Prior to calling the City Council meeting to order, the Stanley Middle School Jazz Messengers performed for the City Council, staff and audience.

1. CALL TO ORDER

Mayor B. Andersson called the regular/special City Council meeting to order at 7:15 p.m.

2. ROLL CALL

   Present: City Council: Mayor B. Andersson, Vice Mayor Reilly; Councilmembers M. Anderson, Mitchell and Tatzin

   Absent: None

   Present: Crime Prevention Commission: Commissioners Larry Bellusa, Stephen Gelman and Rees Morgan

   Absent: Chair Cameron Burks and Commissioner Denise Brown

   Staff Present: Tracy Robinson, Administrative Services Director; Niroop K. Srivatsa, Planning & Building Services Director; Tony Coe, City Engineer; Greg Wolff, Senior Planner; Michael P. Cass, Associate Planner; Catarina Kidd, Contract Planner; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Reilly) to adopt the agenda. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None.

4. PLEDGE OF ALLEGIANCE – Mayor B. Andersson led in the Pledge of Allegiance.

5. PUBLIC COMMENTS

JIM BURNS, said he was at the Council meeting two weeks ago regarding the slurry seal project on the agenda and had to leave before it was heard. The City Engineer had recommended not going ahead with the program to make some of the streets livable, that the bids had come in slightly over budget and that remaining streets would be addressed in the future. He said without any discussion the item was passed 5-0 which he feels is a bad decision noting that streets are still in very bad condition.
Mr. Burns also said Councilmember Tatzin commented in the audio of the meeting that the City will expect the attendance of 200 residents once the Reliez Station Road lighting is undertaken by the Council, which he also disagreed with in the expense of the City’s funds.

6. PRESENTATIONS
   A. Tracy Robinson, Administrative Services Director
      Introduction of Chris Juram, Planning Technician
      Recommendation: Receive and file.

Administrative Services Director Tracy Robinson introduced and welcomed Chris Juram, new Planning Technician for the City of Lafayette. Mr. Juram graduated from Sonoma State University in 2014 with a degree in Environmental Planning. He was born and raised in Moraga and attended Campolindo High School. The City Council and staff welcomed Mr. Juram to the City of Lafayette.

   B. Mayor B. Andersson
      Recognizing outgoing Youth Commissioners – Michael Fink, Scotty Fox, Jake Levy, and Emma Price
      Recommendation: Accept resignations and recognize the Youth Commissioners who are graduating from high school.

Mayor B. Andersson recognized outgoing Youth Commissioners Michael Fink, Scotty Fox, Jake Levy and Emma Price. He spoke of Commissioners’ accomplishments, future educational plans, and presented each with plaques for their service and commitment.

   C. Update from the Crime Prevention Commission
      Recommendation: Receive and file

Commissioner Rees Morgan stated that Chair Cameron Burks and Commissioner Denise Brown could not be present tonight for the meeting but he recognized Larry Bellusa and Stephen Gelman and thanked all Commissioners and also Mayor B. Andersson and Vice Mayor Reilly as their Council liaisons. He recognized and thanked the Police Department, specifically Chief Christensen and Cathy Surges-Moscato, as critical people who have helped them put together the presentation.

Commissioner Morgan presented and described the following accomplishments of the Commission:

- They distributed 500 Child DNA Kits;
- They held 20 meetings in FY 2014/2015 with neighborhood watch groups and other groups;
- They continue to emphasize Ordinance 579; the anti-solicitation ordinance and police are doing a fantastic job in enforcing this ordinance as applicable;
- Their first Neighborhood Adoption Program, as created by Chair Burks targeted Happy Valley and Upper Happy Valley which was suffering from residential burglaries. He presented the following statistics and information:
  - They believe the program has yielded significant results, with a 59% decrease in residential burglaries.
  - From 2013 to 2014 they saw a 21% decrease in residential burglaries in Lafayette. Of the 9 burglaries that have occurred in 2015, 5 have been solved. They contribute this to police and their engagement with Happy Valley and instruction of best practices and camera systems.
• Regarding the transition of their Neighborhood Adoption Program:
  o The Police Chief presents up to date crime statistics in Lafayette monthly.
  o Their target effort is to decrease the percentage of residential burglaries, but they have seen an increase in auto burglaries and theft criminal activity. Therefore, they are transitioning from Happy Valley and residential burglaries to the Downtown Business District to decrease auto burglary statistics.
  o They are about to roll out their newest campaign, “Don't Feed the Bears”, which is designed to prevent auto burglaries. Often, people leave valuables in their vehicles and visible which attracts this crime. They hope to increase awareness, enlisted volunteers from Acalanes School to design their artwork, had a selection process and began the campaign and he said this is the only campaign of its type in the country.
  o They are going to place pamphlets on windshields of cars parked downtown with their message and placing signs in neighborhoods and businesses which will be changed monthly from a new piece of artwork in an effort to raise awareness. They hope when they roll out the program in June/July, they will return to the Council with reduced auto burglary statistics.

• Regarding the Camera Feasibility Study:
  o The study has been funded and the Commission requests another 6 months for them to continue to assess how it is working and to allow them to return and provide an update. He presented a picture from their April Town Hall Meeting where Vice Mayor Reilly was present. It was well-attended and an overwhelmingly positive response. They are trying to hold meetings twice a year to engage with the public about camera systems.
  o Their plan for the camera system is a three-pronged approach. The first level is residential cameras of individual citizens so they can share footage with police during particular time periods. The second level would be business camera systems or community camera systems where neighbors have gotten together and purchased a camera(s) for their neighborhood. The third level is what the Council has funded which is their neighborhood cameras along with a few automated license plate reader cameras. The neighborhood cameras are set up in a number of areas in town and they are the last line of defense when a crime happens.
  o They have a 55% solve rate thus far in 2015 which is unheard of. Along with police, they attribute this solve rate to camera systems, and he presented and discussed examples of solved crimes.

• Other New Programs developed include:
  o The Citizens Police Academy, which was put into place last year with the idea to hold classes of people come through and experience what police work is like. By engagement with the community they will build solid communication necessary between the public and police in order for police to do their jobs. The class was a success and they graduated their first class in February. The second class begins in September.
  o Stephen Gelman ran the first program and Denise Brown will be running the second program.

• Highlights for next year include:
  o Continued work on the Camera Feasibility Study;
  o Continue to facilitate Neighborhood Watch Programs;
Will conduct two Town Hall Forums in the fall, one in coordination with the Senior Services Commission working with identity theft, fraud and other crime prevention techniques suited for seniors, and the other program is a Town Hall Forum for parents that relate more to Internet safety tips for kids. One idea they have had is with Internet connections from highways and homes, people need to be aware of crime issues in terms of children.

They will try the Don’t Feed the Bears Campaign in a month; and

Hold another Citizens Police Academy class.

Vice Mayor Reilly thanked Commissioner Morgan for his succinct presentation, said she is very excited with the new “Don’t Feed the Bears” campaign and commended the Commission for approaching Acalanes School to have the digital design group design it. It also got students talking about crime at the school.

Lastly, she voiced appreciation to the Commission for coordinating with the Senior Services Commission on a joint event. She hopes more Commissions will do more of that.

Councilmember Mitchell thanked the Commission and was impressed with their hard work, noting that 20 meetings are impressive. He was able to attend one of the neighborhood meetings and they seem to be forging a tremendous relationship and partnership with the community which helps police, the community and he thanked them for their hard work.

Commissioner Morgan added that the other Commission they have been working a lot with is the Emergency Preparedness Commission and they have been terrific. They will be doing an event with that Commission in August and they also assisted with the Community Forum event held in April.

Mayor B. Andersson thanked the Police Chief, Cathy Surges-Moscato and the Commission on their accomplishments. He said when they return in six months to report on the camera system he asked to include the manpower requirements in terms of maintaining them and keeping track of systems and the database. When there is a crime to solve, the manpower requirements would also be important to know. Commissioner Morgan said they would be happy to do this.

ACTION: It was M/S/C (Reilly/M. Anderson) to receive and file. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

Recusal:
Vice Mayor Reilly recused herself from participating in Item D and left the dais.

D. Greg Wolff, Senior Planner


Recommendation: Receive presentation of the project and public comments and continue to June 22, 2015 for discussion.

Senior Planner Greg Wolff said the matter before the Council is the Homes at Deer Hill which is the Terraces of Lafayette Project Alternative. As background, the Terraces of Lafayette application was submitted in March 2011 and proposed 315 moderate income apartments on
the 22.72 acre parcel in 14 buildings. After a lengthy environmental review process, the Planning Commission heard and recommended approval of the EIR and the Council certified the EIR in August 2013 which found 13 significant and unavoidable impacts.

As the matter went into merits of the application, the Council directed staff to open a dialogue with the applicant to see if there could be an alternative to the apartment project. Staff did so and after a series of conversations presented to the Council in December 2013, a project alternative which would have 44-45 single family residences as well as community park facilities such as an athletic field, dog park, playground and parking.

In January 2014 the Council held two public hearings at the Veterans Memorial Building to discuss whether or not to consider this alternative, and after those two public meetings, entered into a process agreement which laid out the process by which this alternative would be considered. The Terraces project remains pending; however, it is on hold pending consideration of the Homes at Deer Hill project.

The Homes at Deer Hill project was formally submitted on March 21, 2014 and CEQA analysis was done which concluded that a Supplemental Environmental Impact Report (SEIR) was the appropriate environmental document and the City engaged PlaceWorks, which is the firm that prepared the certified EIR. At that time, they were known as DC&E - The Planning Center.

The Draft SEIR was released on January 29, 2015 and the public comment period ran through March 16, 2015. The Final EIR (FEIR) with a response to each comment that was received on the Draft SEIR as well as some revisions stemming from those public comments was released on May 15, 2015. Both the Draft and FEIR have been forwarded to the Council and the Planning Commission is recommending certification of the SEIR.

The process agreement stipulates that once an application is submitted and an environmental review is begun, this project would go through the same process as any project would and have review by each and every Commission that would have some purview over an aspect of the project. This includes the Park, Trails and Recreation (PTR) Commission, the Circulation Commission, the Design Review Commission (DRC), the Planning Commission and ultimately the final action would be before the City Council.

The project is requesting a General Plan Amendment to downzone the property from a maximum of 35 dwelling units per acre permitted under the APO General Plan designation down to Low Density Single Family Residential, which would allow up to 2 dwelling units per acre. Commensurate with that, the zoning would change from APO to R-20 which indicates a minimum lot size of 20,000 square feet generally, or half acre zoning in the R-20.

Further, the request is to rezone to a Planned District which allows for flexibility in a comprehensive design. More often than not by example, rezoning a Planned District allows for a request to move away and deviate from the internal setbacks which would otherwise be required.

There is a request for a land use permit to permit a dog park on the north side of Deer Hill Road in the R-20 zoning district, a hillside development permit for development in the Hillside Overlay District, design review, tree permit, grading permit, subdivision to create 44 single family lots and the Community Park parcels, and a development agreement between the City and the developer which essentially mimics the components of the process agreement.
The matter went into public hearings this spring with the Circulation Commission which met in February and March at two meetings. The staff reports, action agendas and recommendations from the Circulation Commission are in the report as Attachment 12.

The PTR Commission met in February and March and there are two memos in the Council's packet. One is recommending the proposed parks and recreation facilities and the second memo was from the PTR Director in response to Planning Commission questions as to the need for the athletic field and need it be, the size and design proposed.

The DRC met twice on the project in February and March and was working with the applicant team to understand and improve upon the proposed design, particularly of the residential site plan. One Planning Commissioner and one Design Review Commissioner agreed to meet with staff and designers to improve upon what had been initially proposed. They met a few times and the Council will see the results of that this evening. Staff concurs that it has improved. This was specific to the residential component and the way it is organized and the space between the homes, etc., and the applicant will speak to those aspects of the project in their presentation.

The DRC, due to a scheduling conflict, did not hold a third meeting in April or May, but staff anticipates a third meeting with them in the next few weeks. The Planning Commission met four times on the application beginning in April, two meetings in May, and a week ago tonight, the Planning Commission ultimately adopted three resolutions.

The first recommends certification of the SEIR. The second recommends approval of the General Plan and Rezoning and lastly, the third resolution which was amended by the Planning Commission that evening, recommends approval of the remaining requested entitlements. The Planning Commission added three additional conditions which are part of that resolution speaking to additional evidence provided by the applicant as to off-site visibility, review by the Council of the benefits of the project versus impacts, and additional design review if the project is approved as subsequent phases.

Mr. Wolff displayed the overall site plan which the applicant’s presentation will begin with, and he said he will provide a brief overview of the site in Google Earth. The project is at the southwest corner of Deer Hill Road and Pleasant Hill Road. The site is 22.72 acres and he pointed to the overall site plan, stating there is an entrance at the western portion, an entry drive generally serving an east/west main street. Homes are oriented on green courts and communal outdoor spaces, and the garages are accessed via lanes.

Mr. Wolff pointed to the highest point of Deer Hill Road and pedestrians and bicyclists find it difficult to navigate up, so the Trails Master Plan and the Master Plans for the pathways, sidewalks, etc. call for a bypass which is part of the project whereby the applicants would construct a pedestrian and bicycle multi-purpose pathway that would circle the site and come down to the corner of Deer Hill and Pleasant Hill Roads.

Mr. Wolff displayed the proposed site plan draped over the existing conditions. It shows the athletic field, residential component, the grand trees, playground and the 78 space parking lot. The parking lot would serve as parking for the playground facilities, the athletic field and along the outside edge of this is a right-turn in and right-turn out, and a drop off for students which currently occurs along a series of curbs. There are two locations for bus stops; one up on Deer Hill Road and another on Pleasant Hill Road.

He then presented a digital model prepared for the project, showing the proposed roundabout in the western portion of the site, the entry road, the residential component, the multi-purpose
pathway bypassing the summit of Deer Hill Road, the athletic field, heritage oak tree which would be preserved and have a setback from the root zone, and the parking lot.

Mr. Wolff said this model in a slightly modified and compressed form is available on the City's website. All information, staff reports and meeting minutes can be found by clicking on www.lovelafayette.org/Terraces-pa or www.lovelafayette.org/Homesatdeerhill.

Tonight is a presentation and the Council was provided with several hundred pages of documentation on the project from the Commissions as well as the EIR. The goal of this meeting is to introduce the project to the Council and have an opportunity for the applicant to present, the public to submit comments and receive questions from the Council which staff can bring back in two weeks and address at the June 22nd Council. Steve Noack with PlaceWorks will be present to speak to the SEIR and Rich Haygood will be present to speak to transportation items.

Councilmember M. Anderson said the plan shown is different from what they are seeing in the presentation materials. He said this looks like the vesting tentative map and what the Council has in its presentation materials is a change which takes out some of the open space corridors, particularly there is one spine that comes through the middle of the houses and kind of ends at the southern edge with a wider open space area. He sees this in the tentative map but he does not see this in the conceptual plans, and he asked Mr. Wolff which project was the Council reviewing.

Mr. Wolff said the 3-D model was based upon the plans that were submitted in March 2014 and revised with additional information through June of last year. It was prepared in part to help generate the photo-simulations used in the draft SEIR to analyze off-site visibility and visual impacts. So the overall components broadly have not changed significantly. The internal layout of the homes has been modified slightly but he suggested it would not necessarily be appreciable from off-site vantage points. It would be appreciable if one were to drive into the site. So the purpose of presenting this is to allow for an overall understanding of the relationship of the broader components, the residential component, and the field, playground, and Dog Park on the north side.

Mr. Wolff noted that the dog park was relocated to the north side. Once the applicant had progressed down the design of the project and was finding that each of the components was starting to squeeze the dog park smaller and smaller, they met with the PTR Commission, received feedback and approached the property owner and was able to secure 2.9 acres on the north side of Deer Hill Road to accommodate the dog park itself on the north side of the roundabout.

The more detailed plans would govern or the more recent ones with respect to the site plan refinement and architecture. The 3-D model is to give a grosser understanding of the site in its proposed three dimensions.

Councilmember M. Anderson expressed concern, stating that a lot of people were unhappy with the overall development of the project and if they are not clear on exactly what will be built, this does not add any clarity or make it any easier for the Council to convey what ultimately is going to happen. He would hope that they can settle and change whatever is posted so that it reflects the proposal regardless of how this was used. If this is no longer valid, staff should really no longer be using it. The tentative map which the Council received does reflect this layout.
He said there is a lot of evidence that it has been surveyed and engineered to look like this, but now staff is saying it is not going to be like that. Therefore, this needs to be cleaned up so people can understand exactly what they are talking about going into this.

Councilmember Tatzin agreed with Councilmember M. Anderson’s points. He said in the prior model or layout shown where a design was overlaid on the existing topography, he asked if this was before any grading. Mr. Wolff said yes, it was the site plan draped over Google Earth which is the existing topography.

Councilmember Tatzin asked if this model is after grading, and Mr. Wolff said yes.

Councilmember Tatzin said he understands that the public can go onto the City’s website and look at this tool and look at various vantage points, and Mr. Wolff confirmed. Councilmember Tatzin said the vantage points shown this evening are those of a hawk and he asked if the tool can work towards the vantage points of a pedestrian. Mr. Wolff said yes. He commented that this model was prepared by PlaceWorks, the environmental consultant, initially as a basis upon which to do the off-site visibility analysis and then polished slightly for posting on the website. He said people can navigate down to street level and look at it from the vantage points from which an everyday person would see it walking by.

Councilmember Tatzin asked if he could view it from walking along the sidewalk along the east side of Pleasant Hill Road, and Mr. Wolff said yes.

Councilmember Tatzin asked what point in time is the vegetation reflected. Mr. Wolff said it is shown at project completion which is two years after mass grading. The site would be graded, the perimeter landscaping would be planted while the streets and homes internal to the site are built, thus giving vegetation two years to mature which is reflective of this.

Councilmember Tatzin asked Mr. Wolff if this is what it would look like as people start to move in and Mr. Wolff said yes.

Councilmember Mitchell said this application is subject to the processing agreement and he asked Mr. Wolff to discuss this briefly as to how the Council moves forward. He also asked if it was subject to the Permit Streamlining Act and timelines established under CEQA. The process agreement initially had all of the consideration concluded by the end of September last year, but given the time needed to do the SEIR and get materials there has been extensions to the tolling and process agreements and both of those will expire at the end of July 2015.

Councilmember Mitchell asked if it is anticipated that the item will be heard at the next Council meeting and the next two meetings in July. Mr. Wolff said yes.

Councilmember Mitchell said he was also interested in the off-site visibility and is glad to hear there is a resource to look at. If the Council gets to see this a few more times it would be great and he asked staff to do a presentation on what the off-site visibility would look like as the plans are more finalized. He said his other area of concern would be the project entryway on Deer Hill Road. There is a proposed roundabout there and Mr. Wolff sent him some materials today on some of the analysis done by the consultant and discussed at the Circulation Commission level. The City may also potentially need a presentation on this as well.

Councilmember M. Anderson said the other thing he was not clear on was how the pedestrian network works within the site plan. They have a map that shows it, but he was not clear on the
entry to the homes versus the access as a visitor to the homes. There is isolated visitor parking and he guessed people would walk down an alley between two homes and the entry is on the side. He suggested some details on this and it seems like a different style of both vehicular access and pedestrian access which might be confusing to a person visiting who does not know the area and cannot park at that location, but find their way to the front door.

Mayor B. Andersson called on the applicant to make a presentation for 10 minutes and 10 minutes to address issues voiced by Councilmembers.

Dave Baker, Project Manager, O'Brien Homes, said they are the applicant and developer for the Homes at Deer Hill. He thanked Greg Wolff for a thorough presentation and because this is a study session, he wanted to introduce the design team and he said they are available for questions. Jill Williams is a Principle with KTGY Architects, David Gates of David Gates and Associates/Landscape Architect, Chris Mills, Civil Engineer with BKF Engineers, Allan Moore and Amara Morrison with Gagen McCoy. Prior to giving the presentation, Mr. Baker said they have held off on updating the tentative map because they have been receiving a lot of comments, have been shifting streets and adjusting pathways and it is very expensive to tweak this each time. He felt like the map has settled on the small details so he directed the Civil Engineer to update that for the next hearing.

Mr. Baker said in going over the process, they signed the process agreement to look at the alternative on January 22, 2014. In the intervening 17 months, they have done a lot of work. Their design team has met with staff in excess of 40 times. They have had perhaps a dozen site walks with members of the Commission, staff and the public. They have had 7 outreach sessions and presentations or more to groups like the Rotary, Chamber of Commerce, real estate groups, as well as an Open House. They have held 2 DRC meetings and would have had more, but the DRC has had some scheduling issues and this was the reason for holding off on the tentative map. They met 4 times with the subcommittee of the DRC where they were fine-tuning the comments noticed such as the pathways between the homes, the greater connectivity to the sports field and so forth. They also had 10+ meetings with the PTR Commission. They held 6 Planning Commission meetings but 2 were dedicated to the EIR process or to the project itself, and they have been before the Council 8 times, 2 from when they signed the process agreement to look at the alternative and 6 times to keep extending the process, add land to accommodate the dog park.

As Mr. Wolff mentioned, when they began working with the PTR Commission, it became clear that the dog park kept getting smaller and smaller and was not going to be good enough. So he was given a challenge to find a solution and he went to AMD Trust who owns the property across the road and they accommodated them with 2.9 acres and some of the most buildable area.

With that said, he turned over the presentation to David Gates, Landscape Architect, and he will speak to the visibility of the project from Highway 24 and Pleasant Hill Road which is an important issue for people.

David Gates, Gates and Associates, said he will quickly take the Council through the project and some of the key landscape components with a PowerPoint presentation. He presented the oak woodland and swale, a significant heritage oak tree, pointed out where they are closest to Highway 24 and there are off site visible views coming from Walnut Creek. He presented the plant concept, and said their goal is to keep the oak clusters and let them intrude into the site whereas typical street trees and other patterns would be seen. These are meant to match what is already on site and the surroundings. So it is a different pattern than one would typically see.
Also, these will be part of their visual absorption to make these buildings go away visually. He said it is a vertical site. The Council will see the cross sections B and A here. Cross section A takes you all the way from the high school to Highway 24. There is quite a change in grade plus 40 feet to the tree plus 40 feet to the sports field, plus 20 feet to the top of the hill and there is a drop, then 14 foot high walls on the edge which is the visibility zone.

In cutting to the other direction, Deer Hill in many cases going to be above people and they will berm it as one moves to the east. They are doing a lot of moving with the soil which has already been moved. The site lines can be seen and they are trying to be sophisticated on how they shape the edge and how they berm it so they do not see the units.

He then presented a closer version of it and said the Council will see the site lines. They are berming so the ground plane at the top is below the ground plane of the slope. They are cutting in for the multi-purpose trail in some areas. They will have some 3 and 5 foot retaining walls there to cut the grade in and also some biofiltration swales on that slope which will be nice screens and they will go with riparian vegetation with the moisture on that.

He then presented the existing grade and proposed grade, Deer Hill and part of the EIR study which show what the vegetation will do at its mature form. Oaks and native shrubs will do a good job of screening from the upper area. He then presented the open space system. With the entry, there is a woonerf, garden courts, front doors and major social areas. Typically there are 3 units so it is not like they will be invisible or hard to find and there are a series of open space areas that work their way along the woonerf so there is an open spine of circulation and sociology that organizes the site. There is also a grand stair down that takes people to the sports field and an upper grade pathway at the base of the homes as opposed to the multi-purpose trail which will be below that.

He then presented a close-up version, showing where the woonerf comes in, parks on both sides, the oaks intruding through in a natural pattern, the little side pockets, the garden area and there will be three units here with front doors and entry porches and other graphics which will allow people to understand how to get to their front doors.

Mr. Gates presented how they would like to treat the streets, which is a woonerf, where the car gets third fiddle. It is pedestrian first, bicycles second and cars third. It is drivable and the size is there but the curbs are deleted and there are bollard elements that make it slower for cars, and much friendly and safer for pedestrians. He presented another example showing the car court recessed and angled slightly so it is not a straight, rigid line. They will get full-sized trees back there so areas will feel usable for the pedestrian and not just the car, and then he presented the pedestrian court garden areas and said size varies from 46 feet at the narrowest up to 60 feet and the homes sort of pop in and out. He said they want people to come out on their porches, meet and get together.

He presented what the car courts would look like with simple pavement. The garage doors move in and out and around. He pointed to the overlook, sports field 20 feet down, the paseos, seating areas, a village green with the stairway down, an amphitheater so the seat walls step up the hill and it is a 20 foot grade change from the sports field below.

Mr. Baker then displayed the sports field, a drop off and arrival area with handicapped parking, bathrooms, storage facility, parking, access up and ADA access to the park and the perimeter around the heritage oak tree. He presented the cross section from the oak woodland, the 20 foot grade change between the sports field where they will have dry stacked rocks, the trail below the heritage oak tree and the stairway taking people up to the neighborhood adjoining it.
He displayed a worst case situation of what the rocks will look like. Vegetation is probably 3-5 years. The highest wall they have is 14 and it goes down from there. There is a tilted plane between them and they will landscape below it, in the middle and above it. They will have valley oaks and live oaks. He presented the worst case example of the wall, the wall at the sports field, the fence at the top and they will be planted not so many oaks here because it is narrower.

He presented a before and after shot of the vegetation and the intent is to not see the homes. He said this is one of the toughest spots to vegetate and the final shot is what it will look like at a mature level. There is the mixture of the oaks; they are trying to naturalize the shrubs and patterns because of the trail running through there, a berm and homes behind.

Jill Williams, KTGY, said obviously one of the most important things they have been talking about is the concealment of the homes. They did a simple graphic to get the point across. She said the darker blue is all one-story roof massing and the Council will see how much of the darker blue and purple there is. The lighter color indicates where there are some second floors and there is mainly all single story along this edge except for small, second story massing that has been pushed back well off the top of the slope. There is a little bit more of two-story happening central and then back to one-story here where they are studying that visibility that they have.

She said it has been noted that they have been working with the DRC and they have a few imageries in the packet also with where they are right now and the thought of creating a very cohesive designed neighborhood. Not each home will stand on its own but there is a common palette and common thinking about the detailing and use of material. They know all those final details are still going to get worked out with design review, but looking at natural siding, shingles, a standing seam metal roof, a stone base that comes up to chimney elements, and the woonerf where there are designed parking bays that are guest parking, but that it is rather a seamless street design that they are working towards.

She presented a display looking down on two of the homes sitting next to each other to give an idea of how they work. They thought it would really be something special to do in this neighborhood which is to alley-load the garages and let the front doors either face the interior street or face garden courts. They think that those garden courts are certainly wide enough. They will feel inviting, they will be great outdoor places for any of the public to get together, to walk through. The site is very porous with lots of walkability, but this is a start of a study of how each homes’ outdoor space and courtyard home works well and keeping rooflines very shallow. It breaks up the massing of the homes quite a bit and gives each home a usable area. Each home is designed to provide privacy to its next door neighbor.

There are many conditions on the site and they will be continuing on with the DRC to describe those, but it is something they do quite a bit of and they think it can make the most use of lot size of this type.

Mr. Williams then presented a blowup of the garden court and a view into it. She said this is one of their predominantly single story homes and getting into usable outdoor spaces that will have different themes, different usability. One could have a fountain, one could have some play equipment and they will be working hand in hand with landscaping to get those fully developed.

She said there are slides showing more details about where people park, walk to front doors, and she could take the Council through this once they have more input.
Councilmember M. Anderson thanked the applicants for the presentation and referred to the public space. He asked how to define the edge of the public park space from what is really homes and semi-public space. He said it is not a gated community and there are very few fences. It seems there is a lot of public use that has butted right up against that and actually connected. He asked how do people know they are supposed to wander through, park to get to the sports events or dog park, and he questioned what divides the semi-public from the public space.

Ms. Williams asked and confirmed the location of the edge and Councilmember M. Anderson said if parking may be as crowded down at the end, he asked if it was possible for people to come in and park above and then walk through the neighborhood.

Mr. Baker said right now they have split the stairway. He pointed to the amphitheater and 20 foot climb, two narrow stairs to a landing and another stairway and probably a gate element. This is a cue to tell people one space is public and one space is private. He said the intent is to set that hierarchy.

Mr. Baker pointed to another stairway down and said there is an entry point to the sports field. There will be a node there and there will be a pinch point where the stairway will narrow. From the oak tree it is a 60 foot climb and a 20 foot climb from the mid-point. There are some parks in Berkeley like the Rose Garden Park and others that are fairly similar. The intent is to make it clear, but they do not want to say to people they cannot come here. It is a climb. It narrows. It has open gates and things. The same thing will happen at the main entry. If someone is looking for a place to park and the parking lot is full, the road will be paved such that it will not feel like a public street and will be narrow.

Mr. Baker said all the units themselves will have porches or low fences, portals or trellises so that the semi-public space in the middle will be edged from the woonerf. There will be a portal that takes people into the garden court. There will be a general pathway, a single family entry, a couple of stairs, a porch, a trellis, so again there is a hierarchy from the front door to a point, another point, and another point and then out to the woonerf. He said they are not there yet, but they do need a hierarchy, probably 5 to 6 levels of public to private. They have to work that with way-finding too, keeping as many of the fronts on the woonerf as possible, but it is typically 3 units deep. From the parking zone, people will be able to see the paseo and it is an important part of the project.

Councilmember Tatzin said he appreciates the presentation. He said in the absence of anything else to look at, he has been reading some of the letters people have submitted and they are trying to find something that might be comparable. The City has received some letters that compare this to the Pulte development in Orinda.

Mr. Baker wrote a letter saying no, it is not like that development, but he did not indicate what it is like. For those people who want to see something that looks like what is envisioned, he asked where they could go other than Oregon.

Ms. Williams said they had offered up three different neighborhoods. One is in Los Gatos that is similar but not exactly the same, but has some of the traits of it.

Councilmember Tatzin said he would appreciate it if she could give staff specific examples. Ms. Williams said there were three different addresses and they had pulled some aerial photos and street images of those and they can provide that.
Councilmember Tatzin said he understands that a fair amount of design is in flux in terms of the details Mr. Gates and Mr. Baker is talking about. He is trying to reconcile that with how the Council is supposed to move forward to make decisions about the project when there are things that will help determine whether it is a successful and highly desirable neighborhood or something that looks crowded and unattractive are still being resolved.

Mr. Wolff said a similar process the Planning Commission utilizes under the City’s Code is a two-step process for a new home on a vacant property in the hillside overlay district whereby step one is understanding the site, its opportunities, constraints, slopes, soils stability, etc., and determining the appropriate siting and massing and the Council is familiar with that process. Further, review of the design within that siting and massing comes as a second stage.

Councilmember Tatzin said a most recent example of that approach did not work out too well, and Mr. Wolff said a more analogous process is a way that large development projects in the downtown have been handled from KB Homes to Mercantile to Woodbury where the broad scope, location, height and mass is approved and the more detailed design such as window dimensions, colors, materials and refinements of the design return for further design review. Staff will suggest that the overall site plan would not change dramatically in subsequent review. Essentially it will be largely fixed, but very small refinements internal to the residential component.

Councilmember Tatzin said he would encourage they all think about is, obviously this process has drawn a lot of interest in the community and that is good. He is glad to see the community involved. Not everyone needs or has any interest in watching the final decision be made but are interested in having a number of them be made. So it would be helpful at the next meeting or subsequent meeting to explain how the approvals process moves forward versus the detailed design. It sounds like there still are a number of details to be worked out and to understand how that is going to happen and what happens if the Council is not comfortable with the outcome.

Mayor B. Andersson said as he understands it, the DRC has still not completed their work. They have at least one more meeting before the Council at its next meeting in June receives the project for action. He said it is laudable that the Commissions and the applicant have been working to improve it or change things for the better. One result of that is that things are in flux for longer as you try to improve it, but the Council did not have the minutes from the last Planning Commission meeting either and for the next meeting, the Council should have a lot of that pinned down. He asked if what will be seen at the next Council meeting will be the final proposal.

Mr. Wolff said given the timing of the third DRC meeting is not finalized yet, he cannot commit that the Council will have a recommendation from the Commission within two weeks. Staff is recommending that tonight be the introduction and then working through the project from macro down to the details. The details will follow. To what level those details are finalized at this level or to what level they come back as true details of the structures this is for the Council to decide. But it is common practice to take that approach.

Councilmember M. Anderson said he does not want to overdo this and thinks Mr. Wolff has gotten the message, but the examples discussed about the two-phased approach that they have used are typically multi-family, and massing is a question in terms of its scale vertically and how it fits on the street. He said this is almost multi-family. It is very dense and very tight, so the experience for those buying the homes and living there has a lot to do with the relationship to the neighbor and their wall which is not that far away. Getting a lot more clarity about how this is going to work for each homeowner he thinks is really important at this early stage because
they could end up with a situation that looks good on paper but in reality, it just is not comfortable. People do not want to live that close to each other or there may be a window that always looks into someone’s bathroom. So those details are important when starting to stack people this close together. He thinks it is going to be helpful not only to have some examples of places they can go to see something like this but also to have drawings that indicate a section or a row of three or four houses and how they are going to relate in terms of floor plan to floor plan, open space for each of those rooms, bedrooms and all those things that end up being problems even when there is single family residential homes separated by 60 to 70 feet and the Council hears people complaining there. This he thinks is the difference. This is like a spread-out multi-family development and it is tight. That tightness involves a lot of important details in terms of livability.

Councilmember Mitchell said City ordinances call for a screening of the project from off-site using vegetation and drainage. They are currently in a drought and he saw a lot of green in the interior spaces also. He asked if Mr. Gates can talk about the interplay and how the landscaping is responding to drought conditions.

Mr. Gates said they will certainly need water even though it is hard to come by right now. They are also trying to screen it with berming and soil as best they can so it is going to be a combination of elements. He thinks they will be dependent on vegetation to screen 30% of it, so they will be as efficient about water distribution as they can. They are looking into grey water as a possibility. It will not be a high percentage but useful and they will be as efficient as they can about the distribution of water. They have been through droughts before and any responsible landscaping today is more natural and indigenous and the right plant in the right place.

He said they also plan to reduce maintenance on it and not pruning and cutting it. So it is a challenge and this is a southwest face with a lot of sun and warmth. The walls are infill so they can place the soil back and away that is good for vegetation. It has to be engineered but if it is a cut slope where that soil is already there and it is not the best of soil now, they can place the soil in the proper way with the right engineering and that will help a lot to get the good growth they need out of it. They hope the walls will also be quite attractive and they are using natural stacked stone. They will see these for a while and they will get a curtain of vegetation down from the top. They will get shrubs from the bottom with some vines so eventually they will also disappear but he thinks they will be a very handsome part of this product.

Mayor B. Andersson asked if the species of trees are anticipated to be ones that can be watered for a while during the time they are settling in and growing, and at some point they are native and withdraw the water and they will be fine. Mr. Baker said this is the hope. It is a tough condition for trees. They probably will need water for a longer time than many. Typically they will grow in a swale or area where the water naturally collects. They are creating bio-filtration areas and they are trying to design the shape of the water and flow with the topography to do that. They are oaks and at some point they will be on their own, but he cannot guess the timetable on that. They will also use more water when they are actually establishing them as well.

Councilmember M. Anderson said he saw in the conditions from the Planning Commission that they wanted purple pipe throughout the system. He asked if there has been any thought about instead of infiltration of maybe capturing some runoff and using that for irrigation such as putting some cisterns in or something like that. There is a lot of roof area and impervious surfaces. He asked if this is possible.

Mr. Gates said they could do a little bit of water harvesting. It is difficult on a site like that because of the amount that can be retained and the usefulness of it. They would probably need
multiple acre feet to make a substantial addition to the irrigation needs, but they are looking into that and shape the areas so the impervious runoff goes into the landscape areas which will help to some degree.

Councilmember Tatzin referred to plans that are put out by BKF Engineers and it is a site plan and another document. From the layouts of the lots on the BKF Engineer document is different and he asked which is accurate. Mr. Gates said the tentative map is from a prior time and they have been fine-tuning it a bit, putting in the paseos and tweaking the units, so they are not yet in direct sync, but the newer ones are the appropriate ones.

Councilmember Tatzin said on one layout there is the guest parking. If he happens to live in the lots closest to the great oak tree, he asked where is his guest parking, and Ms. Williams pointed to it. She said there are 40 guest spaces for the 44 homes and it is pretty well spread out all along the main drive. They tucked some back and some are very visible off of the main drive, so the Council can see where open parking would be for the visitors. Then there are pathways which will have signage that bring people out to front doors.

Councilmember Tatzin said on the main street headed to the sports field, there are houses on what would be the uphill side. For the first and second house, he asked what the distance is between the two. Ms. Williams said in some cases it is at 8 feet as a minimum as a separation. Those two homes focus away from each other so this home’s yard is towards the street and they have a special design for these corner homes, and the other home’s yard focuses out another way where they have a greater separation because they have a pathway that comes from the garden court out to the pedestrian edge above the soccer field. So there is quite a bit of variation that happens with all those setbacks and each home is designed with a very specific orientation to the way it is plotted.

Councilmember said either Mr. Gates or Ms. Williams showed the Council a picture looking down on a home that has courtyards facing the back of an adjacent home. He asked for the range of distance between the homes in this picture.

Ms. Williams said they could be at 8 to 12 feet but at no area less than 8 feet. In the courtyard, they vary in size and that was one of the specific conditions that the Planning Commission asked for; that these are not set at this time and that they would work with the DRC to make sure these were usable enough, but that they are 20x30 or something like that within this usable space. There are big sliding doors that typically open up into this to get a great indoor/outdoor lifestyle, so there is quite a bit of variation.

Mayor B. Andersson opened the public comment period.

Public Comments:

JIM GORDON said he is left waiting for more information. He is not entirely against the proposal and he has one of the houses that are actually overlooking from the other side of the freeway. He would like to know much more and a better sense of the site lines in a way that looks at it in a way that looks at it from the way people will be walking past it. He referred to the graphical Google presentation looking up Deer Hill Road from Pleasant Hill Road and said he stood there and looked up the hill and it looks much steeper than the picture. So, he asked for a better view of how things will look at different levels while walking through the project so people can get an impression of what 14 foot walls will look like. Hiding these walls with vegetation is not entirely possible, but it is complicated and difficult and he asked for a better view of how that is done. He would also like to know more about the numbers of cars using the project during
peak times and this is of significant concern and not addressed at all. His children will be going to Acalanes in a couple of years and he will be using that area substantially. He also asked for more information about the in and out on Deer Hill Road and concerns that people have, as well as the roundabout. He said coming from England he is not so much against the roundabouts, but it is important to have them sited correctly and not coming into them at high speeds because this causes accidents.

Mayor B. Andersson asked Mr. Gordon if there are specific locations he would like to see the viewpoints. Mr. Gordon said Pleasant Hill Road looking up towards the project to get an understanding of the height and the differential of heights and a better understanding from the freeway side on what will be seen from the freeway looking up. Also, if there is anywhere on the other side from the hotel, for example, that has a visible access to that or from where lots of people congregate that will be able to look out onto the location.

Councilmember Mitchell noted that the Council has three more meetings and he asked to be able to speak with Mr. Gordon additionally about his experience with roundabouts and Mr. Gordon agreed.

Mayor B. Andersson asked to describe where the roundabout would be located in terms of the slope coming down Deer Hill Road. Mr. Wolff said there are currently two driveways on the north side of Deer Hill Road. One is for the residents on the north side which he displayed and one is near a dilapidated structure which would be removed. The roundabout would be midway between the two.

Mayor B. Andersson said in terms of starting at the peak of Deer Hill Road and come down to the west, there is Brown Avenue at the bottom, a very steep portion that starts to flatten out toward Brown Avenue. He asked where this is on that continuum and asked if this is in an area where there is still slope but it is diminished from the steepest part. Mr. Wolff said yes. Behind the Council is a display of the highest portion of Deer Hill Road and then another portion is where contractors like PG&E stage going towards Elizabeth Street and Brown Avenue.

Mayor B. Andersson said from the top of the hill and looking down to the roundabout, he asked what the distance is there. Mr. Wolff said he does not know, but staff can bring this back at the next meeting.

Councilmember Mitchell asked Mr. Wolff to adjust the viewing angle lower on the displayed view and Mr. Wolff did this.

HUNTER DAVIS, said he has been to a number of meetings and is looking forward to the City Council portion of the project review because it seems like the Planning Commission and Circulation Commission were anxious to move the project along without much review and certainly little effort to improve the project. All questions about the roundabout were brought up in various Circulation Commission meeting reviews. Susan Candell prepared pages and pages of excellent research showing that the grade is 13% to 16% which is 3 to 4 times the federal guidelines for a slope in a roundabout. Mr. Coe, the City’s Traffic Engineer said to trust him and he will make it work because it is a guideline and not a federal standard. These answers are very frustrating. People have come with a tremendous amount of information that they have researched very hard and then virtually ignored. He is looking forward to the Council’s input and thinks it has been far superior from anything from the Planning Commission or Circulation Commission.
He said he made a very compelling presentation to the Circulation Commission about the traffic impacts at the Pleasant Hill/Deer Hill Road intersection. They ignored that completely and glossed over it with the parking lot and various other features and talked about the hours for which parking should be restricted on that part of Pleasant Hill Road to not intersect with the bike path. He said everybody is completely overlooking the forest through the trees here and it has been a very, very frustrating process, with everything rushed along.

Other examples are that the student’s school study and traffic study are from 2010 and 2011 and everybody knows traffic has gotten much worse. Pleasant Hill Road occasionally backs up as far south as Mt. Diablo Boulevard in the afternoon commute when people are jumping off of Highway 24 to bypass I-680 traffic, and every citizen would agree that traffic is much worse since 2010. In 2011, schools were not impacted. Students were expected to attend Springhill School which is now impacted and now having to study expanding Burton Valley. They need an updated school and traffic reports and there has been a lot that has gone on in town over the last 4 to 5 years and that has not been requested from the consultant or the traffic consultant.

The sports field is possibly the worst location in Lafayette besides the fact that there will be a massive amount of grading in this location. The sports field is 60 feet above the top of the parking lot and 80 feet from the bottom of the parking lot by the developer’s landscape architect’s own admission. This includes 60 feet of stairs. When traveling from the parking lot across a bridge across the parking lot entrance street and up to the sports field, it is 60% more stairs than if someone walks out this door and down the staircase to the parking garage. There will be kids and grandparents walking up in cleats carrying their equipment.

The drop-off circle will become jam packed with parents dropping people off at the sports field. The parking in the development itself will get congested as Councilmember M. Anderson has pointed out very observantly. It is the wrong place for this project. It makes the traffic worse and everybody’s repeated questions about this have been completely ignored by the various commissions thus far. He thanked the City Council and said they hope to have more time to review this project so they can make it work.

SARA BROWN said she has lived in Lafayette on Silverdale Road for 45 years and has a speech disorder. She feels compelled to speak to this problem and said Lafayette has limitations because of the topography and roads. As everybody knows, Deer Hill Road is heavily traveled now. It will be even more so when adding 44 homes. She remembers a few years ago when the area was designated for 5 or 6 homes, but the City does not need to add non-essential elements. She is the mother and grandmother of very athletic and active children and she is also a former dog owner. She understands Lafayette’s problems that way, but she asked why the City needs to add more traffic and difficulties in that area. She asked whether safety overrides these desires or commitments.

She said she attended the Lafayette Emergency Planning meeting last June and were told to buy liters in the fire departments for those who live north of the freeway. They are impacted and vulnerable to an emergency and live in fire danger country and it is even worse this year. They do know they are in earthquake country and discovered the fault a few years ago on Deer Hill Road north of Pleasant Hill Road across the street from where the homes will be built. At the meeting, they told them that because of the topography and their area roads are limited which does affect the opportunity for emergency vehicles to get into help them. She knows the Council must make difficult decisions and she has been to a number of Council meetings throughout the years and she appreciates what the Council is doing, but she asked if it is possible for the Council in good conscious to put residents’ needs ahead of some of these non-essential factors.
She questioned whether those who live north of the freeway particularly in this eastern section and school children’s safety needs important.

GRACE DIXON, said she is a homeowner and business owner for the past 20 years and a mother of three and said there has got to be a better location. She has a lot of experience on Deer Hill Road and is on it 8 times a day because of the Acalanes Pool and the Springbrook Pool. She has 18 swimmers she takes every day to those pools. At 5:40 p.m., Monday through Friday, the traffic is backed up to Brown Avenue and is double wide and cars are using the bike lane to get down to Pleasant Hill. She said the owner/developer has admitted this is a tough site to re-vegetate. He was very honest and she thinks at best it is hopeful to think that the vegetation is going to look like in the drawings, and it is unrealistic. She has 17 trees on her property and after 3 years, they are like this and that was before the drought.

The 14 foot retaining walls will be very visible from all of the vantage points and she does agree with the first speaker. She would love to see some accurate portrayals of what the site is going to look like from the Acalanes parking lot. On a Saturday at the pool, the parking lot is full. People park at staging areas now for the trails. She questioned where people would park, drive, drop off their kids and noted the one very small parking lot for the sports field. She said she just does not think this is an ideal site for this. She understands she needs development to keep the City going but she just does not see a development with 8 feet between homes when there are easements everybody else needs to obey. She has given over a year of her life to try and get a small park in downtown Lafayette, but she will never use this park because she cannot push a stroller up the hill and would not be able to hold onto a stroller going down the hill as it is unrealistic. She loves parks but this is a park at the outskirts of Lafayette and not downtown where 300 homes are being added and this is where homes and parks are needed and this is not it.

Mayor B. Andersson noted that in the Community Conversations, downtown parks was an item discussed and Ms. Dixon was there at a couple of meetings, and it was not a priority.

GEOFFREY BELLENGER, PTR Commissioner, said if the Council has not had a chance to read PTR Director Jennifer Russell's memo from May 4th, he encouraged the Council to do so. He thinks the Council is all very much aware of the shortage of fields, particularly for the older children for rugby, soccer and lacrosse and this presents a very unique opportunity. It has been looked at twice in depth by the entire City to try and find a site where there is level enough land to be able to develop a full sized field. He was not a part of the first effort which was done in conjunction with developing the master plan for the parks and recreation facilities back in 2007 and he personally went and looked at many sites in Lafayette to see if they could in fact hold a full sized field. The only site they could come up with was the one at Deer Hill and that was reinforced in the memo later on.

While there may be difficult and unique issues for the field, they are not unusual to many fields that are sited around the area including some of the fields at Wilder so it is manageable. Another very interesting thing has come up with respect to this site and project. One person who lives in the area used to walk up on the north side of Deer Hill up into the trails on Briones and suggested that they should be looking at a trails easement from the dog park area that could then go up into Briones.

He is on the Trails Subcommittee of the PTR Commission along with Alison Hill, went and walked that area a few days ago and it is gorgeous. There is a ridge up there and people can see all the way from Mt. Diablo and Las Trampas all the way to the Oakland Hills. It would also provide a unique opportunity for a connector for people who will live in the homes to be able to
go directly from there and walk up into Briones Park. There are steep hillsides but it is no steeper than many of the trails that exist in Lafayette, so he is mentioning this as a unique opportunity. He has discussed this with planning and they have briefly mentioned it to the developer as well as representatives of the property not within the owner's other development. So he hopes the Council will find that the sports fields are a great value to the City, very much needed and very important to the youth of the City.

Councilmember M. Anderson asked Mr. Bellenger to characterize how the PTR Commission reconciles the question of parking and access to the field. He is not doubting the need and the value of the field but he thinks there have been points raised about this being kind of a node for swimming at Acalanes, the activities that happen at the high school, and now a sports field and trail staging area along with the dog park, and a lot of pressure is going into this area and people wanting to access it by car because they will come from all around the City. He asked if the 78 spaces were discussed as put together as being a reasonable way to address the access situation.

Mr. Bellenger said he doubts they can find another place for a field, and this is a unique opportunity. Anywhere a field is developed will create more traffic. The City has traffic congestion everywhere. He has lived in Burton Valley for over 40 years and he guarantees the Council that when people are using the fields at the Community Park or the Burton School there, there are cars everywhere. There are two swim clubs in the area on the weekends with cars. So the issue of traffic going along with people having to take their kids to play sports is going to be a problem no matter where it is. As one person pointed out at the last Planning Commission meeting, there are no full sized fields that are not under the control of the schools on that side of the freeway, so many kids end up going all the way over to the Community Park, to Buckeye Fields for baseball and soccer. So there is a lot of traffic that is actually traveling through that intersection to try and get to the fields in the other area. In fact, there are parents who just decide it is not worth it driving from home all the way over to Burton Valley to play sports. So having fields in an area where there are kids is very beneficial.

As far as the size of the parking lot, it was compared to the Community Park fields and the Buckeye Fields, but they were satisfied that the number of spaces was commensurate with the use.

MARK HAAS, , said a soccer game is 11 people per team plus a few reserves to rotate in and out. This is a minimum of 22 people and it would be rare to have two siblings in the same car on the same team at the same match at a soccer field. Therefore, they are talking about a minimum of 44 cars, 22 teams on the field, and 22 teams coming to the next match and there is a total space of 78 players. They lack sports fields in Lafayette for older players and he presumes this would be used mainly for their older players. The older players kick very hard. The perimeter of the soccer field is absent and as mentioned before, there is a 60 foot height elevation. These soccer balls are going to leave the park and end up on Deer Hill Road, in the parking lot and all over the place and there will be insufficient parking with game day on Saturdays and Sundays.

Regarding the roundabout, the U.S. Department of Transportation has very clear recommendations about the construction criteria for roundabouts. Their recommendation is that not more than a 2% grade be present and he believes the location that is presented tonight is more than 2% grade.

The recommendation and constraint for 2% or less than 2% grade is for site visibility. Deer Hill Road is 45 mph in this vicinity. To accommodate a 45 mph roundabout or the speeds therein,
one must have such a tremendous distance that it is not feasible. An approach speed of 25 mph requires a roundabout diameter to be 180 feet. His guess is that they have no more than 100 feet from side to side in the roadway easement. The approach speeds are likely to be 15 mph going through this roundabout. He is all for reducing the speed on Deer Hill Road and thinks it is fast to begin with and he would recommend a separate meeting convened to reduce the speed to 35 mph for safety, but regardless, 15 mph traffic calming activity the City will put there is going to put tremendous pressure on traffic. It will back all the way to Hidden Valley where the BART station is during rush hour times. The City just does not have the topography to construct a roundabout and maintain adequate traffic flow.

Lastly, in the Circulation Commission meeting in February there was an ad-hoc request that the developer return to study student ratios. The concept originally allowed for 6 students from this site and he thinks they are well beyond that amount.

Councilmember Tatzin referred to soccer and parking and said there are 44 cars. Mr. Haas said there are 44 at a minimum, given that there are another 2-3 players in reserve. Councilmember Tatzin noted that the parking lot is 78 spaces, and it sounds like if they were to reserve the lot for soccer, they are under that number. Mr. Haas said if they are only going to have soccer players and not for trail users or other activities, perhaps parking will work.

Councilmember Tatzin said one of the topics the Council must discuss is how the lot is going to be used. People who go to BART may park there because they cannot park anywhere else and then parking goes away. Mr. Haas agreed and said they have seen and the developer has constructed, a fence on the former gas station site to keep Acalanes overflow parking and other activities from there so he already knows there will be serious traffic and parking impacts at that intersection.

GREG WOEHRLE, said he is in favor of this project and would like everybody to remember that they cannot lose site that this is an alternative to something that was already on the books and proposed a much greater density and potentially a different use. He thinks when everybody is thinking about this, it is thought of as the alternative project. He has two children at Happy Valley, two children at Stanley and two children at Acalanes, so he is very familiar with running all around town getting his kids to various sporting events, school activities or the swim pool. He will say that the idea of having a field in this area and some of the other amenities that go along with the path, additional parking, potential drop off or access for his Acalanes students to be picked up, or some type of mitigation or control is very appealing to him. He is also concerned about safety and he must drive sometimes at dark to pick up his children at Burton Valley at the soccer fields when he is in Happy Valley, and sometimes he finds himself rushing fast just to get there. So there are some great benefits to having a field close to those who live on the Happy Valley side of the freeway.

Some of the other things he wanted to point out are that his child loves to scooter and he scooters often from his office downtown or from Stanley Middle School because he either has to go to Acalanes to meet his sisters or goes to the swim center. Having some type of path alternative to Deer Hill Road is very, very appealing. One of the reasons they have apprehensions of letting him scooter is that it is not very safe to get from downtown, cross the freeway and over to Acalanes or Springhill pool, so this is desirable as a parent.

He said Councilmembers raised many good questions and one of the great things about Lafayette is that they do have a process and a process that seems to work. So he thinks they have to take into consideration many people’s comments and try to work solutions
collaboratively and together. He thinks the Council knows when people put their heads together collaboratively, they end up with very good solutions, and he voiced his support for the project.

COLIN ELLIOTT, asked Mr. Wolff to put up the slide that shows where the drop off circle is on Deer Hill Road. He said it was May 15th that the FEIR was published, which is less than 3 weeks ago. The FEIR is a massive document with 38 pages of mitigation measures yet it went through the Planning Commission very quickly. He was not sure they should be having a separate meeting just to talk about the EIR and all of the mitigation measures. There are numerous things in it and in the final that the Planning Commission did not even know about. He mentioned there is an additional traffic study here that says a southbound right-turn lane from Pleasant Hill Road up onto Deer Hill Road would actually help traffic. They looked at him and they said right, and added it as one of the conditions of approval.

He said there is another item that looks at an alternative project of just 10 homes. It is buried in the response to somebody’s letter but they went into a lot of detail. Therefore, the EIR has many issues, much mitigation, people have talked about how much water is going to be needed to establish the landscaping, but he questioned dust mitigation. There are measures for spraying water. It mentions recycled water and there is some debate as to whether recycled water can even be used or what type of recycled water can be used. It must be potable water or it cannot be sprayed. There are issues the EIR does not even get into because it is probably not within the scope, but the Council must think about that and where that water is going to come from. If the wind gets over 20 mph, he asked if they will install wind monitors and if so, he asked where they will go and who will install them. He asked where the nearest wind monitor is and there are many issues like this.

Mr. Elliott said the Council has heard there is a 60 foot change in level from the parking lot up to the sports field. As a result, people will use the drop off and it will be incredibly busy. He pointed to the slide and said it is on the very steep downslope of Deer Hill Road. The entrance into the parking lot they have been told is a right-turn only yet the drop off circle is apparently available for right-in, left-out, left-in, and he asked the Council to think of how dangerous that is, and thus far this has not been addressed by anybody.

RON BROWN, said he and his wife have been the spokespersons for their homeowners group. He said interestingly enough they have 45 homes there which is pretty close to the proposed development. There are two things in the staff report he picked up on which is that there are only two impacts that are unmitigated and unavoidable problems with the EIR. The first one is traffic and the second one is noise with regard to the park and the recreation. He said if the Council eliminates the parks and recreation, there will not be any noise.

Secondly, if the Council will think about all of the extra impact to traffic that is going to come at peak periods with either the park, the sports field, the dog park, the walkway and so forth, all of those are going to add and impact traffic. What he thought was very interesting about the unmitigated problem with the traffic is that in addition to this project, trips to Pleasant Hill are projected to be unacceptable peak hour traffic delays by 2030, but this is 2015. He said about 4 days ago it took him 30 minutes to get from his house to Acalanes High School. Fortunately he is not going to live long enough to see what the impact is in 2030 but it will be bad and he just thinks that adding these non-essential elements to this plan really is a wonderful way to create additional problems and it all will be mitigating on traffic. Missing from the EIR which he thinks is the most significant and unavoidable impact at all is roundabouts. He loves roundabouts and has driven and visited all around the world and they are great, but they are not great when they are at the crest of a hill that is downhill where people cannot see until they get to them and there
is not enough room to get two lanes to go around it. He would call this an unmitigated disaster and this is what is coming.

Mayor B. Andersson asked Mr. Brown if he realizes that the roundabout proposed is not at the top of the hill at all. Mr. Brown said it is where the red house is. Mayor B. Andersson asked Mr. Brown if he said it was at the top of a hill, and Mr. Brown said it is on the other side of the crest of the hill, but it is still not far enough away to even be able to see it and it is a major incline at that point and makes no sense.

Councilmember Tatzin said he has every confidence Mr. Brown will be here well over 2030.

GLENN LUCEY said he has a couple of kids that will be going to Acalanes High School next year and he supports what Hunter Davis and Colin Elliott had to say and they touched on most of what he wanted to touch on. He wanted to differentiate one of the things which are the possible health risks due to the dust. He wants to make sure it is addressed because it is an important thing due to the wind factor and blowing dust over to the school which is more than what is allowed for cancer risks and health hazards. These are non-negotiable items to him and the rest of them seem like they are negotiable things. He believes there will be something built here but it is our job that it is the best possible thing, the least legal wise and they get the maximum positive benefits from it.

He said he wants to make sure the Council is reading the letters on the dais especially the ones written by Nancy Splitter and Susan Candell which are comprehensive and touch on all subjects. He thinks Ms. Splitter had a good point about a sidewalk and how kids from this development are going to get to Springhill School. Right now, he does not see how that is possible, given the sidewalk situation there. To get at the end from Acalanes High School to across the street from Springhill they must go in a very sketchy area and he does not want his kids going through there, noting that it is not always safe. He said he is not sure how this fits in with the General Plan of Lafayette. From what he understands from reading certain things if they build these homes it will be 8 years ahead of where they were supposed to be as far as the additional housing, but he was not sure this is true or not.

He did a quick math on the soccer statistics and there will be at least 15 per team which makes it 30 and when doubling that for people coming in for the next game, that is 60, plus parents and grandparents, it will fill up the parking lot. He is also concerned about what people have brought up about the Planning Commission and Circulation Commission and how they are passing things through so quickly and why that is. He wants to be sure the Council is looking closely at what they are doing because he does have confidence after being at his first meeting here today that the Council is asking the right questions and if they have the right information and know what to look at, he has confidence that the Council will make the right calls as far as what will happen here.

Regarding drought resistant plantings, it seemed like very vague language. He thinks it needs to be a clear agreement as far as what plants or trees they will put in but not that they will try and do it. He suggested having clear, written language so it can be followed and reviewed later, and if not, require the developer to do that.

Mayor B. Andersson said if Mr. Lucey looks at the plans, it actually identifies how many of which kinds of trees there will be, and this information is there.

BREAK
Mayor B. Andersson called for a break at 9:35 p.m. and thereafter reconvened the regular meeting at 9:40 p.m.

JENIFER PAUL, said there is another sports field that is available. In fact, the school district looked at it and City Manager Falk measured it. It is the lower Upper Burton Valley has a sports field that is flat and used for practices and games. She thinks that the project needs story poles and they have said that the topography is going to change. She also asked for a 3-D model and something better and bigger than what is being used because she has been on-line and the tool like it showed here makes it look flat. She cannot get this visual and what is needed is that visual.

Regarding health concerns, she does not think enough is being said. The health risk is something that cannot be ignored. Not only does this project increase the cancer risk during construction but the traffic pollution of idling cars is harmful. Furthermore, if children are playing on a sports field, when looking at the EIR it has asked that one of the conditions to mitigate this is that all residents are supposed to stay inside with their windows shut, use an air filter that must be changed every 3 months, but they are creating all of these open spaces and she feels like she wants to scream on her feet and ask what is missing? She asked why they are creating these lovely open spaces and places for children to play when talking about an increased cancer risk just by being that close to Highway 24.

Regarding the school impact, the yield rate is completely out of line. They are talking about 44 homes and it is suggested 6 children in K-5, 6 children for grades 6-9, and up to 12 to 18 children for this project which she feels is ridiculous. She has 2 kids at Springhill Elementary School and one child at Stanley School. Springhill now has over 500 children now. When she moved to Lafayette 9 years ago and her daughter started elementary school, there were 400 children. She attended meetings at the Lafayette School District and Acalanes School Board, and Lafayette is completely impacted. They are talking about making Burton Valley a super school of over 900 students. When she attended the Wednesday Acalanes meeting, the superintendent was discussing whether they could use the stage in the large multi-purpose room as a classroom, the janitor’s closet, teachers’ lounges because Acalanes will surpass 1500 students in the next few years. She questioned what the Council is doing.

Regarding the visual impacts, she feels that if the Council allows this project it will ruin one of the most beautiful sites in Lafayette. She loves Lafayette, wants to stay here and it is what she envisioned as a place to live and she is excited that she has three children who can live here, but if the project is built, she feels the Council is breaking a huge part of what is the city. She lives right by Springhill Elementary School and Acalanes and is grateful she gets to walk to school and her children get to take a bus, but she drove her daughter to Stanley School and it took 45 minutes round trip the other day. Lastly, she showed a picture to the Council of when she was walking her kids to school and a fire truck could not get through.

Councilmember Mitchell commented that he is an Alumni of Springhill School and went to kindergarten there in 1962, but the application here is the outcome of the APO zoning that has been in effect since before 1968 so the applicant has a legal right to build on this property. What the Council is trying to do here, and they are all working to understand this as best they can and see how they can shape it the way it best serves the community. He hears what Ms. Paul is saying and he is behind her 100% to make it the best they can and that is why they are here.

Ms. Paul said the APO is not necessarily a right to build a certain amount of homes. It is Administrative Professional Offices. Councilmember Mitchell said the APO zoning assigned by
the County in the 1960’s or so allows for a much greater density. It would be very difficult to get to a level that is below the density that is proposed from a legal point of view.

SUSAN CANDELL, said in the new SEIR, it states that the off-site community cancer risk is above the limits during the grading and construction phase for sensitive receptors within 1,000 feet of the project which includes Acalanes High School, Sienna Ranch and local residents. This project is producing so much dust and particulates that it increases the cancer risk to students at Acalanes, plus elderly and children in the area. It does this for a significant amount of time and that is what is different about this project. It is big and long. They have many current students at Acalanes who are cancer survivors and far more asthma sufferers and said the Council needs to do the right thing.

She said other big Bay Area cities today, plus lots of cities all over the country require active air monitoring to measure the dust. However, even though the Planning Commission was very supportive during two meetings, the FEIR did not change. Instead, there were statements that said, “Short term monitoring of particulate matter would not distinguish between ambient concentrations generated by the on-road sources generated by existing vehicles and off-road equipment and fugitive dust on the revised project site. Furthermore, the concentrations of particulate matter are based on 24-hour averages. Because monitors are not real time, monitors of particulates would be averaged a day after they are emitted. Their effects would not be limited to construction setting. Installation of an air quality monitor for the purpose of monitoring construction air quality would therefore not reduce the impacts nor provide an effective means of monitoring compliance.” She said over the past couple of months she spoke with two local industrial hygienists who work at two different local air quality service providers. One is in Lafayette and one is in Walnut Creek.

She called the industrial hygienist from Lafayette and he reassured her that real time active air monitoring is not only possible but he recently installed one in the Bay Area, and she provided a link to the actual equipment they are using. It is real time with calibrated back scatter monitoring of different particle sizes, especially the PM.25 micron particles that are the cancer causers at the school. He also assured her that a period of two weeks is typically sufficient for establishing a baseline, so the separation of ambient versus project dust can be determined and calibrated. So comment number one in the SEIR is unfortunately not based on actual services they can get right here in Lafayette so it is inaccurate and must be stricken.

Regarding comment number 2 in the EIR, the 24-hour device does exist and it is very true that it is not what they want for the site. Often the air quality providers install a sampling which is what he referred to is a sampling monitor and not an air quality monitor. Therefore, comment number 2 should be stricken because often times when they do active air monitoring, they also do the 24 hour one to calibrate it. So they want to take this out of the EIR because they actually want to install one.

In addition, there were two Planning Commission meetings where Chair Chastain asked Mr. Wolff directly if they could include active air monitoring as part of the mitigations. In both cases, he answered yes. Therefore, she asked the Council to clarify why the current answer in the SEIR is “no”. She thinks it is within the Council’s jurisdiction but they just have never done it before and the Council should look into this.

LAUREL STANLEY, said she is also an Alumni of Springhill, Stanley and Acalanes schools. She lives in a house her parents built in the 1940’s and has seen many changes in Lafayette. She thinks the thing that troubles her most about this project is just that the traffic on Pleasant
Hill Road and Deer Hill Road is just horrendous as the Council has heard over and over again. Then there is the SEIR which has a number of unavoidable adverse impacts two of which are mentioned in the staff report and those talked about which are traffic and noise. Then, what is explained for the SEIR is that the City is going to make a Statement of Overriding Considerations. What this means is that they will make a finding that there are unavoidable impacts that the project is going to have which are overridden by the benefits of the project.

She thinks that they do not particularly need 45 new homes in Lafayette, but apparently what people think is that they really need and must have the sports field, so the field is the thing that will allow the project to get approved, yet it is what significantly exacerbates the problem. They have a terrible situation right now between Pleasant Hill and Deer Hill Roads which goes for miles in either direction several times a day. They should not then roll over and say because it is horrible now it cannot get any worse. It can get worse and a lot worse.

Added on top of that is 45 homes, detached, semi-detached which is sort of interesting. She finds the layout very interesting because she cannot tell what will happen at all. So on top of this there is the sports field which will be packed. She agrees with someone who made the point that it will be a great backup lot for BART. The sports field will make the situation already bad and worse with housing. In her family, they do not go out to dinner in Lafayette, to shop during the day, she goes to Walnut Creek for Trader Joe’s and Pet Food Express, they eat out in Walnut Creek, and avoids Lafayette at all costs except for first thing in the morning and maybe midnight. She thinks this is sad because she loves the town.

GUY ATWOOD, Springhill Valley Homeowners Association which represents one out of every 25 single family residence in the City of Lafayette. What their goal has been is to try and make this project better. They have offered many ideas, offered a lot of questions and thus far they have been totally ignored throughout the process. Their biggest concern is the fact that this process has been rushing very, very fast. They cannot keep up with it and cannot read all of the materials. They do not have time to study it, ask questions of experts or have time to meetings and do not have time to make presentations. He said there have been 5 meetings on this project in 7 weeks.

Mr. Atwood said he has been involved in Lafayette planning matters for 45 years and nothing like this has ever happened in the history of Lafayette and this is the largest single family project in its history of Lafayette and they plead with the Council to slow down this process and let them catch up and be more of a part of it so the Council can listen to them and work together to make this project better.

With that said, they are committed to sending the Council, by the June 22nd meeting, all of the questions they have asked and other things they would like to know about the project that so far have not been answered. As part of that, hopefully they can get these answers back and their request made within a couple of weeks. They are prepared within 4 weeks after that to send a complete list of all mitigations, all conditions of approval and all the ways in which to improve this project not only for the project but also for the SEIR. Again, he pleaded and asked that the Council extend the tolling agreement and give the community who will have to live with this project every day of their lives for the rest of their lives the benefit of trying to make this project better, and give them the time to do that.

EMMA BISHOPP said she believes she may have also spoke on the project also 8 times, and she thinks the Council has picked up on the high degree of frustration amongst the community because so many of them have mentioned many of these issues and they are feeling that their concerns and fears for the future of Lafayette and their quality of life, especially for those living
north of Deer Hill Road and Pleasant Hill Road, are basically being ignored. The issue that particularly concerns her and what she has given the Council are pictures of one of her daughters. She has three girls, two of which are currently at Acalanes, one at Stanley and her middle daughter has already had cancer. She has had 2 ½ years of chemotherapy and she is a significant risk of additional cancers because of that treatment. She is only one of several children at Acalanes or who will be coming to Acalanes in the next few years who have had cancer in the community. Currently those children, including one who is currently at Acalanes, has already had his lifetime limit of radiation and she is just beyond frustration and upset that they have come to numerous meetings and mentioned this issue of particulate matter and dust control.

She is resigned to the fact that something must go in there and that this is certainly a better project than what was proposed before, but she is really concerned that all of their issues regarding the field and additional traffic it will cause, and therefore, the ongoing issues of particulate matter for children seem to be ignored, but also the air quality monitoring at Acalanes High School. This is a huge issue. It is interesting to her that those who do not live and will have the problem with the traffic from north of Deer Hill Road are very keen to see that field because it will benefit their children, but no one seems to be genuinely concerned about those 1200 children who are daily at Acalanes School and will be, if they do not make sure that all mitigating factors including the additional mitigating factors that she and Susan Candell asked for at the last meeting, if those are not introduced and there is not sufficient air quality monitoring on a daily basis where they can guarantee that the developer is truly doing what they need to do to protect children, then everybody is doing a huge disservice to their children. She finds this completely ironic considering everyone is so concerned about having somewhere for the kids to play but nobody seems to care whether they will get cancer or not. She said nobody wants to go what she has gone through with her child already and she asked that the Council at least bring in the air quality monitoring that they are asking for if nothing else.

JEFF DAVIS, said the last time he was before the City Council he was concerned about the roundabouts and traffic narrowing and calming that was going to happen on Deer Hill. He was afraid it would encourage traffic to jump up on his street on Deer Hill, but he said it did so now he will complain. He has been a resident of Lafayette for 64 years. He lived in his present house for 44 of those years and when he is hearing people say they are a veteran who has lived here for 20 or 30 years and want to complain, they are the “new kids on the block.” When he came to Lafayette it was not yet a city.

He disagreed with Mr. Atwood’s statement about the biggest development in Lafayette. He was here when he watched Via Robles being built. Hidden Valley was not there. Burton Valley was not around and it was pear and walnut orchards. Happy Valley Glen was just being built. He has seen 80% of the homes built since he has come to Lafayette. The sky is not falling and there will be more buildings coming in. He supports the project, has met with Mr. Baker and he spent a lot of time with him explaining how they got to the point with where they are with negotiations with the school district, the fire department and the different commissions. They put a lot of work and explaining how it works.

He said his main concern about this project is the speed on Deer Hill Road and he encouraged the Council to reduce the speed from 45 mph to 35 mph. Deer Hill Road was put in when Highway 24 was first built in the 1950’s. It was at that time a dead end road that serviced the houses on Deer Hill and Elizabeth Street that got cut off and went up to the two houses where the dog park was going to be and it ended there. Then, in the 1970’s when Highway 24 was expanded to allow BART to come in, they made Deer Hill go all the way over to Acalanes High School and it became a thoroughfare to service BART. As time has gone on, that 45 mph speed
limit has stayed the same since everything else had speeds reduced, Mt. Diablo Boulevard in particular. He thinks the only faster road is Taylor Boulevard which is 55 mph and it is a two-lane expressway. Deer Hill has now become an expressway bypass of Highway 24 and it is clogged with traffic.

Mr. Davis said he has discussed the roundabout and is not sure it is going to work especially at the speed they are suggesting entry to it, and he gave Mr. Coe 4 examples of roundabouts that did not work. In Pleasanton on Vineyard Avenue, the City had to remove two of them at the cost of $544,000 and in La Mesa, California, two had to be taken out only after being in for 1 ½ years on Harbison. He presented examples of ones that did not work and he asked Mr. Coe to give him an example of one that does work that is the same size and the same type of traffic flow.

JONATHAN WESTEN, asked Mr. Wolff to display the Google maps of the two properties. Mr. Westen said to reiterate the points made earlier, he thought the Council has asked some good questions already and hopes they continue. He thinks something that needs to happen for the public is that the process be made clear at this point is how many more meetings the City will have and what is being decided upon at those meetings with advanced notice so people can look at a meeting date and know what to come to talk about. He has attended the Planning Commission meetings, the DRC meetings, the Circulation Commission meetings and the problem is that the project keeps changing. Then it is approved and moves on and it is not okay.

Mr. Westen thinks the Council is going to need two things—common sense and a spine. He said a number of proposals in this project are ridiculous and they do not pass the common sense smell test. He thinks 12 to 18 students is unrealistic for this project and he thinks young families will be moving into the homes. The idea that there will be 12 to 18 students is absurd. The idea about the sports field is crazy and it is a ridiculous spot to put a sports field. They heard there is a problem with sports fields no matter where they are. This might be right, but he asked not to put it at one of the busiest intersections in the entire City and cause more traffic during rush hour. At previous meetings, people keep saying from the commissions that it is not a problem because they do not think Deer Hill Road should be used as an access road and people should not be using it to access anything in the City, but this is crazy. It is a major way for people on that side of town to access downtown and BART, especially with impacted traffic on Highway 24.

Mr. Westen said the three things the developer is going to say is that they will tell the Council that they are not doing anything to this project. It has already all happened. 85% of the project has been impacted already. He said if the Council looks at the Google map view without the project, the Council will see rolling hills. Whatever part that has not been impacted has not been seen and the part that might have been impacted probably was done without any City permission. So it is like robbing money from a bank but then saying, don’t take the money, it’s mine. He reiterated that he really wants to make sure the process is clear going forward and wants to know how many meetings and what is happening at those meetings.

TREVOR PAGE, said he will be right next door to the dog park and directly across the road from the 44 homes. He supports the project and has from the beginning. They believe it is a property rights issue, well within the zoning, well within the City’s General Plan. The overall public benefits are the sports park. Even with some traffic problems they think the project far outweighs potential problems. Some people have said trees not growing well, but he invited people to his house and he will show them 100 year old trees that have been through many droughts.
Some people have said they will revegetate the home sites, but there is nothing up there now but an old quarry. The slide that was displayed looks quite green but 10 months of the year it is tan and not green at all. So planting 900 trees can only enhance that area. He supports the project and he hopes everybody listens to experts rather than lay people about roundabouts and things. He personally likes roundabouts and grew up in New Zealand with ones steeper. If they are engineered properly they work. He is not sure people realize this, but the roundabout will be in between his driveway and AMD Trust’s driveway, so it is not as steep as some people think it is and a roundabout there properly widened and engineered is the perfect solution.

JUNE ANDERSON, said she is going to touch on a couple of things based on her professional experience that might provide some insight. One is that she read the process agreement and the Council and staff has already acknowledged that it is outdated. They have listed public improvements’ valued at $2.5 million of which $1.8 million plus is being provided by the developer. Any difference in the cost of those improvements between $1.8 million and $2.5 million is shared by the developer and the City and if the improvements end up costing over $2.5 million it is all paid by the City.

She said there is nothing in the agreements about who is going to maintain the fields or what budget is going to pay for both the overage and maintenance of the fields. By experience, there is no escalation clause in that agreement so if this parcel is developed 5 years from now, the developers have $1.8 million they are committed to and the City is not going to build any of those improvements for $2.5 million based on 43 years of experience in capital projects in a City three times as large as Lafayette. She would like the public to know and staff and City Council to know that there are going to be increases. Someone is going to have to pay for those increases by increased taxes, as the operational budget will not.

She also wanted to know whether the City is trying to meet some kind of state or federal government mandate for lower to moderate housing units with this development. She asked if Lafayette is a CDBG funded city at all or do they get federal funds. If the City gets certain federal funds, they must meet certain housing stock and they have not done a development like this in 50 years. She also said purple pipe is typically reclaimed water. It is not potable but reclaimed and she did not know if the City has a reclaimed water system, but there are state mandates that the developers will have to use for their landscaping that the City Council may not know about. They are also grading more than one acre and will have to meet some very vigorous pollution prevention control programs with the development which has not been mentioned anywhere by staff or the developers that the public should know about as well. She also noted that reclaimed water kills native landscaping.

Mayor B. Andersson said market rate housing is being proposed and it is not affordable housing.

ROBERT WILLIAMSON, acknowledged the efforts of the public, the design team, City Council and staff. He thinks a lot of effort has gone into this project. What they have heard repeatedly from the community is that they felt there was a lack of a liaison through this process which would have helped weed out some of the legalities, some of the constraints and get a clear understanding because there is so much information being passed around. Some of it is misinformation and he thinks they were lacking that one person to help guide that process. He suggested in the future if there is any way to interject that into the process before it is completed, it would be worthy of consideration.

Mr. Williamson said he would like to talk on one issue which is the sports field. Hopefully it is not like a red herring where the developer felt like they had to offer a community benefit or public
amenity in order to get approval of the single family homes. What a lot of people like about this site more than anything is its raw nature. If a conveyance of some of that land to maintain that raw nature and what the people really like is at the peak of Deer Hill is the view of Mt. Diablo unencumbered. If there were a conveyance of that open space in lieu of building something that actually needs to be maintained, he thinks the community would get a lot more benefit out of it in the long run.

To the point of needing additional sports field, he has three young kids. They are not yet playing in sports field but will be soon, so he can appreciate that. While this might be a half-baked idea, he wondered if the City has looked at the BART parking lot site as a possible area of doing a sports field, parking, below grade type of solution. He said there are obviously safety concerns being along the freeway and BART tracks, but it is a large, flat site, transit oriented and BART already has to deal with parking issues and they are trying to come up with solutions so there may be a synergy here where they can work together with them and actually find a sports field parking solution that solves this. They can then put a lot of this development focus into that downtown core and keeping that density out of the suburban and outlying areas. He thinks this might be something to consider, did not know how far that would go, but he will conclude.

Councilmember Tatzin said some people have testified today about their concern about air pollution on the proposed sports field. He asked if Mr. Williamson thinks that air pollution on a sports field over the BART parking lot would be lower. Mr. Williamson said he cannot say it would be because, as he said, it is a half-baked idea.

NANCY SPITTLER, said she sent the Council a letter with several issues and said she is very concerned about this project. First of all, she does not understand until tonight that this project basically is a done deal and asked if that is right.

Mayor B. Andersson said it is not.

Ms. Spittler said it sounds like the public either puts up or shuts up. In other words, they get the 44 houses or 300, but they do not have a choice of saying no.

Mayor B. Andersson said this has been a long process and if Ms. Spittler goes back and reviews all materials when the project was first proposed, she will get an idea of how they got to where they are now. He said the Council has not taken any final action on this.

Ms. Spittler said she would therefore propose that this property be made into soccer fields. She suggested the City buy the property from the owners and to throw the entire project out. She said she is sick of coming to the meetings, writing letters, telling the Council that the traffic on her street because of the overflow from Pleasant Hill is so bad that they have had children hit. She has seen people killed on Pleasant Hill Road and Springhill Road because of traffic and nobody is addressing it or has talked about it. She thinks it is ashamed the Council is not addressing those kinds of issues because she gets a lot of overflow on her street and as an aside, she asked if an HOA will own the landscaping on the property once signed off. She thinks once it is signed off, Lafayette loses all jurisdiction on the size and placement of trees and all of the vegetation. She supports all other comments that state this project is not a good idea and she proposed the land be made into playing fields for the kids.

Rebuttal – Applicant

Allan Moore, Gagen McCoy, introduced Amara Morrison from Gagen McCoy, said they understand this is a study session and introduction tonight and they will respond more at further
hearing. He said David Baker asked him to address a couple of important points. One gentleman spoke that when the area was graded, the owners of the property did so without permits which he said is not true. They have the permits which are part of the public record. They submitted the permits which were received by Tony Lagiss 20 years ago as part of the public record during the apartment project and he will get them to the speaker.

With regard to noise impacts, people are still making an error with regard to the reference to the EIR. The EIR finds two significant and unavoidable impacts. One is traffic or 30 years cumulative with or without the project. The other is noise but it is not noise caused by the kids at the sports field but the impacts of noise on the children while they are on the sports field from outside sources, like Highway 24 or people on the path from Highway 24. So it would be improper to suggest the sports field be removed.

In talking more about the sports field, the Council has a memo dated May 4th from the PTR Director. What the Council did not see over the course of 6 public hearings by the Planning Commission alone were the numerous leaders and coaches and representatives in the area coming and telling the Commission that the sports field is absolutely necessary. There were two conclusions to Ms. Russell’s report. One is that this sports field is absolutely necessary. Kids are being turned away and not being able to practice. They are holding games only on some fields because kids do not have time to practice.

Secondly, this is the only place to put it. The Council heard directly from the PTR Commission confirmed in this report that they have looked at every other available site and this is the only feasible site in the City. So if there is testimony otherwise, he would suggest looking very carefully at that report. He said they do appreciate, and he wanted to indicate to the public and Mr. Atwood and others, that they appreciate and listen and write down their comments. One of the reasons this project has been changing and there is a different tentative map and site plan is that as they have tweaked the project in response to public comments continuously from day one. He thanked the Council and said they look forward with working further with them.

Councilmember Tatzin said he appreciates everyone coming out this evening and also for those who have stayed this late. The Council received about 2,000 pages of material for their meeting this evening and only 2/3 of this relates to this project. The other 600 pages relates to the other project. He apologized and said he has not gone through it all yet. The order in which he is working on it is that he has read the staff report and always finds the letters from the public very informative because they tell him what to focus on when he goes back and reads the EIR and SEIR later. So he is only partway through the neighbors’ letters starting with the most recent ones and back to about March.

Based on that there are several things he already knows he is going to be paying attention to. So, to the extent that staff can provide more information about them would be helpful. One would be the internal house layout and the appeal of this as a neighborhood. He said regardless of whether this is the biggest project that has occurred in Lafayette, or as Mr. Davis indicates, is not the biggest. This is one of the rare opportunities the City has to build a neighborhood. He wants to make sure they do it well and he thinks the architects are committed to doing that.

He thinks visibility is a topic and is glad to hear that the model or information on the website can be used in a variety of ways. He needs to learn more about the field. He thinks first and foremost, do they are do they not want it. If so, what sports are going to be played on it and they have not even gotten to the discussions by the Little League that this should be a field designed to accommodate Little League. He knows it is shown with 6 foot fences, but there have been a number of suggestions that regardless of what sports are played there, a 6 foot fence might not
be sufficient and what is needed and how that affects visibility. Also important are the effects of air quality on the kids playing as well as just air quality on people who live in the development and adjacent to the development, particularly during the construction period. The access issues and whether they have traffic circles or some other way of gaining access. Also is the parking, its location vis à vis the fields and how they are going to use it. He said the sports field by and large will not get used until late afternoon most weekdays and he asked if it would sit vacant. Also, one of the things people are telling them in the Community Conversations they are most short of is parking, and he asked if there is a dual use they can make of this parking.

He thinks there was some discussion of when the traffic counts were done and how the analysis for this project takes account of a 2011 traffic count versus current methods. Without doing new traffic counts, he thinks there are ways to address that but he needs to understand what they did.

Regarding grading, there are questions of how much is being done and where, what does it look like before and after, as well as the paths that are on the extremities of the project to Springhill School around the site on the southern side. He thinks it is important to discuss the schedule for upcoming meetings. He thinks it is important for the Council to do this well and to do it quickly, but well for him is far more important than quickly. He also would like to understand if the process that is proposed using the codes to have a situation where he understands the applicant does not concur, but the Council believes that part of this site sits within the setback for the ridgeline and what is proposed to be able to make the findings that they can still allow the development with what they believe is a ridgeline setback when they discussed the Terraces project.

Councilmember M. Anderson said once again, he appreciates everybody taking the time to come out and be a part of this process. It is not going to be a one meeting deal and there has been a lot of work on this. He said Councilmember Tatzin covered a lot of things, but the two important items for him is setting some kind of schedule for the process and having some way that people can understand where they are or maybe they can break this over a period of time and take bites of different subject or they can focus on different aspects. He thinks this is the only way to really help people both digest what they are doing and also stay up with this as they move along. Coming up with a good schedule and a clear indication of where they are going and when would be important.

Regarding the comments on cost control on the park improvements and operational costs, Councilmember M. Anderson said he thinks these were excellent points and he thinks the Council should look at that. He would appreciate staff sitting down and looking at where they are with the kinds of numbers they started out with in the process agreement. He thinks they will find themselves way behind the curve on this thing. When they set up the process agreement, they thought they had taken a good shot of getting most of the cost covered by the developer but they will find out that they may be looking at a big liability. The operational cost is also yet to be divulged, so this should be on the table also, and a clear definition of areas that will be HOA maintained and controlled versus those that are outright public.

Councilmember Mitchell said he believes the point that Ms. Candell and others spoke about regarding air quality which is AQ-3, he does not have a good understanding of that and he would be looking to staff to sort of understand the issues around that. Also, with regard to the students, it was brought up that the project would generate 12 to 18 students and he would like to have a better understanding of how that number was arrived at what impact it will have on the local schools there.
Mayor B. Andersson noted there was a question regarding landscape maintenance and to what extent the developer is responsible over time for that and to what extent that gets passed onto a homeowner association or some other entity would be good to know.

With regard to the roundabout, he heard numbers about the grade of that roundabout and he suggested this be clear, how that relates to guidelines and also if it is beyond those guidelines, how it is mitigated. Also, there was a recommendation to reduce the speed limit in that area. If part of the key to making the roundabout work is to slow the traffic before they get to the roundabout, he asked what mechanisms would be used to do that.

With respect to the small drop-off at the sports field, if that does allow left turns in and out, perhaps there should be a discussion of why that is different than the entrance and exit from the parking area further down the road. It is in a different place, but it would be good to have that clarified.

The question of active air quality monitoring versus sampling, it was brought up by several speakers and it would be good to get a clearer discussion of the differences there. Then since dust seems to be an issue, he asked for a summary of what the dust reduction measures are, how that compares to other construction sites and what the impact is once those are implemented.

ACTION: It was M/S/C (Tatzin/Mitchell) to continue to June 22, 2015. Vote: 4-0-1 (Ayes: B. Andersson, M. Anderson, Mitchell, and Tatzin; Noes: None; Absent: Reilly).

Mayor B. Andersson called on Grace Dixon, who did not have a chance to speak under regular public comment at the beginning of the meeting.

GRACE DIXON, said she is attending a meeting at Burton Valley tomorrow night due to the concern that the campus will grow to 1,000 students because it is the only school in the area with land. She strongly questioned the demographic data on the impact of all the developments on the schools. It lists one child per new home at a best case, but what it does not count is the increase in children in existing homes over the past 10 years.

In her neighborhood alone, 83% of home sales were to families with young children. This is a major conversion over the last 10 years. Her neighborhood has been transformed and what she would like to know is whether there are more realistic demographic impacts from all of the new developments. On a personal note, her daughter was invited to participate in the AIM Program at Lafayette Elementary School. They accepted to Burton Valley which was three months ago, and now they are finding that Burton Valley may grow to 1,000 students, which is a conservative estimate. If they wanted to go back to Lafayette Elementary School where she has gone with her family for 20 years, chances are they would not be able to attend because they are full. Therefore, once they leave Lafayette Elementary School in 3 days, they will never be able to go back. She therefore does not trust the demographic data for developments underway and asked that this be looked at much more strenuously. She thinks the numbers are unrealistic. If, for instance, they look at home sales, they can look at the home buyers moving in and how many children they have and then do the growth based on that. For those buying the luxury condos at the end of town and the Homes at Deer Hill, these will be people who felt like they won the lottery, but they do not have the schools to accommodate which does not benefit children. Now, her child will have a school day from 7AM to 4PM based upon busing.
Councilmember Tatzin said one of the things he would suggest Ms. Dixon do is that the school district conducted a demographic study, and Ms. Dixon said she read it but it is unrealistic. Councilmember Tatzin suggested talking to them about it and Ms. Dixon said she had written the Superintendent who wrote back to her within 6 hours.

Councilmember Tatzin said it is difficult to contradict what they provide the City, and he believes that the 23 townhomes recently built at the site of the old Hungry Hunter, there are about 15 children in those, or 7/10’s of a child per unit which is one data point. Ms. Dixon agreed and thinks that people will downsize and move from a $1 million to a townhome and a new family will move into the $1 million home.

Councilmember Tatzin said they will move out of their house regardless of whether they will move to something else in Lafayette in many cases. Ms. Dixon said she is just saying that the demographic report lists it is one child per home which is completely inaccurate and she will address the school district at tomorrow night’s meeting.

Mayor B. Andersson added that predicting demographics is extraordinarily difficult simply because it is dependent on the economy, where baby boomers are, their grandchildren, and he said Orinda re-opened Wagner Ranch School 4 years after they tried to surplus it because they thought they would never have as many children. He said when talking about any generation in Lamorinda, he would expect it is a very high percentage of people who moved in when their oldest child was between 4 and 6 and it is why people come here. They are talking about supersizing Burton Valley, but they do own another school site but they would have to build the school.

Noted Present:
Vice Mayor Reilly was noted present to participate in the remainder of the meeting.

7. CONSENT CALENDAR

Councilmember Tatzin requested removal of Item A and Councilmember Mitchell requested removal of Item D.

ACTION: It was M/S/C (Tatzin/Mitchell) to adopt the Consent Calendar Items B and C. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

B. Ordinance 639 Reducing the Total Membership of the Senior Services Commission
Recommendation: Waive second reading of Ordinance 639 and adopt.

C. Resolution 2015-28 Authorizing Participation in East Bay SunShares Program
Recommendation: Adopt Resolution 2015-28, authorizing participation in the East Bay SunShares Program. Authorize the City Manager to sign the letter of commitment to Walnut Creek to participate in the program.

8. OLD BUSINESS
A. Michael Cass, Associate Planner
Update on “Single-Use Carry Out Bags”
Recommendation: Receive and file.

Councilmember Tatzin suggested waiving the staff report, stating he spoke with Mr. Cass and Jay Lifson at the Chamber of Commerce who are rolling out information to start the plastic bag
ban on July 1st, however, the statewide ban is not going into effect for some period of time because of the State Referendum. Therefore, the relevant option is to let the City’s bag ban go into effect but not enforce it until such time as the state acts. He questioned whether the Council wishes to do this to be more consistent with the State which is why the Council originally chose July 1st because it corresponded with the State’s ban date.

Mayor B. Andersson recognized that the City’s ordinance goes a little further than the State’s so he questioned why they would hold off enforcement. He suspects people will comply, but he was not sure what was gained by it. Councilmember Tatzin said some merchants are ready to comply and some are not so happy.

Councilmember M. Anderson said he thinks the Council adopted the ordinance with the intent of being clearer than the State and they did it because they thought it was a good thing to do. He suggested moving forward with allowing the ordinance to go into effect, let it operate, and then the State will do something with their own effort. But, he does not think this has anything to do with the City’s desire to ban the bags.

Mayor B. Andersson suggested that with any new ordinance there is a breaking in period where enforcement is perhaps laxer so he does not have a problem with a “breaking in period.”

Councilmember Mitchell said he has always been supportive of the Chamber of Commerce’s position. Originally they had one opinion, and then changed it and now he is not clear where they are with regard to that.

Councilmember Tatzin said the Chamber of Commerce Board of Directors had discussion, were happy with the ordinance going into effect, and he thinks they would not oppose a breaking in period. Mr. Cass stated staff can work with the Code Enforcement Officer and take the direction of the Council to work with merchants and assist them to comply with this new regulation.

ACTION: It was M/S/C (Tatzin/M. Anderson) to receive and file. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

B. Mayor B. Andersson
Community Conversations Recap and Next Steps
Recommendation: Discuss and direct staff.

Mayor B. Andersson said since this is something that might require a bit of discussion, he introduced the concept and suggested the Council consider continuing it to another meeting.

He said they have held the Community Conversations, received a number of responses to the surveys, both on-line and in the Vistas. They had 3 Community Conversations and the expectation was that there would be interest in the first one and diminishing interest. In fact, there was increased interest in them, noting that the last one was almost twice the size of the first one. There is a lot of good information there and this is something to provide the Council with a sense of taking a temperature of the citizenry about what they feel is important in the long-term. The question comes as to how the Council digests the information and acts on it or presents it back to the citizens.

He said one thought was that he and the City Manager could work on a proposed approach or perhaps the Council would like something more general. Unless Councilmembers have a strong consensus as to how to proceed, they can do that or continue the matter for another time.
Councilmember M. Anderson suggested continuing the item and hold a full conversation. He thinks people were interested at the meetings for understanding how exactly they would process the input and he thinks they should have an opportunity for those folks to show up and figure out what will work best.

Councilmember Mitchell asked the Clerk which meeting would be appropriate based on agenda items, and City Clerk Robbins suggested the first meeting in July and the Council can continue the item again as needed.

ACTION: It was M/S/C (M. Anderson/Tatzin) to continue the item to the June 22, 2015 meeting. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

Mayor B. Andersson polled the audience and asked how many people were present for Item 10A, 10B, or 10C.

ACTION: It was M/S/C (Mitchell/Tatzin) to re-arrange the agenda and hear Item 10C. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

10. PUBLIC HEARINGS

C. Catarina Kidd, Contract Planner
Should Banks Be Permitted by Right in the Downtown Special Retail District?
Land use policy for Downtown Special Retail District – General Plan, Downtown Specific Plan and Lafayette Municipal Code Zoning Text Amendments and (b) L10-12 Chase Bank/Stantec Architecture (Applicants), Frontier (Owners), SRB Zoning: Land Use Permit application to construct a new 4,151 +/- square foot building for financial service use on the ground floor within the Special Retail Business (SRB) District. The vacant 16,602 square foot parcel is located at 3603 Mt. Diablo Boulevard (APN 243-110-006).

Recommendation: Consider the inconsistency between the General Plan (GP) and the Downtown Specific Plan (DSP), that the DSP be amended to be consistent with the General Plan, and that the zoning ordinance be appropriately amended. It is further recommended that the application be continued until the GP and DSP are amended.

Councilmember Tatzin disclosed that he had met with Joel Keller and Wilson Wendt regarding this item. Mayor B. Andersson disclosed he had met with the applicant last week, and Vice Mayor Reilly said she met with the applicant in 2014 on the same project. Councilmember M. Anderson disclosed he met with the applicant in 2014. Councilmember Mitchell said he was invited, but did not meet with the applicant.

Contract Planner Catarina Kidd said tonight’s presentation is a summary of the staff report with a focus on the policy issues related to the application. No decision is being made at tonight’s meeting regarding the actual Chase application. It is being noticed so the Council can reference it. The details regarding the application were presented to allow discussion and give the application the ability to move forward.

Ms. Kidd asked the Council to note that the policy decision would apply to all properties within the same zoning district and area. She said she would provide a background, move into discussion regarding the Commission’s recommendation and discussion and staff’s comments.

As background, during the course of review it was determined that the General Plan had not been amended to allow banks as a land use by right during the 2012 DSP process. This
inconsistency impacts the subject application in that the land use (banks) is not permitted on the ground floor in the downtown core for the General Plan whereas the DSP contains a program to amend the zoning ordinance to allow banks by right.

To rectify this inconsistency between the two documents, staff sought guidance first at the Planning Commission and now at the City Council for its direction along with some ideas that were passed on from the Planning Commission. The Council will find the detailed discussion in the section of the staff report under “Applicable Policies.” Based on the direction received, either the DSP will be amended to be consistent with the General Plan or vice versa.

Next, this item did go to the DRC based on a request by the applicant. Staff recommended it go to the Planning Commission first to discuss the policy; however, the applicant preferred to go to the DRC to get the initial aesthetic review. There they discussed only aesthetics. There was no discussion at the DRC regarding the issue of use at all and this was reserved for the Planning Commission.

At the Planning Commission review the discussion broke out in two main topics. The first was, is there indeed an inconsistency between the two documents and it was a unanimous vote that the Planning Commission believed there was an inconsistency between the documents. The second question was what direction to recommend to the policy or regarding the policy about ground floor uses facing Mt. Diablo Boulevard, particularly in the downtown core area. The discussion came out in two different scenarios. One was the recommendation to go with the General Plan and carry forward that prohibition of any ground floor use facing Mt. Diablo that would not be retail or basically to disallow banks on the ground floor. Option B was to support the DSP program and amend the General Plan and zoning ordinance to allow banks by right.

There were several key comments made. The first was from the Planning Commission Chair who was not able to be present at the meeting. He sent a letter to staff and asked that it be provided to other Commissioners as part of the public record and also as part of public materials available at the meeting. The Chair supported banks to be allowed by right. He felt that was the intent of the DSP and that enough time has not passed to test that idea as being perhaps detrimental to the retail district. He felt there was not enough time to put that idea into practice, so he really supported the idea of allowing banks by right.

There were also discussions or comments made by other commissioners on the opposite end of the spectrum, which is banks may be designed as retail but the reality is they will never become retail uses because banks tend to stay not only for a long time, but even as they move on as an institution or organization, a like land use can and would move into that space and there are economics regarding that. There is a certain pattern that develops that once that becomes a by right use, it would not go away. In other words, it is very rare for a financial land use space on the ground floor to suddenly convert to retail. This certainly has not been the pattern here or really in very many cities that have similar development patterns.

After some additional discussion, the Planning Commission felt there was a middle ground to be presented and not an either/or proposition. They voted 5-1 to recommend that banks be allowed through a land use permit process and particularly that criteria be established for how land use permits are approved for that use. This is not to disallow banks altogether but to have some type of criteria as to why or how they would be allowed. This is their recommendation.

The Council will note that in the staff report, staff has a different opinion about it and there is a lengthy discussion under staff recommendation. The General Plan reiterates many times the particular pattern that should be established in the retail district, specifically that those spaces
fronting Mt. Diablo in the retail district create a particular foot traffic and a certain type of atmosphere that is in a limited core area of the downtown and the potential of changing or shifting that character is something that should be discussed and given a great deal of thought.

Staff struggled with this because they support the Planning Commission’s point of view as their staff. At the same time, they also feel that the General Plan has a particular direction that is in conflict with the potential for allowing banks by right for ground floor spaces in the downtown core.

Councilmember Tatzin said he has read the material for this item and this includes the letter received dated June 5th from Mr. Wendt who he has known for many years and for whom he has a great deal of respect. His letter concludes with what he see is a threat of litigation. In addition, when he met with him and Mr. Keller, he made comments that his clients were prepared to litigate this matter if it is not resolved satisfactorily. So his preference would be to open the public hearing, take whatever testimony is offered tonight, continue the item until the Council can hold a closed session to discuss this, and then come back at another meeting.

Councilmember Mitchell referred to page 4 and said it talks about the DSP and it includes personal services such as dry cleaning and salons, and it also includes banks. His question is, at first when he was reading through he thought the City was not keen on banks because it is not a retail use, but they seem to be allowing for personal services also. He asked if at any point they are making a distinction between personal services and banking uses or is that not criteria.

Ms. Kidd deferred to Ms. Srivatsa. Ms. Srivatsa said the City’s zoning ordinance does distinguish between financial institutions which is a separate land use category and general personal services like dry cleaners and hair and nail salons. So the program referred to is from the DSP and it directs the City to amend the zoning ordinance. So they are separated even at present in the zoning ordinance.

Councilmember Mitchell said another argument made with regard to banks is that they keep different hours than maybe a retail establishment or restaurant. He asked if the hours for a bank and the hours for personal service are similar or dissimilar. For example, general personal services are open on Sundays such as nail and hair salons. Some of them are open later in the evenings than banks so it depends on the personal service.

Mayor B. Andersson said this is a policy matter and the Council’s tradition is to allow the applicant to present first.

Wilson Wendt, Attorney with Miller Starr Regalia, Walnut Creek, said he is representing the applicant; Frontier Real Estate Development. Also here from Frontier is Bob Jonas who will take half of the presentation and he is a principle with Frontier. Andrew Brock from Frontier is present also and Alexi Olsinsky as well. He said this is a very important issue for them and is one that they feel very strong about and they would like to move it expeditiously if they can.

Mr. Wendt said this is before the Council in an odd way and before the Council for the policy decisions of 1) is there an inconsistency; and 2) if there is, what can be done about it. Also on the agenda is an indication that the land use application is before the Council. This is incorrect. There has never been an application for a land use permit. The land use permit is not required for this use currently. In fact, the zoning ordinance has not been amended yet, but it says in one section that a land use permit cannot be issued or the use cannot be approved on the ground floor. So either they are correct that the DSP says it is a use by right or the use cannot be
approved in that location. They think very strongly that the first element is true and that this is a use by right, and it is clear that this is pointed out.

He said the only thing that applicants are needed to apply for is design review approval and that is the application that is pending before the Planning Commission. The thing he would like to ask of the Council this evening, and he reiterated that he has the highest regard for Councilmember Tatzin and does not like to threaten litigation, but this applicant has been disadvantaged. He is stating a fact that they have put a significant amount of money out and they have enormous damages that they are faced with including a lease if the approvals are not granted. He thinks the whole history of this processing is one which is unique in his experience in Lafayette.

The issue of whether there is an inconsistency or not is important for the Council. For this application he does not think it is that important because there is no requirement to issue design review approval for a finding that is consistent with the General Plan. If the land use permit were required, the Council would have to make an expressed finding that it is consistent with the General Plan. For design review approval, they do not so they can let this process go forward for design review approval and they would request a specific determination on whether the Council will direct staff to process this application so they can move through the Planning Commission for final design review approval. This is important to them as to whether they can go forward.

Mr. Wendt said the issue of the inconsistency he does not think is a legitimate issue. He does not think there is an inconsistency. He said Councilmember Mitchell was on the Planning Commission when the 140+ meetings were held which led to the preparation of the DSP, and the DSP without question holds this as a use by right. So, they feel that the intent of the General Plan is that a pedestrian-oriented and pedestrian-enhanced atmosphere be created along Mt. Diablo Boulevard and they think the bank use does that. There are two representatives from Chase this evening who will speak but they will say a retail bank is essential to the smooth functioning of a retail area because people go in there, they buy things, and he stressed that when the DSP was approved in 2012, there was an expressed finding that the Council made that the City Attorney prepared where she recommended the Council adopt saying that the General Plan was consistent with the DSP. It had to be consistent or the Council could not have adopted it. He asked what changed in that time period.

As he sees it, there is one word in the policy that has been quoted to them which is supposedly inconsistent, but he does not believe this is how they look at consistency between a General Plan and another planning document. They look at the overall thrust and overall operation of the two documents. Again, they would like a determination of whether they can move forward and process the application through the Planning Commission which would be very important to them, whether yes or no. They would prefer a “yes” response but would definitely like a decision on that. He then introduced Bob Jonas who will provide some of the practical experiences he has had with this process and then they are available for comments.

Bob Jonas said when this was first brought to him and met with Chuck and Bill Stuart, they said that they had been approved for a bank and they presented the DSP in its matter of rights. Being a retired attorney, he had his staff research when this was voted on and whether it was unanimous or controversial. They found out that the DSP was voted on unanimously and at that time, it was a surprise to them, but it said that it was consistent with the General Plan. He now has a piece of property and the DSP says he has a matter of right to put a bank there, and that the DSP and General Plan are in concert with each other. He purchased the lot and staff said it is a matter of right in that area, but not that they like it but it is a matter of right, and they wanted
him to design it and said they want tall windows and people moved away. They said no bank is allowed parking after hours, but he said they will give the town the after-hours parking for the public and contrary to what staff’s report states, they said they made suggestions. They followed every suggestion.

He met with Councilmember Tatzin and they explored everything and the lot is very small and it is one-third or one-quarter of the size of what Steve Cortese’s building is who paid $25 or $30/square feet and he paid $100/square foot, and the Poi’s want $200/square foot for the property behind it and he questioned how they could possibly make that into a parking lot at that rate and at that price. So, at any rate, they researched Orinda, Moraga and Lamorinda and all banks in all areas are in retail areas.

He thought maybe he missed something and looked at a common word for “retail.” It fits banks. He researched “retail banks” and it is retail banking. The General Plan says in Section 10.4 which is where staff states is exclusively retail, in the next paragraph, it states that it is retail and other commercially-related uses. It is a General Plan. The DSP is that banks are allowed and the City spent 6 years working on the document and the whole crux of it is that economic times are better so the City does not want them any longer. When reading it closely, this is exactly what it is. Staff cannot get all other concepts about wanting it to be vibrant, but they cannot get there from here because they now say they want retail but retail that will stay open past 6PM or 7PM, they want it to be successful, vibrant and the Council cannot legislate this kind of thing.

Mayor B. Andersson opened the public comment period.

Public Comments:

ROBERT STEVENS, Branch Manager at Chase Bank, stated they provide financial services to many people and businesses in Lafayette and the surrounding area and their office is quite small. It does not fit the needs they have currently, and they have a need to expand and have additional space and this would allow them to do that.

Councilmember Mitchell asked if they would then have two locations in Lafayette or would they move from one to the other. Mr. Stevens said the plan currently is to have two.

LUCY FACCHIN, Chase Bank District Manager for the Walnut Creek-Oakland District which covers Walnut Creek, Lafayette and Oakland area, said she has been with Chase for 20 years and a District Manager for 10 years. She welcomes the opportunity to talk about opening another branch of Chase in Lafayette. They must mirror the community and when they choose to open a branch, they make sure they have the customer base and make sure they live and frequent the area for convenience-sake. They have this in Lafayette and have been very successful with their office which has been open for several years.

She said many of their small businesses frequent their offices on a daily basis to do their normal operating business which makes sense. This is just like many of their clients who are not a small business who will come into the bank daily to take advantage of the many different products they offer from advice on mortgages, investments, business accounts and to get cash so they can go and frequent restaurants in the area and shops and retail businesses. All branches are located in the actual retail establishments of all offices they currently have which total about 14.

The other important piece as far as the way she staffs the branches, most employees that are in her offices live in surrounding areas which is her preference. For employees, nothing is better
than living close to the community they work in and it also makes them part of the community. She is happy to say she has several of St. Mary’s College graduates that work for Chase and they actually like to make sure they are a good neighbor. They have many community giving areas they do for communities and they are a full service bank and institution.

She noted that banking has changed and is actually flipped to retail and is totally different. They are very vibrant and have a lot of activity. She thanked the Council for the opportunity to speak and hoped to see Councilmembers at their future bank in Lafayette.

Bob Jonas interjected and said he neglected to mention that the handout he provided the Council is two pages from a staff report where a Pilates Studio was approved in 2013 and staff there made the findings that the proposed use is consistent. Mayor B. Andersson interrupted Mr. Jonas and said the Council has the document which was distributed.

Councilmember Mitchell said Mr. Wendt has said that no land use permit is necessary because the DSP provides this by right. Ms. Srivatsa said Mr. Wendt is correct; there were two choices. One is that banks are not allowed in the SRB District and the RB District, or no new financial services. The reason staff had asked for a land use permit is that they are in the process of updating the DSP. In the interim between the old zoning and new zoning ordinance, the City Attorney has advised staff that any uses that are referred to in the DSP as being allowed by right be processed as a land use permit because the zoning ordinance does not allow it. So this was a way to process this application before the City.

Councilmember Mitchell asked and confirmed with Ms. Srivatsa that the Planning Commission seemed to be saying the City should develop additional criteria specific to financial institutions which might apply to a land use permit. Councilmember Mitchell asked if this might be a certain number or radius. Ms. Srivatsa said that could be one factor. They talked about the design of the buildings, the transparency but the discussion was limited at that time.

Vice Mayor Reilly referred to the bank that was turning into Walgreens and said since it was a bank and turning into a retail establishment, this was able to be re-purposed. She asked if this is what staff was talking about when developing criteria and Ms. Srivatsa said yes. The zoning ordinance does not allow new financial institutions or expansion of existing financial institutions on the ground floor within the Downtown Retail District or generally bounded by First Street on the east and Mountain View Drive on the west. The goal is to create a pedestrian-oriented commercial and retail environment on the ground floor. This is why Walgreen’s is a use allowed by right and the Citibank building could be re-purposed into a drug store.

Vice Mayor Reilly said to Councilmember Mitchell’s point about the recommendation, she asked if there is thought that if they have some type of criteria, that a building could be a bank, but if it is built a certain way it could be re-purposed. Ms. Srivatsa said yes, this is correct.

Councilmember M. Anderson asked the City Attorney what actually are the choices the Council has, as it sounds like they were not able to get to the rezoning which was called for in the DSP.

Ms. Subramanian said there is the inconsistency between the General Plan and the DSP. If the Council does want to allow banks by right, then what staff would recommend is to amend the General Plan to revise the language that references exclusive retail use and remove that language, and then City staff is in the process of doing a comprehensive zoning amendment to address the DSP. Staff is not looking to do a quick fix here and that was the discussion of potentially doing the land use permit to get this application to move forward and then have that
land use permit expire once the zoning is completely updated to be permitted by right. This is one option if the Council wants to allow banks to be permitted by right.

If the Council does not want banks to be permitted by right and want them to be a use permit as the Planning Commission recommended, then the Council would still update the General Plan so it removes the exclusive language and then they would also amend the DSP to revise the language about the program which discussed creating zoning amendments to allow them to be permitted by right.

Councilmember M. Anderson said it sounds like either option is a long process. Ms. Subramanian said she would not say long, but they both require amending the General Plan. She said the time in that is going to be the noticing. The actual drafting of the General Plan Amendment would be very quick. Ms. Srivatsa said she sent an email to Mr. Wendt and staff anticipates doing it within the next 3 months. Staff had given them dates where they would draft the language for the General Plan, take it to the Planning Commission, re-advertise it and bring it to the Council.

Mayor B. Andersson asked about a third option which is if the Council determines they believe the DSP is consistent with the General Plan, then presumably all that would need to be done is change the zoning. Ms. Subramanian said if the Council determines the General Plan is consistent with the DSP, then the zoning provides that a use permit is still needed. They could technically process a use permit which would not require a General Plan Amendment with the current zoning. The use permit could expire once staff prepares the cleanup zoning that permits it by right, so she agreed this is a third option.

Councilmember Mitchell said the Council could adjourn to a closed session, discuss this and come back and render an opinion. Ms. Subramanian said yes, but not tonight as they would need to agendize a closed session for a future meeting.

Mayor B. Andersson said he disagrees with the City Attorney’s opinion because he does not think they get to a litigation issue. He sees this as a policy issue. The DSP said banks are allowed by right along with other non-retail items. He sees only three reasons that they would have done that without amending the General Plan so it is also consistent with what the DSP was doing. The first one is that when the Council adopted the DSP, they believed it was consistent because it permitted for retail and other commercial uses, which seems to him to include banks and that the DSP is saying banks by right is within that permission for retail and other commercial uses.

The second possibility is that there is an inconsistency but it was intentional because the Council wanted to have the opportunity to say there is an inconsistency and they can choose which way to go. He does not believe this is what the Council did or that it would be correct if the Council did do it that way, so this is a non-starter.

The third one is that it was an unintended inconsistency. Since the Council found that the DSP was consistent with the General Plan and if in fact they realize that there is a language inconsistency, that was clearly not the Council’s intent; that if they now look at the DSP and the General Plan and say they do not quite line up then the only conclusion for him would be that when they did the DSP, they did not realize that and it was simply an oversight. No matter which one of these are chosen, he thinks they need to process this particular application as a bank by right and if they want to change that, and Chair Chastain had some interesting rationale for not changing that, then they go ahead and change that. But this application is in mid-application and he does not understand why, and the logic is somewhat tortured to get to where staff is, that he
thinks they need to process this as a bank by right because this is clearly what was intended in the DSP. The only way to find it inconsistent at this point would be that it would be the Council's intent to make the General Plan consistent with the more recent DSP because the Council found that they were consistent and to process it that way.

Councilmember Tatzin said he respects all of the comments. He said he is not a lawyer and when he sits down with somebody and the lawyer on the other side says if he doesn't do what he wants, there is a good chance he is going to sue him, he would like to talk to his lawyer first before responding to him/her. He is not suggesting that the Mayor's analysis is wrong. He just has a different procedure.

Mayor B. Andersson said he is saying that is fine if that is their position, but if his position is that what they want to do is the correct thing then they do not have a litigation issue.

Councilmember Mitchell asked if option 3 was that the Council felt that the DSP and General Plan were consistent but made an error of language. Mayor B. Andersson said yes, or that in looking at the language now, they realize there is another way to interpret that and they should have been more precise.

Councilmember Mitchell said they then would not need a land use permit or bank by right.

Mayor B. Andersson said he is not sure how they get there from here, and his position would be that the bank by right was what the DSP intended to be consistent with the General Plan. If the General Plan has to be tweaked, then whatever the process for doing that should be pursued with all deliberate speed and get that in place. In the meantime, he suggested the application can go through whatever steps it can go through until a final determination is made. He assumes that as long as the General Plan is consistent at that point, it would be fine. He said from his perspective, he thinks the applicant's analysis is correct; that the DSP by making banks by right refines details what is in the General Plan, but he does not think it is inconsistent.

Councilmember Mitchell said his follow-up question to that is that the Planning Commission wants to have a land use permit associated with bank applications so they can put additional criteria. That would be something that would need to be developed independent of what they are talking about here in option number 3. Mayor B. Andersson said basically his feeling is that you set the rules and try to do it as comprehensively as they can and you stick by those rules. When you find that the rules do not quite fit what you want, whether it is because the economy has changed or perspectives have changed, or find an application you were not expecting, that you apply the rules you have and then you change the rules if you need to, and this is where he thinks they are on this.

Councilmember Mitchell said as it might apply to this applicant under option 3, this applicant would be moving forward. If the Planning Commission wanted to come up with additional criteria in the future requiring a land use permit or other criteria, they could do that and it would not affect this application. Mayor B. Andersson said that would be his position.

Vice Mayor Reilly said she read it very similar to Mayor B. Andersson and to her commercial uses include banks and she would suggest that whatever mistakes or inconsistencies were not intended but she thinks the purposes of this application is bank by right and if they want to change it later for the future and follow the Planning Commission's recommendation, she would be open to that discussion. Personally she sees banking as a necessary retail component and she does not see it as a negative in the downtown area. Therefore, she is comfortable with what the Mayor is suggesting.
Councilmember M. Anderson said he also agrees with the Mayor. He went through the entire DSP process. They went through a lot of details and for him the General Plan is the General Plan. The Specific Plan is a closer or detailed look at what the General Plan describes in general fashion. Program 2.7.1 specifically says “Amend the zoning ordinance to include these uses below”. So it was not as if they had a thought and it was half baked and they said they were not going to do this. They realized that they had to amend the zoning ordinance to actually do it.

He said on page 2 of the staff report, staff says in the second paragraph of Section 1 that they did not get around to it. It is part of the process that was anticipated. If things had not been so good economically, maybe the City would have gotten this done and would have it by right anyway because that was the intention. So he certainly supports that. The trick for him is how they get from that position to this particular project moved expeditiously and legally. If that process upsets the applicant and causes harm, then they are back to where Councilmember Tatzin is which is possibly they should hold a closed session on this to discuss the potential suit that could come because they will further delay to process this request even though it should have been by right. There is going to have to be some sort of a land use process to get it done, and so he agrees and it is just a question of how to implement this and what does that mean in terms of potential litigation from the applicant.

Councilmember Mitchell asked if more clarity is needed from the City Attorney. Mayor B. Andersson stated he was going to ask this same question, but he would like to have them discuss it, but he noted the team left the room.

Councilmember Tatzin suggested taking up other items until they return.

Mayor B. Andersson said as far as the consistency question, he asked if the Council could make a motion tonight that the City Council finds that there is consistency between the General Plan and the DSP on this issue. Ms. Srivatsa said the Council could make this determination. It is the City Attorney’s opinion that there is an inconsistency which needs to be rectified.

Councilmember Tatzin suggested continuing the matter until the same meeting that the Council is discussing Item 8B because they are related.

Ms. Subramanian returned to the Council Chambers and she asked to make a recommendation on the matter. Based on the Council’s comments, it is her recommendation to do an expedited General Plan Amendment to remove the language that they did not catch originally. Staff would process a quick land use permit as part of that. It would expire as soon as they processed the zoning amendment that allows banks by right which is the direction they are receiving from Council.

Mayor B. Andersson stated while they were out of the room, they discussed whether the Council could find tonight that the General Plan wording does not preclude the DSP position and therefore, they are not inconsistent. He asked if this would expedite what Ms. Subramanian just suggested. Ms. Subramanian said they would not need to amend the General Plan but she would strongly encourage the Council to amend the General Plan which is why she is recommending this be done as expeditiously as possible. She received concurrence from the applicant that if they proceed in this expedited fashion, this would work for them.

Mayor B. Andersson asked if they would also expedite a zoning change. Ms. Subramanian said staff would expedite the land use permit that permits the bank and the zoning change would
also be comprehensive and that would come shortly thereafter. It is on this year’s Work Plan, but they would be able to operate with their land use permit which would expire when the zoning ordinance became effective because their use would be by right.

Councilmember Mitchell asked if land use permits would be required in the future. Ms. Subramanian said the direction she is receiving is that banks would be permitted by right and so the General Plan Amendment would head in that direction as well as the future zoning amendment. Mayor B. Andersson said what the Council discussed earlier is proceeding with this application but they may wish to involve the Planning Commission in developing criteria for a land use permit if they decide that banks are not by right in the future. Councilmember Mitchell asked if this is consistent.

Ms. Srivatsa said staff seeks direction in this regard. They understand this application, but she is not hearing a unanimous vote on whether banks should be allowed by right or with a land use permit for other banks in the future. Mayor B. Andersson said he feels this requires further discussion and involving the Planning Commission. What the Council is talking about now is that they have a set of rules in place and to the extent that the language of the rules must be modified to reflect the Council’s intent, and whether there is a change in the future is perhaps a matter for more deliberation. Ms. Srivatsa said this is fine and when staff is updating the zoning ordinance, they will work with the Planning Commission and bring a recommendation to the Council.

Councilmember Mitchell made a motion that the Council direct staff to prepare a General Plan Amendment through an expedited process to clean up the potential inconsistencies related to bank use and process a land use permit for the current Chase Bank application in an expedited process.

Councilmember M. Anderson clarified that staff can then work on the land use permitting process for subsequent applications but allow this to move forward. Ms. Subramanian said also this will allow it to be consistent with the City’s documents.

Vice Mayor Reilly asked what would happen if another application were to come through while the clean-up is underway. She asked if the City was leaving itself exposed. Ms. Subramanian said they would be in the same scenario, but they would already be in the process of noticing the General Plan Amendment, so they too would require a use permit.

Councilmember Tatzin said it sounds like there will be a period of time where the General Plan has been changed and so banks will be allowed by right. If the City receives another application, he asked how to require a land use permit. Ms. Subramanian said with the General Plan, she did not hear consensus to amend it to say it was “by right” but it now would not have the language that said it needed to be exclusively retail, so it is this nuance that would allow the Council to move forward with the bank, but it would be through a use permit process.

Councilmember M. Anderson clarified that the City would be requiring a land use process for bank applications. Ms. Subramanian said this is what she is hearing from the Council as policy direction until there is some future discussion. Councilmember M. Anderson said what this really means is that as you make that change every bank application that comes in has to do a land use process. Ms. Subramanian said yes, this is correct.

Vice Mayor Reilly said she is not opposed to necessarily having banks by right, and she asked if this will now become a land use process. Councilmember M. Anderson said he thinks the motion reflects this attitude. The Council can vote and see what happens.
Vice Mayor Reilly suggested splitting the vote so there is one that is separate for this applicant and one that addresses future situations.

Mayor B. Andersson asked if the Council proceeds with this application, as soon as the expedited General Plan Amendment is done and it is consistent, and the next week another application is received from another bank, at that point because they still do not have the zoning completed, it would still require a land use permit. Ms. Subramanian said it yes; it would still require a land use permit. Mayor B. Andersson said in the meantime the Council can discuss the issue of whether it should be by right and whatever they do would be to update the General Plan and DSP to be consistent with whatever zoning they are doing at the same time. Ms. Subramanian said correct. She thinks the direction she is hearing is that since they are not sure, they would just amend the General Plan to remove that exclusive language and they would not be specific to say that banks were permitted by right in the General Plan. This gives some room for the Council to discuss it further and consider it.

ACTION: It was M/S/C (Mitchell/M. Anderson) that the Council direct staff to prepare a General Plan Amendment through an expedited process to clean up the potential inconsistencies related to bank use and process a land use permit for the current Chase Bank application in an expedited process. Vote: 4-0-1 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell; Noes: None; Abstain: Tatzin).

8. OLD BUSINESS

C. Mala Subramanian, City Attorney
   Increasing the Transactions and Use Tax
   Recommendation: Discuss and direct

ACTION: It was M/S/C (Tatzin/M. Anderson) to continue the matter to a future meeting date. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

9. STAFF REPORTS

  A. Tony Coe, City Engineer
     1. Potential Sales Tax Measure for Transportation Funding- Contra Costa Transportation Authority’s Call for Projects
        Recommendation: Staff is requesting feedback and direction from the City Council regarding proposed measures to be submitted in response to the CCTA’s call for projects to be considered in its Draft Expenditure Plan.

City Engineer Tony Coe said this item pertains to a new sales tax measure that Contra Costa Transportation Authority is considering to place on the ballot. It is asking for all regions within the County to submit programs and projects for consideration in its expenditure plan. In consultation with Councilmember Tatzin, staff is proposing the five items listed in the staff report. They respond partly to the public opinion survey that the Authority conducted and also in part anticipating what might come out of the Downtown Congestion Study that Lafayette is working on.

Therefore, staff is asking for some feedback from the Council as far as whether they are going in the right direction with these programs and projects to be considered in the new expenditure plan.
Vice Mayor Reilly referred to Item 2 which is the EBMUD Aqueduct bike project and she asked if this is to build the project. She asked if there was any discussion in the Circulation Commission as to how this will be maintained. Mr. Coe said the sales tax measure would not provide money for maintenance or on-going operation. It was simply capital money.

Mayor B. Andersson referred to Item 1.D; Traffic Management Measures including a Freeway Incident Management to discourage the diversion of freeway traffic. He asked if this would be a general diversion daily or during a specific accident or incident. Mr. Coe said depending on the program and project the City undertakes, it could be either or both of those things. For example, incident management only would respond when there are accidents. But, if they undertake some measures of improvement along Mt. Diablo Boulevard, for example, to make that more of a gateway into the PDA and less of a diversion route to Highway 24, this would be an everyday type of measure.

Councilmember Mitchell said the Downtown Congestion Subcommittee is looking at some of these issues of ways to improve circulation. He asked if it is likely that the subcommittee will have some recommendations that will be made in time to fit this format. Mr. Coe said the congestion study is going to take 15-18 months based on the approved schedule. The Authority is going to finalize this expenditure plan by next May, or less than 12 months. He does not think the Congestion Study is going to be finalized before that time but hopefully the City will have some concrete ideas as to where we are headed.

Councilmember Mitchell said proposed was a brainstorming session after which they would be narrowed down and he hopes that happens earlier in the process.

Councilmember M. Anderson asked if this would be covered under Item 1.C. Mr. Coe said both 1.C. and 1.E are meant to anticipate things coming out of the Congestion Study.

Councilmember M. Anderson said he thinks this is where improvements will be covered.

Councilmember Tatzin commented that he thinks this is a good list to start with. If staff roughly figures out Lafayette's share of the $440 million that goes to SWAT, it is about $54 million over 20 years. This is before BART takes the portion they want for cars. So the City will not get this and there are other groups estimating their requirements.

His sense is that they will get $20 to $25 million for all of what is in Item 1, $6 or $7 million for Item 2 because there are probably grant funds outside for this. The City only has to pay a portion of the Lamorinda School Bus because it is shared with Orinda and Moraga. There is a lot of interest in increasing return to source funds and possibly it will go to 25% on the new measure, and then leave some money for BART. He said one of the things the County Connection is talking about is providing 15 minute headways so it becomes more useful for people who want to take it to BART. Given that there will be less and less opportunities to park at BART, people may find it more convenient to take the bus than to spend a half hour looking for a parking space.

ACTION: It was M/S/C (Tatzin/M. Anderson) to approve the proposed measures to be submitted in response to the CCTA's call for projects to be considered in its Draft Expenditure Plan and direct staff to bring it back to the Council periodically over the next several months. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

2. **Update on the Implementation of Downtown Signal Coordination**
   
   Recommendation: Receive and file.
Mr. Coe stated the Council asked staff to implement the downtown signal coordination which was done and it actually works. The Circulation Commission is recommending they keep the new timing and this is staff's recommendation.

Mayor B. Andersson commented that he often drives down Mt. Diablo Boulevard and it is working very nicely.

ACTION: It was M/S/C (Tatzin/Mitchell) to receive and file. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

10. PUBLIC HEARINGS

A. Tracy Robinson, Administrative Services Director

Resolution 2015-21 Adopting the Proposed Budget/Workplan for FY2015-2016 Including the 2016 Capital Improvement Program and Related CEQA findings.

Recommendation: 1) Conduct public hearing and adopt Resolution 2015-21 Adopting the Proposed Budget and Workplan; Appropriating Revenue and Expenses; Confirming City's Investment Policy; Determining the Appropriation Limit for FY2015-2016; Determining Fees for all City Services and Authorizing Transfer and Expenditures; 2) Adopt the 2016 Capital Improvement Program and related CEQA findings.

The public hearing was opened. There were no speakers and the public hearing was closed.

ACTION: It was M/S/C (Tatzin/M. Anderson) to adopt Resolution 2015-21 adopting the Proposed Budget and Workplan; Appropriating Revenue and Expenses; Confirming City's Investment Policy; Determining the Appropriation Limit for FY2015-2016; Determining Fees for all City Services and Authorizing Transfer and Expenditures; 2) Adopt the 2016 Capital Improvement Program and related CEQA findings. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

B. Mala Subramanian, City Attorney

Introduce Ordinance 640 adding Chapter 2-18 to the Lafayette Municipal Code Authorizing City Officials to Execute Agreements and Instruments per Government Code Section 40602.

Recommendation: Introduce Ordinance 640 adding Chapter 2-18 to the Lafayette Municipal Code Authorizing City Officials to Execute Agreements and Instruments per Government Code Section 40602.

Ms. Subramanian said there is a Government Code section that requires the Mayor to execute all agreements and other documents. Unless the Council so authorizes by ordinance, staff realized that there was no ordinance in place and so the proposed ordinance codifies existing policy.

Councilmember Mitchell asked if there are any issues with checks and balances, stating this is an existing procedure. He asked if there is sufficient review and oversight, noting that this is authorizing the City Manager to sign more contracts. Ms. Subramanian noted there is a bond for the City Manager which protects the City in the case of any problem, and the ordinance provides execution of agreements that the Council authorizes by motion.

The public hearing was opened. There were no speakers and the public hearing was closed.
ACTION: It was M/S/C (Mitchell/Tatzin) to Introduce Ordinance 640 adding Chapter 2-18 to the Lafayette Municipal Code Authorizing City Officials to Execute Agreements and Instruments per Government Code Section 40602. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

Mayor B. Andersson requested moving up Items 11.D and 11.A which were removed from the Consent Calendar, and thereafter Items 12.B through 12.G.

11. ITEMS REMOVED FROM CONSENT

D. Resolution 2015-29 Consenting to the Inclusion of Properties Within the City in the CSCDA Open Property Assessed Clean Energy Program


Councilmember Mitchell said he did not want people to have to sign up for the program and then not realize there were restrictions like pre-payment penalties and the fact that a lender might require them to pay it off when they refinance. He asked if they must initial parts so they are clearly acknowledging the fact that there are these restrictions.

Mr. Cass said there is a standard contract they would need to enter into and part of that contract gets recorded against the property after they have agreed to it. Each contract with each PACE program is a little different and he cannot speak to whether they are initialing throughout the document or if there is one signature at the end, but there is involvement on the property owner’s part to review and sign the agreement. It gets recorded against the property and then it would be disclosed to all future property owners.

Councilmember Mitchell said on a personal note, it would be great if staff could check on this. He would want people to be fully aware of all of the penalties.

ACTION: It was M/S/C (Mitchell/M. Anderson) to adopt Resolution 2015-29. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

A. City Council Minutes
May 26, 2015
Recommendation: Approve.

Councilmember Tatzin and Vice Mayor Reilly stated they had minor corrections to the minutes and the Council authorized them to make minor corrections to the minutes.

ACTION: It was M/S/C (Tatzin/M. Anderson) to approve the May 26, 2015 minutes, as amended. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin and; Noes: None).

12. COUNCIL/COMMISSION REPORTS

C. Councilmember M. Anderson and Vice Mayor Reilly
Resolution 2015-23 Appointing Members to the Capital Projects Assessment Committee
Recommendation: Adopt Resolution 2015-23 appoint members to the Capital Projects Assessment Committee.
ACTION: It was M/S/C (Reilly/M. Anderson) to Adopt Resolution 2015-23 appointing Ann Farrell Diemer and Gary Huisingh to the Capital Projects Assessment Committee. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

**D. Mayor B. Andersson and Councilmember M. Anderson**

**Resolution 2015-25 Appointing Members to the Creeks Committee**

Recommendation: Adopt Resolution 2015-25 appointing members to the Creeks Committee.

ACTION: It was M/S/C (M. Anderson/B. Andersson) to adopt Resolution 2015-25 to appoint Kenneth Markey, Philip Bradley, William Elder and Jeffrey Gilman to the Creeks Committee. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

**E. Councilmember Tatzin and Vice Mayor Reilly**

**Resolution 2015-26 Appointing a Member to the Circulation Commission**

Recommendation: Adopt Resolution 2015-26 appointing a member to the Circulation Commission.

ACTION: It was M/S/C (Tatzin/Reilly) to adopt Resolution 2015-26 to appoint Lynn Hiden to the Circulation Commission. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

**F. Mayor B. Andersson and Councilmember Mitchell**

**Resolution 2015-27 Appointing Members to the Bicycle Pedestrian Advisory Committee**


ACTION: It was M/S/C (B. Andersson/Mitchell) to adopt Resolution 2015-27 to appoint Bart Carr to the Bicycle and Pedestrian Advisory Committee. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

Councilmember Mitchell asked and confirmed the Council is limited to one appointment for the BPAC.

**G. Councilmembers Mitchell and Tatzin**

**Resolution 2015-30 Appointing Members to the Community Center Foundation**

Recommendation: Adopt Resolution 2015-30 appointing members to the Community Center Foundation.

Councilmember Mitchell said it is his understanding that they can accommodate all three applicants.

ACTION: It was M/S/C (Mitchell/Tatzin) to adopt Resolution 2015-30 to appoint Judy Gregerson, Steve Robinson, Tara Crain, Susan Callister, Sue Cross, Anne Wondolowski and Sheri Woodruff to the Community Center Foundation. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

Mayor B. Andersson suggested undertaking Item 12.B.

**B. Councilmember Mitchell**
Joint meeting of the Public Works Department and the Downtown Street Improvement Implementation Committee to discuss drought and water related issues.
Recommendation: Discuss and direct staff.

Councilmember Mitchell stated he had brief discussions with Greg Wolff with regard to DSIMPIC and they are working on their pamphlet. Since Mike Moran had discussed with the Council the changing policy of the watering, he suggested that DSIMPIC speak with the Public Works Department so they are on the same page. He wanted to see if this was okay with the Council and make that a recommendation. Councilmembers concurred.

ACTION: It was M/S/C (Mitchell/Tatzin) to direct staff to conduct a joint meeting with the Public Works Department and DSIMPIC. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

12. COUNCIL/COMMISSION REPORTS
   A. Councilmember report on activities and consideration of matters a Councilmember wishes to initiate for placement on a future agenda

There were no reports.

13. WRITTEN COMMUNICATION
   A. E-mail from Maureen Neumann announcing the resignation of Sherrie Foley from the Senior Services Commission
      Recommendation: Accept with regret.

ACTION: It was M/S/C (B. Andersson/Tatzin) to accept with regret the resignation of Sherrie Foley from the Senior Services Commission. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

   B. Letter dated May 1, 2015 from Ken Hertel resigning from the Design Review Commission
      Recommendation: Accept with regret.

ACTION: It was M/S/C (B. Andersson/Tatzin) to accept with regret the resignation of Ken Hertel from the Design Review Commission. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes: None).

   C. E-mail from Zachary Smith of the Alzheimer’s Association, Northern California and Northern Nevada Chapter, requesting a proclamation recognizing June as Alzheimer’s Disease and Brain Awareness Month.
      Recommendation: Approve a proclamation recognizing June as Alzheimer’s Disease and Brain Awareness Month.

ACTION: It was M/S/C (B. Andersson/Tatzin) to approve a proclamation recognizing June as Alzheimer’s Disease and Brain Awareness Month. Vote: 5-0 (Ayes: B. Andersson, Reilly, M. Anderson, Mitchell, and Tatzin; Noes:
14. ADJOURNMENT 12:00 AM

APPROVED:

________________________________________________________________________
Brandt Andersson, Mayor

ATTEST:

________________________________________________________________________
Joanne Robbins, City Clerk