assist the City with meeting the needs and interest of all ages and capabilities. The City's Park and Recreation Facilities Master Plan recommends that new city park facilities be added to underserved areas north of the freeway where there are no city parks. The proposed community park is a significant benefit to the entire City and helps satisfy the goals and priorities in the Master Plan. The Development Agreement provides approximately 11 acres of parkland to the City that will assist the City in meeting its general plan goal of 5 acres of parkland per 1,000 residents.

LAND USE PERMIT (LAFAYETTE MUNICIPAL CODE §6-215)

A Land Use Permit is required to establish the dog park at its proposed location in the R-20 zoning district.

1. Is not detrimental to the health, safety, and general welfare of the city;

The applicant has requested a Land Use Permit in order to construct a dog park on a 2.9-acre portion of a residentially zoned parcel north of Deer Hill Road. The project has been evaluated in a Supplemental EIR which identified potential impacts and mitigation measures. All impacts associated with the dog park can be mitigated to less-than-significant levels, including traffic, privacy, and noise.

Dog parks have become increasingly common in California, and there has been demand for one in Lafayette since 2001. The City Council, after adopting certain criteria for a dog facility, added a dog park with separate areas for large and small dogs, to its park facilities master plan. This project provides that facility to the City.

2. Will not adversely affect the orderly development of property within the city;

The dog park is proposed on the flattest portion of the parcel before the topography rises steeply to the north toward Lafayette Ridge. An existing single-family residence located to the west (Page & Quigley, owners) will remain. Sienna Ranch is located several hundred feet to the east and is separated from the dog park parcel by a prominent hill. Given its location, design and that only one residence is near the

site, construction of the dog park will not affect any access or the orderly development of parcels in the area or more broadly throughout the city.

3. Will not adversely affect the preservation of property values and the protection of the tax base within the city;

Property values can be adversely affected when an incompatible or marginally compatible land use is established nearby. The proposed dog park is located a sufficient distance from sensitive receptors so as not to be detrimental to the reasonable use and enjoyment of those properties. The adjacent property owners (the Page / Quigley residence to the west and Sienna Ranch / Kim property to the east) who would be most affected have both attended multiple public meetings and voiced their support for the project, including the dog park. Further, the Project facilitates dog ownership for residents of the project, which makes the homes attractive to a wider variety of potential residents.

4. Is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan;

The dog park is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan for the reasons stated above, as well as the dog park will help the community with meeting the needs and interest of all ages and capabilities. The dog park provides approximately 2.9 acres of parkland to the City that will assist the City in meeting its general plan goal of 5 acres of parkland per 1,000 residents. It will be a well-designed park that takes advantage of the City's semi-rural character.

5. Will not create a nuisance or enforcement problem within the neighborhood;

The project site is bounded by Highway 24, Pleasant Hill Road, and Deer Hill Road. The dog park parcel is immediately to the north of Deer Hill Road on 2.9 acres. The dog park is largely isolated unto itself and not within an existing neighborhood of single-family residences. The dog park will be open from dawn to dusk and is of a sufficient distance from sensitive receptors so as to avoid noise, odor, or vibration impacts from daily operations. The dog park will be monitored in the same fashion as other park facilities throughout Lafayette. There is no evidence to indicate that the dog park would create a nuisance or enforcement problem within the neighborhood. The adjacent property owners (the Page / Quigley residence to the west and Sienna Ranch / Kim property to the east) who would be most affected have both attended multiple public meetings and voiced their support for the project, including the dog park.

6. Will not encourage marginal development within the neighborhood; and

The dog park is largely isolated from an established neighborhood as described above, with little development potential for the steep hillsides to the north. Surrounding properties will benefit from the dog park. Given existing land values in Lafayette, existing zoning and review process, the proposed public benefits, proximity to Highway 24 and downtown, the dog park will not encourage marginal development in the area.

7. Is consistent with the purpose section of the zoning district in which it is located.

The project proposes single-family residential and community park facilities including an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. While the R-20

zoning has no "purpose section" single-family residential development is consistent with the permitted uses up to 2 dwelling units per acre, which is a significant reduction from the existing Administrative Professional Office (APO) zoning. The community park facilities, including the dog park, are directly supportive of residential units on site, the larger neighborhood, and the broader community. The dog park and other recreational facilities will be open from dawn to dusk and are of a sufficient distance from sensitive receptors so as to avoid noise, odor, or vibration impacts from daily operations. The community park facilities will be monitored in the same fashion as other park facilities throughout Lafayette. As such, the dog park is consistent with the purpose of the Single Family Residential District – 20 (R-20) zoning district.

HILLSIDE DEVELOPMENT PERMIT (LAFAYETTE MUNICIPAL CODE §6-2071)

- (a) The development is consistent with the applicable goals and policies of the general plan and is in conformance with applicable zoning regulations;

The project is consistent with the Lafayette General Plan and proposed zoning regulations because the density better protects the character of the residential neighborhoods and is consistent with the pattern of development of residential neighborhoods north of Highway 24. The clustering of the homes preserves scenic open space and natural vegetation around the residences which will be supplemented with native and native-compatible plantings. The Project includes a community park that will help the community with meeting the needs and interest of all ages and capabilities that will include an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. The Project provides approximately 11 acres of parkland to the City that will assist the City in meeting its general plan goal of 5 acres of parkland per 1,000 residents.

As provided for in the purpose section of the planned unit district, it is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied; where the application of conventional regulations, designed primarily for individual lot development, to an integrated development may create a monotonous and stultified neighborhood. The planned unit district allows the City Council to require standards, regulations, limitations and restrictions that are less restrictive than those specified elsewhere in Title 6 of the Lafayette Municipal Code and which are designed to protect and maintain property values and community amenities near the subject property, and which would foster and maintain the health, safety and general welfare of the City. In this case, the integrated development of the clustered homes and significant benefits to the community, including the community park and other public amenities provide a cohesive design and the City Council's imposition of less restrictive standards than those of the hillside development ordinance are warranted as the project is designed to protect and maintain property values and community amenities near the property and will maintain the health, safety and general welfare of the City as further provided in the design review and subdivision findings below.

- (b) The development will preserve open space and physical features, including rock outcroppings and other prominent geological features, streams, streambeds, ponds, drainage swales, native vegetation, native riparian vegetation, animal habitats and other natural features;

When viewed from off-site, the site is characterized by manmade slopes rising upward from the south and east and a series of terraces. A geotechnical investigation of the site estimates that roughly 85% of the site has been modified by previous quarry operations. The resultant un-engineered fill slopes and terraces have been left undisturbed in the intervening years and naturalized grasses have established themselves. The eastern portion of the site has native trees and native grasses that will be preserved in

part, and supplemented with approximately 900 native and native-compatible trees and a native grass restoration program. The existing seasonal creek at the eastern portion of the site will be protected. In light of the unstable soil conditions resulting from prior quarry operations, significant geotechnical remediation will be necessary for any development on the site. The 44 homes will be sited on a consolidated terrace sloping downward from the northwest to the southeast, with fill-slopes below, and a cut slope above adjacent to Deer Hill Road. Retaining walls will be used to support some of the slopes, most visibly the fill slope adjacent to Highway 24 supporting the entry driveway as well as below and above the athletic field. Retaining walls will also traverse the southern perimeter of the site to create a flat cross section for the multi-use trail. The former quarry operations left little of the site in its natural state and the project will preserve those remaining areas and remediate additional areas consistent with the appearance of the surrounding area.

- (c) Structures in the hillside overlay district will, to the extent feasible, be located away from prominent locations such as ridgelines, hilltops, knolls and open slopes;

As described above, the parcel is characterized by a series of manmade slopes and terraces from former quarry operations. The existing soil conditions on site require significant remediation to make the site buildable. The majority of the site is visible to some degree given its proximity and aspect in relation to Deer Hill Road, Pleasant Hill Road and Highway 24. In order to minimize off-site visibility and have the end appearance of the project be as natural as possible from off-site, the project employs one-story building elevations at the most visible edge, with berms and vegetation to achieve substantial concealment. If the homes were more spread out either horizontally or vertically, stepping with sloping topography, it would increase off-site visibility by exposing more of the structures' walls and roof planes. By presenting the narrowest profile to predominant off-site views, the development serves to minimize visual impacts and can be most effectively screened with naturalistic plantings in keeping with surrounding stands along the freeway and in draws moving upward toward Briones Regional Park.

The Project is a planned unit development that clusters the homes consistent with the general plan and hillside ordinance and provides substantial concealment of the homes. As provided for in the purpose section of the planned unit district, it is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied; where the application of conventional regulations, designed primarily for individual lot development, to an integrated development may create a monotonous and stultified neighborhood. The planned unit district allows the City Council to require standards, regulations, limitations and restrictions that are less restrictive than those specified elsewhere in Title 6 of the Lafayette Municipal Code and which are designed to protect and maintain property values and community amenities near the subject property, and which would foster and maintain the health, safety and general welfare of the City. In this case, the integrated development of the clustered homes and significant benefits to the community, including the community park and other public amenities provide a cohesive design and the City Council's imposition of less restrictive standards than those of the hillside development ordinance are warranted as the project is designed to protect and maintain property values and community amenities near the property and will maintain the health, safety and general welfare of the City as further provided in the design review and subdivision findings below.

- (d) The development, including site design and the location and massing of all structures and improvements will, to the extent feasible:

- (1) Minimize the loss of privacy to surrounding residents and not unduly impact, restrict or block significant views;

The project is significantly distant and topographically separated from existing residences such that it will not adversely affect their privacy or views.

- (2) Not have a significant visual impact when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered; and

The Project Alternative Process Agreement stipulates that the project will be substantially concealed when viewed from public places on the viewing evaluation map, specifically Mt. Diablo Boulevard, Pleasant Hill Road, Deer Hill Road and Highway 24. The Supplemental EIR evaluated the off-site visibility from eight representative vantage points and concluded that the project would be substantially concealed at completion and that the concealment would increase over time as vegetative screening matures as provided for in Figures 4.1-1 through 4.1-27 of the Supplemental EIR. These exhibits were prepared based on a three dimensional model that was presented at public meetings and was made available to the public on the City's web site. Substantial concealment is achieved through project design including one-story building elevations at the southern and eastern perimeter, setbacks, topography including berming, and screening by existing and new vegetation. The applicant will be required to plant screening vegetation during the mass grading phase of construction, thus allowing the homes to be substantially concealed at completion.

- (3) Not interfere with a ridgeline trail corridor or compromise the open space or scenic character of the corridor.

There are no trail corridors on the subject property. The Lafayette Ridge Trail ascends from the Springhill staging area north of the subject property up into Briones Regional Park. The project site can be seen from above at one or more vantage points along the trail as illustrated in the visual analysis in the Supplemental EIR. The project would have minimal visual impact on the character of the trail as it is seen from significant distance and the project is well below the trail in the context of Highway 24, Pleasant Hill Road, and Acalanes High School.

- (e) Within 100 feet of a restricted ridgeline area, or when an exception to a ridgeline setback has been granted, the development will result in each structure being substantially concealed by terrain or vegetation when viewed from lower elevations from public places, using the viewing evaluation map as a guide to establish locations from which views are considered;

The project will be substantially concealed as described in subsection (d)(2) above.

The Project is a planned unit development that clusters the homes consistent with the general plan and hillside ordinance and provides substantial concealment of the homes. As provided for in the purpose section of the planned unit district, it is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied; where the application of conventional regulations, designed primarily for individual lot development, to an integrated development may create a monotonous and stultified neighborhood. The planned unit district allows the City Council to require standards, regulations, limitations and restrictions that are less restrictive than those specified elsewhere in Title 6 of the Lafayette Municipal Code and which are designed to protect and maintain property values and community amenities near the subject property, and which would foster and maintain the health, safety and general welfare of the City. In this case, the integrated

development of the clustered homes and significant benefits to the community, including the community park and other public amenities provide a cohesive design and the City Council's imposition of less restrictive standards than those of the hillside development ordinance are warranted as the project is designed to protect and maintain property values and community amenities near the property and will maintain the health, safety and general welfare of the City as further provided in the design review and subdivision findings below.

- (f) Development grading will be minimized to limit scarring and cutting of hillsides especially for long roads or driveways, preserve existing geologic features, topographic conditions and existing vegetation, reduce short and long-term erosion, slides and flooding, and abate visual impacts;

As discussed above, a geotechnical analysis of the site estimates that 85% of the site has been altered from its natural state due to prior quarry operations. Significant grading will be required to remediate unstable soil conditions to make the site buildable. The grading will be mitigated by use of natural stone where walls are required and roughly 900 native and native-compatible trees to substantially conceal the homes, screen proposed retaining walls, and provide a naturalistic and informal tree canopy consistent with the surroundings. The existing seasonal creek and oak tree grove west of the creek will be preserved. Mitigation planting for trees and native grasses will exceed the extent already on site. The plans will comply with Contra Costa County's Clean Water Program "C.3" provisions for filtering stormwater before it flows off-site and in a volume and rate consistent with existing conditions. Stormwater runoff from new impervious surfaces from the construction of the homes and community park facilities would be mitigated with detention basins and bio-swales incorporated into the drainage and landscape plans.

- (g) The development provides adequate emergency vehicle access, including turn-around space, to the building site and surrounding on-site undeveloped or isolated areas;

The project has been reviewed by the Contra Costa County Fire Protection District with regard to meeting district standards for emergency vehicle access and turnaround requirements. The District found deficiencies in the initial design which have been addressed by revisions to the site plan. After subsequent review, the Fire District confirmed that the project provides emergency vehicle access satisfactory to the District as well as providing fire hydrants throughout the site and sprinklers throughout each residence.

- (h) Each structure and proposed landscaping complies with the city's residential design guidelines;

The Design Review Commission has reviewed the schematic design drawings for the Project. Comments from the Commission have been incorporated by the project design team and the design of the project has improved accordingly. The Design Review Commission is recommending approval of the project subject to a condition of approval requiring further design review of each component of the project prior to issuance of permits, consistent with past practice for large projects in Lafayette.

- (i) The new or replacement vegetation for the development is native to the surrounding area in areas abutting open space and natural areas, such as oak woodland, chaparral, grassland and riparian areas, and conforms to the policies of Section 6-2051; and

The project proposes install over 900 trees. The perimeter of the site will utilize native species planted in large container sizes and in informal groupings to blend with the natural vegetation which will remain on the site, and on surrounding properties. The project will also harvest and re-plant native rye grass that is currently found on site in areas requiring grading for geotechnical remediation. The areas dedicated to

native plantings will expand significantly and this will be the predominant view from off-site, consistent with the policies of Section 6-2051.

- (j) The development will not create a nuisance, hazard or enforcement problem within the neighborhood or the city, nor require the city to provide an unusual or disproportionate level of public services.

The project site is bounded by Highway 24, Pleasant Hill Road, and Deer Hill Road. The project is largely isolated unto itself and not within an immediate existing neighborhood context of single-family residences. The dog park and other recreational facilities will be open from dawn to dusk and are of a sufficient distance from sensitive receptors so as to avoid noise, odor, or vibration impacts from daily operations. The community park facilities and dog park will be monitored in the same fashion as other park facilities throughout Lafayette. There is no evidence to indicate that the project would create a nuisance or enforcement problem within the neighborhood. The adjacent property owners (the Page / Quigley residence to the west and Sienna Ranch / Kim property to the east) who would be most affected have both attended multiple public meetings and voiced their support for the project, which includes the dog park.

The proposed plans were referred to all agencies and city departments which would provide public services to the new development. Each agency or department has indicated sufficient capacity to serve the project or has otherwise conditioned the project such that no unusual or disproportionate level of service would need to be provided. For more detailed information please see the Supplemental EIR analysis related to Public Services.

DESIGN REVIEW (LAFAYETTE MUNICIPAL CODE §6-275(A).)

In granting approval for projects [subject to design review] the hearing authority shall make all the following findings:

- (1) The approval of the plan is in the best interest of the public health, safety and general welfare;

The Homes at Deer Hill project has been evaluated under the California Environmental Quality Act in a Supplemental EIR which determined that all potentially significant impacts can be mitigated to less-than-significant levels with the exception of a projected future traffic delay in the year 2030 and noise levels for some park users would be higher than provided for in the General Plan. The project will not adversely affect the public health safety or general welfare. The project will provide needed housing and community park facilities including an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking.

In addition, the plan will significantly reduce the number of units on the property from the Terraces apartment project and, in turn, the traffic that would be generated by those units. This plan reduces the unit count from 315 to 44 units and represents an 85% reduction compared to the apartment project. It also delivers a development that is more consistent with the general plan, which calls this property “the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space.” The general plan calls for the City to “ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette’s community identity.”

To achieve that goal, the single family home subdivision has an overall density of not more than 2 units per acre and the homes are substantially concealed from major transportation corridors by using berming, grading, and landscaping. Also, because it promotes houses and not apartments, the plan is consistent with the City's long-established pattern of only single family homes north of the freeway and in the neighborhoods. The proposed density is the same as what is permitted in such semi-rural neighborhoods of Springhill Valley and Reliez Valley -- and it is half as dense as permitted for most of Burton Valley, Acalanes Valley, and in neighborhoods near Acalanes High School.

The subdivision clusters the homes to preserve open space and create parkland and creates a more attractive neighborhood when viewed from afar, delivering a more sustainable neighborhood during periods of drought, and offering new opportunities for public and recreational spaces.

The plan creates significant public benefit. In 2009, after years of intensive study, the City Council adopted a Parks and Recreation Facilities Master Plan that plan calls for the City to acquire up to 44 acres of new parkland, and to develop a new neighborhood park, a dog park, and new sports fields. This plan achieves most of those goals. Features included in this plan include an all-weather soccer/lacrosse field, 78 space parking lot, toddler playground, dog park, and a protected walkway to Springhill elementary.

While a detailed management plan will follow, the public parking lot could serve multiple purposes, including a safe and convenient pick-up and drop-off area for high school students, overflow parking for high school students, and opportunities for commuters looking for a park-and-ride site. The City owns and operates several totlots, but none in the neighborhoods north of Mt. Diablo Boulevard. This playground would provide, for the first time, a convenient place for parents who live in Springhill Valley, Reliez Valley, and near Acalanes high school to gather with their young children. Dog parks have become increasingly common in California, and there has been demand for one in Lafayette since 2001. The City Council, after adopting certain criteria for a dog facility, added a dog park with separate areas for large and small dogs, to its park facilities master plan. This plan would deliver that facility. Residents and commuters expressed concern about the additional cars on Pleasant Hill Road that that new resident parents would create, and so the project now includes a protected walkway that will allow parents to walk their kids all the way to Springhill elementary.

- (2) General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development;

General site considerations have been incorporated in the layout of the project components including topography, biological resources, off-site visibility, vehicular access, and traffic. Access to the residential portion is located as far west on Deer Hill Road as possible in order to reduce traffic at the intersection of Pleasant Hill Road and Deer Hill Road and allow drivers to avoid the intersection and access downtown the freeway via westbound Deer Hill Road. A driveway on Deer Hill Road provides drop-off and pickup, as well as handicapped parking, for the athletic field. Driveways on Pleasant Hill Road and Deer Hill Road provide access to the student drop-off area and parking for the athletic field park facilities. These driveways are limited to right-in/right-out turning movements to minimize conflicts and delays for other traffic.

The R-20 zoning permits structures up to 35-ft. in height; the Process Agreement limits structures in this project to a maximum of 30 feet. While the project includes both one-and-two-story homes, the plans

show one-story building elevations at the most visible perimeter locations, with two-story masses more internal to the site. Rather than a series of garage doors facing the street, the homes are oriented with front doors to the street or green courts with access to garages via less visible vehicular lanes. Homes along the southeastern edge are oriented with their front doors to the pedestrian path rather than having back yards oriented towards the most public vantage points. Each home has its own private outdoor living space, but the majority of outdoor space is dedicated to common areas for active and passive enjoyment. Fencing will essentially be limited to small areas enclosing outdoor living areas. There will be no extensive perimeter fencing for the entirety of the residential project. Fencing will be installed at the athletic field to prevent errant balls from traveling onto Deer Hill Road and downslope towards the tot-lot playground. Approximately 7.9 acres of the total 22.27 acres, plus an additional 2.9 acres for the dog park will be dedicated to open space, parkland, and recreation facilities.

The plans have been reviewed and revised based on staff and commission comments. The Design Review Commission has reviewed the schematic plans and has recommended approval subject to subsequent review of more as more detailed design progresses. A condition of approval will require each element to return for review the detailed design to ensure that all aspects meet the expectations and high standards required in Lafayette.

- (3) General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings; and

The architectural character of the proposed homes is appropriate to Lafayette with ample articulation, rich materials, low slope roofs, and indoor-outdoor living with private courtyards. The Homes at Deer Hill will be viewed architecturally as a project largely unto itself and not within a broader context of single-family residences in the area. The lot sizes are smaller at 4,500 sq.ft. and the houses are smaller than typically found for new construction Lafayette. The reduced setbacks are appropriate since the homes are designed as an integrated whole considering the relationship of each home to its neighbors and their privacy and views. The level of design for the site plan and architecture is appropriate at this phase of the project. A condition of approval will require additional review of detailed design drawings for each aspect of the project, including the residential site plan, architecture, landscape, colors and materials.

- (4) General landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

*The landscape plan for the areas of the project visible from off-site is designed to mimic the natural landscape of Lafayette and substantially conceal the homes when viewed from Pleasant Hill Road, Deer Hill Road, Mt. Diablo Boulevard and Highway 24. The plant palette is largely native supplemented with native-compatible species which are drought tolerant and have rounded, irregular tree canopies. Internal to the residential streets, more decorative trees and shrubs are introduced as they relate to the residences and less to the broader lot Lafayette landscape. The Planning Commission recommends a condition of approval requiring additional trees and tree canopy planted in a layout and form consistent with *Trees for Lafayette* by Russ Beatty, to avoid the appearance of a narrow band of trees surrounding the homes.*

DESIGN REVIEW EXCEEDING 17-FEET IN HEIGHT (LAFAYETTE MUNICIPAL CODE §6-275(C).)

In addition to the findings required in Section 6-275(A), the hearing authority shall make the following findings for projects which occur in single-family residential zoning districts and exceeds 17 feet in height as outlined in Section 6-272(A)(4):

- (1) The structure substantially complies with the Residential Design Guidelines;
- (2) 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;
- (3) 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; and
- (4) The structure is so designed that it does not unreasonably reduce the privacy or views of adjacent properties.

The Lafayette Municipal Code establishes the requirement for design review for proposed structures over 17-ft. in height in order to inform potentially affected neighbors and protect against undue impacts on privacy and views. The Homes at Deer Hill project is sufficiently isolated from other residential land uses that there will be no undue impacts on the privacy or view of existing residents. The design and relationship of homes within the residential component of the project have been and will be further reviewed by the Design Review Commission as a condition of approval. Privacy and view impacts, such as the relationship of windows to outdoor living areas, are part of this review. Since the residences will be constructed in a single project phase, any future buyer will be fully informed as to their surroundings when considering the purchase of a residence in the Homes at Deer Hill project.

TREE PERMIT (LAFAYETTE MUNICIPAL CODE §6-1706)

In acting on the application, the manager, or committee, commission or city council, shall consider the following factors:

1. Health, condition and form of the tree;
2. Number, size and location of other trees to remain in the area;
3. Relationship of the property to riparian corridors, a scenic or biological resource area or a restricted ridgeline area;
4. Role of the tree in a tree grove or woodland habitat;
5. Value of the tree to the neighborhood in terms of visual effect, wind screening and privacy;
6. Damage caused by the tree to utilities, streets, sidewalks or existing private structures or improvements;
7. Role of the tree in mitigating drainage, erosion or geologic stability impacts; and
8. Health and condition of the area within the protected perimeter.
9. Necessity for the pruning or removal in order to construct a required improvement on public property or within a public right-of-way or to construct an improvement that allows reasonable economic enjoyment of private property;

10. Extent to which a proposed improvement may be modified to preserve and maintain a protected tree; and
11. Extent to which a proposed change in the existing grade within the protected perimeter may be modified to preserve and maintain a protected tree.

The project proposes to remove 62 of the 147 existing protected trees on the site. The majority of the trees are proposed for removal because they are in areas of unstable soil requiring grading and remediation. Other trees are located where development is proposed, such as the athletic field. The City's Tree Protection Ordinance requires mitigation planting of approximately 250 15-gallon trees. The project proposes to plant more than 800 24" box and 36" box trees, which well exceeds the mitigation required under the municipal code. Mitigation planting will be native trees, supplemented with native-compatible, drought tolerant species. The project is going to significant lengths to preserve and protect one of the largest Valley Oak trees in Lafayette (Tree #91) through remedial actions, establishing a 75-ft. root protection zone, and bridging the multi-use path over the root zone. Traverso Tree Service has evaluated the tree, prepared recommendations for its care, and will be implementing the plan.

GRADING PERMIT (LAFAYETTE MUNICIPAL CODE §3-701)

1. The grading will not endanger the stability of the site or adjacent property or pose a significant ground movement hazard to an adjacent property. The decision making authority may require the project geotechnical engineer to certify the suitability of the project supported by appropriate technical studies, including subsurface investigation;
2. The grading will not significantly increase erosion or flooding affecting the site or other property and will not cause impacts to riparian habitats, stream channel capacity or water quality that cannot be substantially mitigated;
3. The grading, when completed, will result in a building site that is visually compatible with the surrounding land;
4. The grading is sensitive to the existing landforms, topography and natural features on the site; and
5. The design of the project preserves existing trees on the site and trees on adjoining property to the extent possible.

The grading will not endanger the stability of the site or adjacent property in that the site has been evaluated by geotechnical engineers who have provided recommendations on how grading should occur, which the construction will follow. The majority of the grading for the project is to remediate existing instability resulting from prior quarry activities, which is estimated to have altered 85% of the site. Grading will be conducted outside the riparian corridor on the site and will follow a stormwater control plan consistent with the Contra Costa Clean Water Program and the requirements under the municipal stormwater discharge permit (C.3) provisions. Potential erosion and flooding will be mitigated during construction and thereafter via best practices identified in the stormwater control plan. The existing site is a series of manmade slopes and terraces stemming from prior quarry activities, and the resultant topography will similarly be a series of manmade slopes and terraces. The existing trees on the site are primarily grouped towards the east side with the majority of the site appearing as grassy slopes and terraces with limited vegetation. Some tree removal will occur for remediation of existing unstable soils, and mitigation planting for removed trees and to provide screening of new structures will result in more than five time the number of trees as currently exist on the property.

SUBDIVISION (LAFAYETTE MUNICIPAL CODE §6-215 & §6-216)

The findings for approval of the tentative map for a subdivision or a minor subdivision are set forth in §6-215 & §6-216 of the Lafayette Municipal Code and §66474 of the Government Code. The Planning Commission may approve an application for subdivision only when it finds that:

1. The proposed subdivision will not be detrimental to the health, safety and general welfare of the city.

The project has been evaluated in a Supplemental EIR which identified potential impacts and mitigation measures. All impacts can be mitigated to less-than-significant levels with two exceptions: (1) year 2030 traffic plus project traffic on southbound Pleasant Hill Road in the AM peak hour would exceed a delay index of 2.0, and (2) some park users may be exposed to noise from the freeway, BART and Pleasant Hill Road above decibel levels established in the General Plan. Year 2030 traffic is projected to exceed a delay index of 2.0 with or without project traffic. Noise impacts are from off-site sources and may affect park users who would visit the site for relatively short periods of time. Residents of the homes would not experience noise levels in excess of levels set forth in the General Plan provided mitigation measures are implemented. The project meets with all of the required findings for each of the requested approvals thus the proposed subdivision of the property into 44 single-family residential lots of minimum 4,500 sq.ft. plus common area and community park parcels will not be detrimental to the health, safety and general welfare of the city.

In addition, the subdivision will significantly reduce the number of units on the property from the Terraces apartment project and, in turn, the traffic that would be generated by those units. This project reduces the unit count from 315 to 44 units and represents an 85% reduction compared to the apartment project. It also delivers a development that is more consistent with the general plan, which calls this property "the most significant undeveloped property in the community because of its high visibility, its location as an entryway to the community, and its proximity to major thoroughfares as well as regional open space." The general plan calls for the City to "ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette's community identity."

To achieve that goal, the single family home subdivision has an overall density of not more than 2 units per acre and the homes are substantially concealed from major transportation corridors by using berming, grading, and landscaping. Also, because it promotes houses and not apartments, the plan is consistent with the City's long-established pattern of only single family homes north of the freeway and in the neighborhoods. The proposed density is the same as what is permitted in such semi-rural neighborhoods of Springhill Valley and Reliez Valley -- and it is half as dense as permitted for most of Burton Valley, Acalanes Valley, and in neighborhoods near Acalanes High School.

The subdivision clusters the homes to preserve open space and create parkland and creates a more attractive neighborhood when viewed from afar, delivering a more sustainable neighborhood during periods of drought, and offering new opportunities for public and recreational spaces.

The subdivision creates significant public benefit. In 2009, after years of intensive study, the City Council adopted a Parks and Recreation Facilities Master Plan that plan calls for the City to acquire up to 44 acres of new parkland, and to develop a new neighborhood park, a dog park, and new sports fields. This subdivision achieves most of those goals. Features included in this plan include an all-weather soccer/lacrosse field, 78 space parking lot, totlot/playground, dog park, and a protected walkway to Springhill elementary.

While a detailed management plan will follow, the public parking lot could serve multiple purposes, including a safe and convenient pick-up and drop-off area for high school students, overflow parking for high school students, and opportunities for commuters looking for a park-and-ride site. The City owns and operates several totlots, but none in the neighborhoods north of Mt. Diablo Boulevard. This playground would provide, for the first time, a convenient place for parents who live in Springhill Valley, Reliez Valley, and near Acalanes high school to gather with their young children. Dog parks have become increasingly common in California, and there has been demand for one in Lafayette since 2001. The City Council, after adopting certain criteria for a dog facility, added a dog park with separate areas for large and small dogs, to its park facilities master plan. This project would deliver that facility. Residents and commuters expressed concern about the additional cars on Pleasant Hill Road that that new resident parents would create, and so the project now includes a protected walkway that will allow parents to walk their kids all the way to Springhill elementary.

2. The proposed subdivision will not adversely affect the orderly development of property within the city.

The project is largely isolated unto itself and not within an existing neighborhood context. It is bounded on three sides by Deer Hill Road, Pleasant Hill Road and Highway 24. The project is requesting to be downzoned significantly from 35 units/acre, the maximum density permitted by the current zoning, to 2 units/acre consistent with the Single-Family Residential District – 20 zoning to the east and north. The project would not affect the access or views of neighboring properties, or otherwise adversely affect the orderly development of property in the city.

3. The proposed subdivision will not adversely affect the preservation of property values and the protection of the tax base within the city.

Property values will not be adversely affected by the proposed single-family residences and community park facilities, both of which are compatible with surrounding land uses, and contribute to increased property values in the area. The proposed dog park is located a sufficient distance from sensitive receptors so as not to be detrimental to the typical use and enjoyment of those properties. The adjacent property owners (the Page / Quigley residence to the west and Sienna Ranch / Kim property to the east) who would be most affected have both attended multiple public meetings and voiced their support of the project.

4. The proposed subdivision is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan.

The proposed subdivision is consistent with the General Plan as described under Zoning Amendment and Planned Unit Development above.

5. The proposed subdivision will not create a nuisance or enforcement problem within the neighborhood.

The project site is bounded by Highway 24, Pleasant Hill Road, and Deer Hill Road. The subdivision is largely isolated unto itself and not within an immediate existing neighborhood context of single-family residences. The recreational facilities will be open from dawn to dusk and are of a sufficient distance from sensitive receptors so as to avoid noise, odor, or vibration impacts from daily operations. The community park facilities will be monitored in the same fashion as other park facilities throughout

Lafayette. There is no evidence to indicate that the project would create a nuisance or enforcement problem within the neighborhood. The adjacent property owners (the Page / Quigley residence to the west and Sienna Ranch / Kim property to the east) who would be most affected have both attended multiple public meetings and voiced their support for the project.

6. The proposed subdivision will not encourage marginal development within the neighborhood.

The project site is not within an established neighborhood as described above. The property is bounded on all sides by Highway 24, Pleasant Hill Road and Deer Hill Road. Nearby properties will benefit from high quality design and construction of the residential component and the public park facilities including an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. Given existing land values in Lafayette, existing zoning and review process, the proposed public benefits, proximity to Highway 24 and downtown, thus the Project will not encourage marginal development in the area.

7. The proposed subdivision is consistent with the purpose section of the zoning district in which it is located.

The project proposes single-family residential and community park facilities including an all-weather multi-use athletic field, a dog park, a toddler playground, a multi-use trail and parking. While the R-20 zoning has no "purpose section" single-family residential development is consistent with the permitted uses up to 2 dwelling units per acre, which is a significant reduction from the existing Administrative Professional Office (APO) zoning. The community park facilities are directly supportive of residential units on site, the larger neighborhood, and the broader community. The recreational facilities will be open from dawn to dusk and are of a sufficient distance from sensitive receptors so as to avoid noise, odor, or vibration impacts from daily operations. The community park facilities will be monitored in the same fashion as other park facilities throughout Lafayette. As such, the project is consistent with the purpose of the Single Family Residential District – 20 (R-20) zoning district.

FINDINGS FOR APPROVAL OF A SUBDIVISION (GOV. CODE §66474)

1. That the proposed map is consistent with applicable general and specific plans.

The proposed map is consistent with the general plan because the project would reduce the development potential from a maximum of 35 multi-family dwelling units per acre to a maximum of 2 single-family dwelling units per acre. The project will provide housing, preserve open space and natural features, and provide community park and recreational facilities to an underserved portion of the community. The proposed map provides approximately 7.9 acres of parkland to the City that will assist the City in meeting its general plan goal of 5 acres of parkland per 1,000 residents.

There is no specific plan applicable to the subject properties.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design of the subdivision is consistent with the general plan because the project will provide housing, preserve open space and natural features, and the design of the project will be consistent with the character of the community through the design review process. The homes are of modest scale, a

mixture of one-and-two story designs, utilize a consistent design vocabulary and will have colors and materials appropriate to their setting and context. The homes are organized around common, usable garden courts with vehicular access to personal garages at the rear of the homes via lanes (alleys). The central access roadway is designed with a 'shared street' concept to promote bicycle and pedestrian circulation and community gathering.

There is no specific plan applicable to the subject parcels.

3. That the site is physically suitable for the type of development.

The site is physically suitable for the type of development as described under Hillside Development Permit, Design Review and Grading Permit above.

4. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development as described under Hillside Development Permit, Design Review and Grading Permit above.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as described in Item 1 under Subdivision §6-215 & §6-216 LMC above.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the subdivision or type of improvements is not likely to cause serious public health problems as described in Item 1 under Subdivision §6-215 & §6-216 LMC above.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no existing public easements within the boundaries of the proposed project, with which the proposed subdivision would conflict.

Section 3. **Approval.** The City Council hereby approves, subject to conditions contained in Exhibit B, the Zoning Amendment, Planned Unit Development, Development Agreement, Land Use Permit, Hillside Development Permit, Design Review, Tree Permit, Grading Permit, and Subdivision requested by the Homes at Deer Hill project. The Zoning Map is hereby revised as provided for in Exhibit C attached hereto and incorporated by reference to reflect the underlying zoning of R-20 and the P-1 designation for the Property.

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 6. Recordation. Pursuant to Government Code Section 65868.5, within ten (10) days following the execution of the Development Agreement, the City Clerk shall record with the County of Contra Costa Recorder a copy of the Development Agreement.

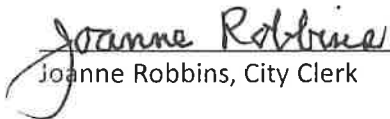
Section 7. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption 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 August 10, 2015, and adopted and ordered published at a meeting of the City Council held on September 14, 2015, by the following vote:


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

ATTEST:

APPROVED:



Joanne Robbins, City Clerk



Brandt Andersson, Mayor

Attached

Exhibit A Development Agreement
Exhibit B Conditions of Approval
Exhibit C Zoning Map