

**CITY OF LAFAYETTE  
CITY COUNCIL  
SPECIAL JOINT MEETING  
DESIGN REVIEW COMMISSION AND PLANNING COMMISSION**

**Minutes**

**Lafayette Community Center – Manzanita Room  
500 St. Mary’s Road, Lafayette, CA**

**April 10, 2006  
6:00 p.m.**

**1. CALL TO ORDER**

The meet was called to order at 6:00 p.m.

**2. ROLL CALL**

Present: City Council: Vice Mayor Federighi, and Councilmembers Anduri and Tatzin

Planning Commission: Jeanne Ateljevich, Jamie Harris, Tom Chastain, Will Lovitt, and Mark Mitchell

Design Review Commission: Bob Cleaver

Absent: Mayor Samson, Councilmember Anderson

Staff Present: Steven Falk, City Manager; Niroop Srivatsa, Planning & Building Services Manager; Greg Wolff, Senior Planner.; Lindy Coburn, Associate Planner; Glenda Warmoth, Assistant Planner; Michael Cass, Planning Technician; Kathy Foster, Administrative Assistant.

**3. PLEDGE OF ALLEGIANCE**, led by Vice Mayor Federighi.

**4. ADOPTION OF AGENDA**

ACTION: It was M/S/C (Tatzin/Anduri) to adopt the agenda. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

**5. PUBLIC COMMENTS** - None

**6. PRESENTATIONS** - None

**7. OLD BUSINESS**

**A. Greg Wolff, Senior Planner**

**Discussion of how to handle applications for large homes in the Hillside Overlay District and Ridgeline Protected Areas.**

Recommendation: Discuss and direct staff.

Commissioner Ateljevich felt the Commission attempts to reduce sizes of homes, felt the Design Review Commission did not deal with the hillside issue so much as design aspects, felt there was not enough consistency, said there was consensus between both commissions that a size should be set unless one met certain criteria for lots, and that this needed to be a defined area for a threshold size. She said they were proposing to split the application process into a study first and then a second application would be for the design of the house. The first process would go through the Planning Commission which would review the bulk thresholds, location, design factors and others.

Commissioner Ateljevich felt the Commission has been arbitrary about the process, felt there were several instances where the Commission told applicants their houses could only be 2,000 square feet at one location, at another location 3,500 square feet, 4,000 square feet, and so on, and she said when an applicant purchases a visible lot they are warned that the City has restrictions, but no one would be able to tell them what size it should be. She voiced concern about how one was supposed to know and felt it was an unfair system.

Commissioner Chastain felt an issue was every place was different and there were no two similar hillside locations because of topography. He felt another issue was a concern that those who want to develop property do not have any guidelines in advance which would be useful to utilize ahead of time. In looking back at some cases, people come forward with expectations that are way beyond what the city would approve. Therefore, they are disappointed and spend a lot of money. He felt if some threshold could be set as a standard for highly sensitive areas and then going above that number would require them making a case for support.

Vice Mayor Federighi questioned whether the Commission would want that limit placed on the most visible of lots because regardless of its square footage, it would be seen. Commissioner Ateljevich felt this would be set for the worst case scenario.

Commissioner Lovitt felt arbitrary was not the correct term and more felt the commissions try to make distinctions between various specific site characteristics and input is received from the Design Review Commission, Planning Commission and the Council. He felt they are establishing a process where some minimum threshold would apply throughout a general area, felt thresholds should be done in a uniform way and reiterate what everyone feels about expectations in order for the applicants to understand what they are facing when purchasing and developing property.

Councilmember Tatzin felt the Commission would ask the applicant to return with some sort of massing diagram as a result of a siting survey. He said some things he has heard is rear portions of the house cannot be seen and, therefore, not important because the first 4,000 square feet is right on the ridge. So, he questioned when the massing surveys are done and the applicants are requested to make a certain square footage of a building appear and actual additional square footage is hidden and not visible.

Councilmember Tatzin asked what the Commission expected the Council to provide, and Commissioner Ateljevich noted there was work to be done, how the Council would want the Commission to set limits and what findings would be necessary.

Vice Mayor Federighi felt the Planning Commission was not arbitrary, considered many different factors, such as visibility, design, architecture, existing and proposed landscaping, siting, height, bulk and mass, existing and proposed topography, colors and materials, grading

and access, and square footage. She felt square footage was one of many factors and the average size was over 4,000 square feet for the average size, so she could see why this recent example was taken as a starting point.

Commissioner Chastain felt that there was already a process in place, in some ways the positive aspects about the way projects are reviewed allows for flexibility and decisions are made based on values that are comprehensive and not just numerical. He felt it offers a way to approach problems with creativity and with good work to demonstrate that the Commission was trying to achieve the same goals. He felt what becomes less satisfying is that it is not clear how precise the process is and the idea of establishing a threshold was one piece of that. So, people should be able to come into a process where they can plan for a certain square footage, and if more is requested they need to begin to demonstrate they can do it. So, he felt the process has not been very clear in its expectations but was good in its flexibility aspect also as far as how comprehensively projects are considered.

Commissioner Cleaver felt that on a design review level between both commissions there is a good series of dialogues that goes on throughout the presentation process where projects won't be taken too far before square footage gets reviewed and basic values are set. He felt that Design Review Commission members never said there was a particular size that guarantees a good solution on a ridge or hillside. They care about square footage, felt every project was a battle to reduce plate height and massing, felt that for most in Lafayette it was a jarring realization that the hillside people would see may have lights on it at night and possibly sound in an area thought to be rural and untouched. He felt that realization was different than limiting square footage. Between Planning Commission and Design Review they can resolve aesthetic issues; however, it was more the threshold of getting over something was going to happen on a hillside which had not occurred before.

Commissioner Ateljevich felt another issue was the City's own regulations which require that in certain spots visibility be reduced to the extent feasible, questioned how this was defined and felt it had to be reasonable from both sides.

Councilmember Tatzin said when the City wrote LR into Rural Residential it said the goal was to preserve a semi-rural atmosphere and houses were not to take over, and he wondered if the discussion was not so much about house size as opposed to a discussion about how to create a process that better achieves the goal of substantially concealing, recognizing that houses are not invisible in most cases. He felt another set of guidelines might need to be developed to re-craft that question and house size could be a part of that.

Commissioner Mitchell agreed that all things identified were very important; however, he said the thing everyone understands is square footage and every architect that comes before the City feels their design is the greatest, thereby justifying a large house. He felt there needed to be a limit on square footage which would be the easiest for everyone to understand, and because of economics it was unfair for applicants to be paying more and more for something that they do not know they are or are not getting.

Councilmember Anduri felt less visibility meant smaller square footage, felt people should realize that it is a privilege to build on a hillside and understand that the City has a right to regulate building on hillsides and flatlands. He felt the word should get out there more that buyers understand this.

Public Comments:

CLIFF TONG, 9 Dianne Court, Burtonvalley.com, felt this was about the rationale for setting guidelines and thresholds. He said they see a lot of applicants who say the average home size in Lafayette is 5,300 square feet and feel they should be able to build the same size house on a hillside. Even though staff and the community talks to them to get a better understanding, it is still a problem where applications come in at 6,000 to 7,000 square feet and then get whittled down to something smaller and more reasonable and be within the confines of findings that need to be made under the hillside ordinance. He felt setting a threshold would be wise and noted the worst case scenario was probably the Strand block; a five acre lot above the church on Michael Lane, which was barren and visible. He also agreed that economics play a major part into it. He went to all 16 HDP's which were approved over the last five years and agreed with 14 of the decisions made, but there were some on the table not yet approved which would be extremely difficult. So, he felt the setting of a threshold would at least set expectations more realistically.

BILL BROWN, Secluded Valley HOA, said the current issue was the entire hill at Acalanes Ridge because there are 7 lots being considered. He liked the combination of factors that the commissions have made to come up with reactions, but he wished it was earlier in the process of applications that they would be closer to the beginning of the planning process.

F. PLAN, President of the Secluded Valley HOA, said they have been fighting the Haji lot discussed by Mr. Brown.

Ms. Srivatsa asked speakers not to discuss pending applications.

MR. PLAN agreed with Mr. Brown in that there was proposed a 6,000 square foot home on top of an entire hill. He felt it would be a great idea to set a threshold up front and to save the hills of Lafayette for those who live here.

Vice Mayor Federighi confirmed there was general consensus of those in the room for a threshold, noting that a proposal should be limited to a certain square footage unless justification could be made for a larger home, given the location, topography, landscaping and design.

PAUL COCOTIS, disagreed and felt each lot was different, felt everything discussed affected visibility and someone could be creative and work with the lot and surroundings which would make sense that passed regulations and met all findings. To put an arbitrary limit of square footage did not make sense and he felt it was better to allow the commissions interpret regulations and make findings based on design, which already seemed to be working.

Vice Mayor Federighi felt the discussion was not setting a limit, but a minimum; that on a certain lot if the proposal cannot be mitigated through various methods, the owner may be forced to build a house that is only "x" number of square feet.

MR. COCOTIS felt that when a minimum is set, square footage is being set and that everything on a given lot would be gauged against. He felt it would be better to work through findings if they can be found and let the commissions do what they are here to do.

DAVE GEORGE, said he attended many Planning Commission meetings, spoke about the hillside ordinance and of his experiences growing up in Los Angeles and Walnut Creek regarding development. He feels the commissions are coming to the Council for additional guidelines or tools to have at their disposal to evaluate the size and visibility of development. He was in favor of giving the commissions the tools, whether it is called a limit, a goal or design minimum, and felt it was quantifying what they have to work with on a particular sized lot. He said many worked hard to put the hillside ordinance into place and felt it was a continual march of requests for variances and special considerations. Visibility was a tool, square footage could be a very effective tool, but he implored everyone to respect the consensus of the city, respect hillsides and ridgelines and the reason why everyone moved to Lafayette.

AMAN PICKARD, Lafayette Valley Estates, supported commissions having tools, felt they needed them badly, said he attended meetings and some sort of black and white guidelines are needed to help support the ordinance. He also asked staff to consider including garage floor space as part of the overall square footage threshold because it was included in some other cities that have threshold limits. He also asked staff to consider a more objective presentation of the artists' renderings and models because when presented they are not accurate, not to scale, and sway decisions.

Vice Mayor Federighi questioned whether garage square footage was considered by commissions, and a commissioner noted they do consider garage space when considering house size, and noted it was inclusive of all enclosed area whether living space or garage space.

Councilmember Tatzin said he was not sure threshold of house size alone would necessarily get you what you want. He felt whatever was put into place the City must know how people would avoid it and attempt to build what they want to build. From that standpoint, the idea of square footage, while good, may be inadequate in and of itself. He felt other things might be added to square footage and felt that a process needed to be laid out in detail and thought about. He felt there were parcels where "x" was going to be smaller than what it needs to be. So, the number should not be a maximum, but should be a good place to start to apply to projects in a fair manner.

Commissioner Cleaver felt that it was important not to create the reverse expectation that if there it was "x", anything goes unless it is not larger than that "x". Design review still needs to be done, with minimize visibility and all other conditions, so he felt that needed to remain in place.

Commissioner Ateljevich felt that there were very few sites that get landscaped out with new plantings that are successful and where they fit the context of the existing site, but felt it should not be thought of an easy way to hide a house.

Commissioner Chastain felt the question was how to solve the problem and whether or not the square footage suggestion would do it. His concern is that once you think down the road how it is going to work, what other things would allow a home going above 2500 square feet. He felt it would pretty much end up with the same standards of the hillside ordinance. So, realistically, when people say it is 3500 square feet but substantially concealed, and it should be approved, they are pretty much in the same place. He said there were also going to be comparison arguments which would be difficult to deal with. The benefit he sees from this is that it would

shift expectations and felt that was the problem. If 2,500 square feet is set, all other requirements still must be met.

Commissioner Ateljevich felt the commission would need to determine what they focus on initially and it should be the more visible variance, possibly the LR or the ridgeline.

Commissioner Chastain felt in the end the commission was still ending up in a judgment situation where they still need to evaluate it. What we change is the position of the applicant whereas now we are often times trying to talk them down--you are setting the situation differently and applicants have to bring an argument before the commission. If the site is capable of more square footage, then that process should be revealed through review. What is helpful in this is that it puts the applicant in the position of arguing for more which allows for good solutions.

Ms. Srivatsa noted the Hillside Committee was still working on updates to the ordinance and felt that a study of house size was not something that would return to the Council immediately. Vice Mayor Federighi thanked commissioners for the discussion.

## **8. ADJOURNMENT**

The meeting was adjourned at 6:55 p.m. to the regular City Council meeting.

APPROVED:

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Ivor Samson, Mayor

ATTEST:

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Joanne Robbins, City Clerk

**CITY OF LAFAYETTE  
LAFAYETTE REGULAR CITY COUNCIL MEETING  
REDEVELOPMENT AGENCY SPECIAL MEETING**

**Minutes**

**Lafayette Community Center – Manzanita Room  
500 St. Mary's Road, Lafayette, CA**

**April 10, 2006  
7:00 p.m.**

**1. CALL TO ORDER**

Mayor Samson called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

Present: City Council: Vice Mayor Federighi and Councilmembers Tatzin and Anduri.

Absent: Mayor Samson and Councilmember Anderson

Staff Present: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Mala Subramanian, City Attorney; Tony Coe, Engineering Services Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Leah Greenblat, Transportation Planner; and Joanne Robbins, City Clerk,.

**3. PLEDGE OF ALLEGIANCE**, led by Vice Mayor Federighi.

**4. ADOPTION OF AGENDA**

Vice Mayor Federighi announced the request that 12D, a consideration of a letter from the Lafayette Homeowners Council, be moved up on the agenda, and the Council agreed to hear the item prior to public hearing Item 8A.

Councilmember Tatzin requested separating the discussion of Items 8A and 9A.

**ACTION:** It was M/S/C (Tatzin/Anduri) to adopt the agenda, as amended. Vote: 3-0-2 (Samson and Anderson absent).

**5. PUBLIC COMMENTS**

MOLLY MULLEN, 3509 South Silver Springs Road, was of the belief there have been unnecessary closures on Moraga Road between St. Mary's Road and Jonas Hill Road for repairs. Ms. Mullen stated she has discussed the matter with the Public Works Manager, the general contractor working on the slide repair, and City Engineer. She reported that she has been told that, as a result of the last complaints from the last road closure, they directed the contractor to provide signs for the future. She felt the signs were too few, felt more signage needed to begin on Mt. Diablo to redirect through traffic to St. Mary's, to clearly mark twists and turns of detours and felt it was easy to indicate, "Moraga Road closed to all traffic at Jonas Hill

Road.” Ms. Mullen suggested a sign that indicates “left at St. Mary’s Road” would allow local residents unaffected by the slides to go through which would be safer than unmarked detours, unprotected left turns, angry flagman, and forcing traffic to turn left. She was of the belief that the Contractor and Public Works Manager were not willing to choose any alternative traffic plan but their own, and was told she needed to accept the inconvenience and hassles for the greater good of the public. She and her neighbors were very patient during the PG&E emergencies, but during last Saturday she was forced and yelled at to turn left down St. Mary’s Road and hoped the City could do better.

Vice Mayor Federighi thanked Ms. Mullen for her comments and understood Ms. Mullen’s frustrations. She acknowledged that the continuing rain has been a factor in the inconvenience.

## **6. PRESENTATIONS - None**

## **7. OLD BUSINESS**

### **A. Niroop Srivatsa, Planning and Building Services Manager Planning Division Work Plan for 2006**

Recommendation: Approve the amended work plan for 2006.

Planning and Building Services Manager Niroop Srivatsa noted the work plan was considered last February and Council directed the Planning and Design Review Commissions and staff to rework the plan. Previous to this meeting, the Council held a joint meeting with the Planning Commission and Design Review Commission to discuss house size and staff recommended approval of the work plan as submitted.

Ms. Srivatsa mentioned staff deleted the update to the commercial design review guidelines from the work plan and was not recommending that the residential design review guideline be updated this year until work on the hillside ordinance was completed.

Councilmember Tatzin reported that he and Councilmember Anderson were appointed to work with staff and commissioners on the review of the hillside ordinance and they have met twice and believed that the item would be completed by the end of May.

**ACTION:** It was M/S/C (Anduri/Tatzin) to approve the amended work plan for 2006; Vote: 3-0-2 (Ayes: Federighi, Anduri, Tatzin; Noes: none; Absent: Samson and Anderson).

### **12D. Letter dated March 16, 2006 from the Lafayette Homeowner’s Council outlining pending legislation and requesting staff and/or city attorney analyses so council can direct comments to the appropriate bodies in order to influence the outcome of the pending bills.**

Recommendation: Discuss and direct staff.

City Manager Steven Falk reported the Lafayette Homeowners Council was requesting that Council direct staff to make a concerted effort to keep the City Council informed of land use bills that were proceeding through the California State Legislature. He mentioned the City of Lafayette was a member of the League of California Cities and the California Contract Cities Association, both of which have legislative analysts on staff. City Manager Falk stated staff receives legislative analyses bi-weekly and sometimes more often, in addition, the City’s represented law firm, Best Best and Krieger, does a fair amount of legislative briefing and analyses. In the past staff has provided analysis to the Council, both by physical copy and via

email when issues of legislation arose. Those that are judged to be of extreme importance for Council input are elevated to either a committee of the Council or to the entire Council, and unless otherwise directed, this would continue to be staff's practice.

MAIVE PESSIS, 1118 Laurel Drive, Lafayette Homeowner's Council, stated their request was in no way a reflection on the current practice of staff but rather a request that they become aware. They have attempted to keep informed of legislative efforts by Sacramento to affect local land use planning with their own bills and they received a League document which urged city attorneys to look into several bills. Ms. Pessis felt there was an effort to change the definition of blight with a lack of density, hoped that they could verify somehow that bills are being tracked by City staff and hoped special attention is given due to the existence of development pressures by the State.

GUY ATWOOD, 3345 Spring Hill Road, President of LHC, echoed Ms. Pessis' comments and believed there was a particular problem currently by many development groups to pass laws that would restrict local land use control. He felt it was important for the Council to know there were many important upcoming bills and encouraged the Council for them to be able to work with staff and/or the League to address and be involved with issues.

Councilmember Anduri inquired as to what Mr. Atwood would like the Council to do. Mr. Atwood responded that the first thing would be to identify those bills the City sees as possibly having detrimental impact on the City of Lafayette. Secondly, to work in conjunction with either the City Attorney or staff, draft a response supporting the City's position on those particular bills and to the League and/or other parties that would be helpful. Third, the LHC would also like to be aware of which bills the Council was planning to respond to, and if there was a way to assist in the process voluntarily. Mr. Atwood acknowledged there was limited staff and Council time and felt something more should be done with the bills to help persuade legislatures in Sacramento.

Vice Mayor Federighi believed the City has done this historically; that when bills are first introduced, often times there is little activity. Mr. Atwood stated the problem is that once a bill is drafted and heard, they are quickly acted on if not tracked; therefore, sometimes the City has little or no opportunity. He felt those that have the greatest impact should be initially responded to and then tracked later on as to their status. The Council thanked the homeowners association for their comments and noted staff would maintain their current practice.

Vice Mayor Federighi acknowledged she did not call for general public comment and asked if anyone was present to speak on matters not before the Council.

## **PUBLIC COMMENT**

### **8. PUBLIC HEARINGS**

#### **A. Leah Greenblat, Transportation Planner**

##### **Traffic safety measures, including the use of optional paving materials.**

Recommendation: 1) Indicate the Council's support for the concept of a side street detection advance warning system. Direct staff to include the cost of this system as a Circulation Commission budget request to be prioritized at the Budget Workshop on June 5, 2006. 2) Approve the installation of guard rail and pavement grooving as part of a summer 2006 capital project.

Transportation Planner Leah Greenblat noted that both a supplemental staff report and correspondence package had been prepared since the staff report's publication. She introduced Circulation Commissioners who were in attendance and noted their availability for questions on the item.

Ms. Greenblat reported over the last 18 months the City received requests to review improvement of sight distance at the intersection of Reliez Station Road and Las Trampas Road and Richelle Court. The City received a small grant from MTC to do a study of the corridor which was brought to the Circulation Commission. Ms. Greenblat also reported discussions of that intersection have evolved from an original sight distance question and general safety issues to tonight's issue involving a traffic signal.

Ms. Greenblat noted the Commission looked at cutting back the slopes at that intersection to try and improve sight distance, at the option of installing a stop sign, pruning options, replacing the plexi-glass covering the mirrors, changing some signs, and as a separate item which would be heard as item (9A), looked at different paving materials to improve traction and safety.

Regarding the recommendations relating to the traffic sight distance, the Circulation Commission twice has recommended a traffic signal at the intersection, with a system of advanced warning signs to address the sight distance there due to several issues. The Commission was concerned about inadequate sight distance, speed of vehicles, safety for pedestrians, safety for drivers turning and lack of gaps due to the high volume and speeds. The majority of the Commission thought the proper way to address these concerns and to improve the situation was by requiring the through traffic on Reliez Station Road to stop for the side streets. The Commission has discussed this at several meetings, there was no unanimous decision for the recommendation, and staff and some commissioners raised questions and concerns.

Staff's concerns include: 1) Stopping all of the thru traffic, given the light volume of side street traffic at the intersection; 2) Stopping on the hill; 3) Possible safety impacts; and 4) Given the low number of reported collisions and those not attributable to sight distance issues, staff was concerned that a traffic signal might not address the overall concern.

Therefore, staff recommends the Council approve the installation of an advanced warning system that would detect vehicles on the side street and when activated, it would activate an electronic sign on the main street on Reliez Station Road to warn those drivers of the presence of side street traffic. Staff also recommends time to monitor the effectiveness of the system before taking additional measures.

Ms. Greenblat noted after the staff report was released, two residents requested to meet with engineering staff to discuss a proposal they had which would increase the effectiveness of the side street system, which is what the supplemental staff report addresses. Based on this discussion, another option was discussed wherein detectors could be installed on the through street which would detect the traffic and which could activate or illuminate a caution sign that would be above or below the mirrors that face Las Trampas Road and Richelle Court. The activated sign would provide additional information to the side street drivers, augmenting the existing mirrors when inclement weather might make them less effective. That additional system could be installed on its own or it could supplement the advanced warning system recommended previously.

Staff recommends the Council consider the augmentation system as a way of improving the ability of the side street traffic to gauge on-coming thru street traffic. Regarding cost, staff estimates the advanced warning system would cost approximately \$40,000. If augmentation to the mirrors was installed with the system, it would cost an additional \$20,000. If a future signal re-using the advanced warning system was installed, it would cost an additional \$110,000. Therefore, staff is recommending implementation of the advanced warning system, and to consider the augmentation system.

Vice Mayor Federighi asked whether the recommendation of the Circulation Commission was to start with the system and then approve the traffic signal. Ms. Greenblat responded that the Commission's recommendation recognized there was no funding for any of the work and they recommended starting with the advanced warning system because it costs less, with the understanding that when funds were available in the future, a signal would be installed. She noted that the augmentation system involving the mirrors was not discussed at the Circulation Commission because of its development after the meeting.

Councilmember Anduri asked if installing the signal at the outset was not one of staff's options. and Ms. Greenblat replied that it was an option if Council would like to proceed in that direction; however, it was not something staff recommended. He asked what it would cost to install the signal light at the outset. Ms. Greenblat stated the Circulation Commission recommended a combination of a traffic signal with an advanced warning system. The cost for this entire system would be approximately \$150,000. Ms. Greenblat noted the traffic light alone cost approximately \$110,000.

Councilmember Tatzin acknowledged that there had been relatively few accidents that seemed to be related to turning movements; given this, he asked how staff would measure the effectiveness of the staff recommendation. Engineering Services Manager Tony Coe replied that the measurement would most likely be based on feedback from those driving from the side street as to whether they felt the level of safety had been increased. Mr. Coe further reported that currently drivers were reporting they cannot see around the corners, that mirrors sometimes help and other times do not help, and that cars are going too fast and do not appear to be aware that pedestrians are crossing and side street traffic is coming out. Therefore, staff would probably need to hold a dialogue with the neighborhood after a certain amount of time once the system is installed to determine whether safety concerns had been addressed.

Councilmember Tatzin inquired what staff hoped for people to do differently on Reliez Station Road as a result of installing warning lights. Mr. Coe responded that staff hoped that for those not paying attention to side street traffic or pedestrian stopping which could be observed in the field and they modify their behavior once the message has been given to them that pedestrians are crossing and/or cars are entering the intersection.

Councilmember Tatzin asked about similar examples of success. and Mr. Coe reported staff tried, unsuccessfully, using a much older system on Pleasant Hill Road using an in-pavement flashing light system. However, they recently installed two systems; one on Deer Hill Road by the BART station which worked well based on feedback, and also at Hamlin Road on Moraga Road. Based on initial feedback from parents who walk their children in strollers, Mr. Coe mentioned that this appeared to be working very well; therefore, the system recommended was not exactly that type of system but certainly worked on the same concept where vehicle detection triggered some sort of warning message to modify behavior.

Councilmember Tatzin believed many comments involved speeding and it was very difficult to patrol that section of Reliez Station Road. He asked how much right-of-way the City had and if there could be an area built where police could patrol speed. Mr. Coe felt the City already had a right-of-way area and that it would be very difficult and expensive. However, the City could reconfigure the roadway to basically reconstruct the intersection which would solve the sight distance problem in that way, but they would need to change the road grade about three feet which was a significant cost.

Ms. Greenblat referred to the appendices in the staff report where there were maps that showed right-of-way lines. She noted the section between Richelle and Diane Court would also incur significant impacts to the landscaping on the west side of the road and topography on the east side would require additional retaining walls.

Councilmember Tatzin noted in 3E, information was provided about traffic counts. He briefly discussed them and confirmed with staff they were accurate. He confirmed there was a public and private section on Las Trampas Road, and questioned the number of houses on the public section, questioned how drivers might change their pattern to an alternate route given the installation of a light. Ms. Greenblat felt there was not a significant number of houses and felt this would not dramatically affect Reliez Station Road.

The public hearing was opened.

Public Comment:

HAROLD J. D'AMBROGIA, 3128 Sandalwood Court, stated he had previously forwarded e-mails and supplemental information and noted the City's consulting traffic engineer reported the volume of traffic at Las Trampas and Richelle did not warrant a traffic signal and inquired whether there would be funding available from grant sources for a signal. Mr. D'Ambrogia reviewed commission minutes and there was discussion regarding an advanced warning system, but it was non-specific in nature, such as flashing yellow or red lights, a "Be Prepared to Stop" flashing sign, and questioned what was actually being proposed.

Mr. Coe discussed the advanced warning sign system, referred to Sketch "3.F.ii" in the staff report and noted the message would convey to drivers to be cautious of cross traffic ahead.

Mr. D'Ambrogia asked that when determining the effectiveness of the system that those affected on the main road also be contacted and not those just living on Las Trampas and Richelle Court.

LORI FOWLER, 897 Las Trampas Road, felt the discussion should not be viewed as a debate between local residents versus those who want the convenience of passing in and out of Burton Valley in the shortest time possible. Ms. Fowler believed it was a critical safety issue that affected many, and noted official accident reports did not tell the whole story as there were many near misses. Ms. Fowler also noted the street was a residential neighborhood with a steep hill, higher traffic volumes, fewer traffic breaks at peak periods, faster speeds and more impatient drivers. She felt there was general consensus at the last Circulation Commission meeting of serious speeding on Reliez Station Road and that the City should install the permanent flashing signs which are effective in causing people to slow down and asked the Council not to delay the approval.

JACKIE ZAYAC, 3280 Phillips Road, reported over the last 20 years there had been an increase in traffic and that the situation was dangerous. Ms. Zayac stated there is a 2-second sight distance due to speeding and people driving from Burton Valley do not stop at the stop signs. She stated that she is against putting in an advanced warning system with a yellow light and was appalled that staff kept mentioning it at a cost of \$40,000 to \$60,000 to appease the people who do not stop at stop signs. She asked drivers to stop at those at side streets, and felt they desperately needed something to stop the traffic for drivers and for pedestrians. She noted there were 78 homes: 10 on the Richelle Court side, 66 on the Las Trampas side, and 2 lots. 43 of the homes on the Las Trampas side were on the public portion; 23 were on the private portion as are the 2 lots.

JOHN SALLAY, 3258 Silverado Court, echoed comments of previous speakers and agreed there has been a dramatic increase in traffic on all city streets, as well as, it was not unusual for him to wait at the intersection when making a left for a break in traffic and have asked for people to slow down.

Councilmember Anduri confirmed that Mr. Sallay wanted people to simply use more patience at the intersection and he did not want the City to install a signal or warning system. Councilmember Anduri confirmed with him that he felt there was no safety issue at the intersection.

STUART SIMS, 615 Lucas Drive, stated he was opposed to a light or a signal at the intersection and felt it was a bad intersection, that it did not align well, was not easy to fix, thought the cost was excessive, there was no state funding, would detract from other needed transportation projects, and that a light installed at the top of two hills might cause more accidents. Mr. Sims also stated the stop sign at Glenside Drive already causes traffic jams and the study done last Fall showed 1552 cars going north and southbound from 7:30-8:30 a.m. and 21 from side intersections. From 4:30-5:30 there were 1288 cars versus 19 on the side intersections. He felt this was a large disparity in traffic for such an expensive project and much preferred spending money fixing streets in town, and felt more important would be to re-align the road.

THOMAS DULIK, 838 Las Trampas, supported a traffic signal or warning device and acknowledged there would be an inconvenience to residents using Reliez Station Road. Mr. Dulik supported comments of other speakers; however requested those who were opposed to try and make a left turn on Reliez Station Road. He mentioned it was extremely dangerous driving and walking along this road and was concerned a fatality would soon occur.

WES HILTON, 24 Warwick Court, believed a traffic signal would not only be an inappropriate use of city funds but also a bad idea, in general. He reported that he has never witnessed an accident on the road and believed the only way to describe the request was an accommodation for a few at the imposition of many. Mr. Hilton noted there has not been a change to the roadway and felt residents were aware of the traffic situation prior to their purchase of their property; additionally, the proposal would increase traffic congestion and backups on the street would be hazardous to motorists and to property. He thought the early warning system was intriguing; however, his main concern was that it may be a piecemeal situation.

Councilmember Anduri asked Mr. Hilton what he felt the drawbacks to an early warning system were assuming it was not a pre-cursor to a signal. Mr. Hilton responded cost aside and assuming it was not a pre-cursor to a light, he would not have a problem with the system.

LYNN HIDEN, 649 Las Palos Drive, discussed the intersection analysis done several years ago where it was found that the site distance problem was severe and the Council recommended an all-way stop. She felt that safe speeds on Reliez Station Road at the intersection were 19 mph northbound and 21 mph southbound, and no study has found motorists traveling even close to those speeds. She discussed the qualifications of the traffic consultant of the city, felt that residents could not see the gap in the traffic coming at them, felt warrants would not address the situation, felt most accidents in the vicinity went unreported and asked the Council to approve the Circulation Commission's recommendation as the best solution to the neighborhood traffic safety problem.

Councilmember Tatzin mentioned years ago a neighborhood group was formed as a result of people who were concerned about Burton Valley speeding and that Ms. Hiden was on the Commission. Councilmember Tatzin inquired what effect the signs had. Ms. Hiden replied that there was some short-term effect. She believed what really helped were the speed bumps on Rohrer Drive; however, she said they were not very popular.

Councilmember Anduri confirmed Ms. Hiden was speaking for the majority of the Circulation Commission where she noted the concern of the minority were: the interest of preserving a semi-rural environment (Wood); however, several commissioners felt the neighborhood was being ruined by the traffic issue(s), as well as other commissioners wanted to try to implement the warning system first but doubted it would do a lot of long-term good; however, they felt it was vital to the success of the signal, and she also noted that the commission chair voiced concern about roll-backs. Ms. Hiden mentioned her feeling was that it would be awhile before grant monies were available for a signal and voiced concerns about the fact that it was so difficult to obtain the needed funding.

FRANK MAYNS, 26 Reliez Valley Court, stated that he was opposed to a stop light at the intersection as this was the answer in too many situations. Mr. Mayns questioned whether or not residents considered how much pollution and vehicle noise would occur once cars stop at a light at the intersection, cited poor gas usage, and questioned the City's liability if the light failed and there was an accident. He also noted the accident data was low.

Councilmember Tatzin confirmed with Mr. Mayns that he had never attempted to turn left at the intersection.

CRAIG ISAACS, 11 Hartwood Court, opposed the installation of a signal light and mentioned he turns off Las Trampas Road from both directions. Mr. Isaacs suggested the solution would be to install two signs saying "No Left Turn". He believed people were responsible for their own safety, loved Lafayette; however he felt there were too many signals being installed in town. He further reported there were many more people who were not supportive of a signal that were not present at the meeting.

VINCENT PALMER, 3287 Sweet Drive, opposed a traffic device at the intersection and was of the belief there was no benefit from the funds being spent, felt there were so few residents affected but did agree with the idea of a "right turn only" sign.

TOM LOWE, 2975 Rohrer Drive, noted the only thing not discussed regarding opposition of a traffic light was more speed enforcement. He has never seen anyone stopped by police and believed enforcement was needed, people should slow down, and that the "no left turn" sign

would make the situation safer. He also suggested turn-outs might be developed at a more reasonable cost.

Mr. Coe stated that along the west side of the road, there was mature landscaping which would be eliminated if turn-outs were installed. On the east side, turnouts would be cost prohibitive in terms of the amount of engineering for the road.

TOM JUDSON, 825 Reliez Station Road, stated their home was 125 feet south uphill from the intersection and they recorded 11 accidents in the past 18 months which have all occurred in front of their home, the most recent accident occurred March 20 at 1:30 p.m. He felt the result of the accident could have been tragic and noted the driver was going 40 mph when he lost control. He said there was definitely something wrong on Reliez Station Road which needed to be resolved, police have told him that speed has been a major factor in the accidents there, and believed the deteriorating road surface was a contributor. Mr. Judson mentioned he could ask police to do radar detection and would offer his driveway as well as his neighbor's driveways, if needed. Mr. Judson asked the Council to take emergency action to improve the safety at the intersection, and thanked the Circulation Commission and staff for their work on trying to improve the situation.

Councilmember Tatzin thanked Mr. Judson for offering his driveway for radar detection and asked him if the police ever used it. Mr. Judson responded that the police have not yet used his driveway, he discussed it with Chief Fisher, but nothing had been done.

LINDA MADDEN, 345 Shiri Oaks Court, asked for more information about an early warning system as to how it would work and what the cost would be? She felt speeding was the underlying problem which should be addressed instead of a warning system, light or stop sign.

JOE FABER, 708 Glenside Circle, was opposed to a traffic signal and understood concerns of those living on Las Trampas Road and Richelle Court. Mr. Faber voiced concerns about a roll-back problem due to the steepness of the hill especially when the road was wet and felt turnouts were not feasible. Mr. Faber noted a similar situation in San Ramon where police set up a radar gun and a car at about  $\frac{3}{4}$  mile down the road which dramatically slowed traffic. He believed there were other areas currently where people could not make left turns and traffic enforcement would be a good solution. He stated he was not opposed to an advanced warning system, questioned its effect on speeding; however, was concerned about the cost for doing it just for one intersection.

SCOTT SOMMER, 832 Las Trampas Road, reported he was a long time resident. He believed what was being overlooked was the presence of a trail crossing with high speed driving. He noted the city made decisions several years ago not to have major traffic thoroughfares in residential neighborhoods. He felt there was high speed driving and stated the day of the Circulation Commission meeting, a 15 year old child was hit at the bottom of the hill, was thrown outside of his shoes, broke his teeth and bones. Mr. Sommer reported his son had just written a letter that day complaining about traffic safety on his street. He reported that the same week a person tailgated him the entire way only to pull up next to him at the bottom of the hill and yell at him for pulling out from the intersection too close to him. He mentioned Lafayette thinks about itself as a community, not about high speed drivers, being inconvenienced and felt traffic safety should be dealt with.

Councilmember Tatzin asked whether those on Las Trampas use Glenside to avoid Reliez Station Road. Mr. Sommer replied that just past his home the street turns into a private road, the turn radius is narrow, and there was no 40 foot required right-of-way area; mentioned not too many people used Glenside. However, he said his son was going to use it because he was scared to drive through the intersection.

Councilmember Anduri inquired what was Mr. Sommer's reaction to the no left turn suggestion. Mr. Sommer stated the trouble with that was that Reliez Station Road was narrower than most residential streets. If one turns right, goes out to Glenside, they would need to find a driveway to back up and turn around in, or go up Dianne Court and pull into someone's driveway, backup, turn around and go back the other way, which would in and of itself be a traffic issue. He felt eventually with the warning system, people would still speed through the intersection. He thought a red light would be better than a warning light that people would ignore.

Councilmember Anduri referred to the speaker who said that those who purchased homes in the area and knew about the traffic situation and asked for Mr. Sommer's comment. Mr. Sommer stated when he bought his home years ago, Route 77 issue was being discussed and felt the argument could go either way.

LARRY HAZARD, 12 Dianne Court, reported he has lived in Burton Valley since 1973 and for 12 years he lived at 718 Las Trampas Road. Mr. Hazard mentioned he was familiar with the traffic situation and noted he was a runner, as well. He said this morning at 8:15 a.m., traffic going to St. Mary's Road backed up almost to Dianne Court. He was opposed to the Commission's recommendation and believed it was a band aid, did not take into consideration what would happen on other streets, and felt a traffic study was needed from St. Mary's Road at Glenside all the way to I-680. With sophisticated tools, various alternatives could be studied such as taking out the stop sign at Glenside and Reliez Station Road which meters traffic and makes it impossible to make a left hand turn in the morning. He felt this may make it much easier for people turning out of Las Trampas because traffic would arrive in bunches and not every 10 seconds. He felt money proposed should also go into a thorough study.

CLIFFORD TONG, 9 Dianne Court, noted he drives the intersection 2-4 times per day and this morning he tried to make several left and right turns out of Las Trampas and Richelle Court and felt it was dangerous. Mirrors were somewhat helpful especially on the Las Trampas side, but it was impossible making left turns on the Richelle to Reliez Station Road. He thought there were two types of speeding along the roadway--during rush hour, there is the pure volume of cars and off rush hour, speeds increase and people try to make a left or right which is risky. He was not convinced that a signal light would not create more problems with roll-backs and stopping traffic to a complete dead stop, especially on the uphill part. He would favor the advanced warning system and believed it worked in other places. Mr. Tong stated he thought it would be an effective interim solution, and if it did not do the job, more study could be done prior to going to a full signal.

MICHAEL THOMPSON, 634 Burton Drive, stated he was not in favor of a signal and his overriding concern was for safety. He believed the intersection was safe, roll-backs occur already and a light would make it worse.

GEORGE WILSON, 14 Richelle Court, mentioned there was an extensive three-agency study of the Route 77 right-of-way recommended as an alternate route to Reliez Station Road. The Council turned it down, the city lost the opportunity, and 8,000 cars at that time had increased

to 15,000 today. Mr. Wilson stated those who live in Burton Valley that development approval was based on the assumption that Route 77 would be available to carry the traffic from that development. He mentioned there was a request made in 1990 to do something about the intersection for which a stop sign and light was denied, as the study progressed for Measure C, rebuilding of Reliez Station Road from Olympic to Glenside, all of those involved came to the conclusion that a stop sign was not good; however, a light would be a good compromise. The traffic signal was approved in November 1991 and became a part of the plan, the complete drawings and the plan approved by the CCTA who provided the funding for the City included the light as part of the whole project. Mr. Wilson further reported, in April 1993, the Council reheard the traffic light proposal and removed it from the project. He questioned where the money went for the light, as it was an approved project and agreed that if a stop sign were installed, people that would stop in one direction was negligible.

MEL EPPS, 3354 Mildred Lane, questioned the usefulness of the Circulation Commission, and whether they did a speed survey on the road. Mr. Epps inquired as to why a light would even be recommended if there were no warrants. He believed they were not getting facts prior to making a recommendation and noted there were numerous and similar locations in Lafayette and asked if those would be done. Mr. Epps thought the matter was one of convenience and suggested the intersection be right turn only or have those living on the public part of Las Trampas Road help those on the private portion maintain their road and in return, they would have access to go onto Glenside and block off Las Trampas exit on Reliez Station Road. He attended the March Commission meeting and felt at least one member had already had their mind made up. He also mentioned that, per the police department, there had only been one accident at the location in the past 10 years.

VICTORIA DAVIS, 3289 Helen Lane, reported that she drives the intersection multiple times throughout the day and asked her co-workers at St. Mary's what they feel about the intersection and if anyone felt it was unsafe. Ms. Davis stated they would not mind a signal and acknowledged that speeders would jam on brakes in order to not hit pedestrians. She noted that she had similar experiences going in both directions, did not support a warning signal and supported a full signal light for those cars or pedestrians only wanting to use the crossings.

VAL DAVIDSON, 826 Las Trampas Road, reminded the Council that this was the second time the project has gone through all committees and studies all to attack the same problem. She said in the late 80's/early 90's, she was going to develop a property along Las Trampas Road and voiced concerns about the street problem. She discussed the matter with staff, at the time, and they were extremely excited about the upcoming improvements at the intersection. Staff assured her that money would be used for the improvements, and therefore Ms. Davidson invested in the home, the community, and in Lafayette. However, there was no increased visibility with the retaining walls, they did not get the traffic activated light promised to them, and felt it was an extreme betrayal. She said she was appalled that the safety and visibility of a neighborhood was put at risk so that Moraga and Burton Valley residents could save a few seconds. She asked the Council not to give into those whose issue was speed and acknowledged Lafayette was growing and very busy and many people pass through the town and intersections without regard to residents. She noted she was one of the people who were rear-ended with a car full of children by a Burton Valley elderly man who begged her not to make a police report and she was sorry she did not. Ms. Davidson further reported there have been other accidents there.

DAWN SVEDBERG, 218 Contessa Court, stated her primary concern was not for those homeowners who must drive the street every day, but for the pedestrians who are walking along the path. She said there have been many times cars jump over to junipers, into lawns, over embankments, and was surprised that this could happen in an area full of hikers. She felt there was a total lack of awareness of drivers to on-coming traffic, cross traffic and pedestrians and without some system to slow the traffic and it was extremely difficult to allow time for someone to cross or someone drive out into the intersection without putting the person or driver at risk. She also noted the City did not have access to additional police, which was needed, but felt there was a cost to safety, liability, and loss of life.

GINNY GLAVINOVICH, 3164 Lucas Drive, encouraged the Council to try to turn left onto Reliez Station Road, as well as go to Baldwin Hill, turn around and go back up during a rainy day on a stick shift and stop at the hill with someone behind you giving you about a 6 foot clearance, and then, try not to roll back into the person behind you. She stated she was a victim of a roll-back from a large truck who lost his brakes and hit her car into three others behind her, and thought a stop sign would create significant problems with roll-backs.

SHENAYA TARAPORE, 595 Michael Lane, asked that that if the City was going to install an early warning system, to not turn it into a signal at some point in the future, but put it at the bottom of the hill at Olympic and Reliez Station Road. She stated there were times when she would see a car come to a stop at Beachwood and tries to make a left turn, waits and lets the car go because she feels it is safer. She drives a stick shift, and believes there were times that lights trip for no reasons late at night and traffic is diverted to streets that do not have speed bumps after their installation.

ELLEN POLING, 982 Hawthorn, Circulation Commissioner and Traffic Engineer, reported the Commission has had to weigh the imperfect sight distance and safety issues coming out of Richelle and Las Trampas, with the impact on safety for all intersections. Ms. Poling noted convenience for thru traffic on Reliez Station Road was a secondary issue for staff and all of the Commissioners when the issue was discussed. She felt convenience was something traffic engineers dealt with; however, in this case, it was secondary. She stated traffic engineers could not create perfect conditions; however, should recommend the safest environment for most situations. To put a signal in was not advisable for several reasons; not warranted based on standard traffic engineering warrants, traffic volume, and traffic safety records. She believed the City should be wary of secondary impacts; the impact of a signal has the potential for rear-ends, sliding vehicles, broadsides, and she felt these outweighed the potential safety benefits of installing a signal. She noted traffic engineering warrants were based on long records of research, on what conditions warrant traffic regulations and traffic control as opposed to other solutions and remedies. She believed the majority of the commission agreed with staff's proposal for the improvements and believed those should be tried at least prior to consideration of a full traffic regulated intersection.

Councilmember Anduri questioned Ms. Poling's response on those opposed to the early warning system, and Ms. Poling felt there was enough benefit there to try it, and she acknowledged that at the outset it may not be perfect with such winding and hilly conditions.

Councilmember Anduri mentioned some people feel the condition was not unique to the intersection and asked whether there were 50 intersections like this throughout Lafayette. Ms. Poling responded that there are others; however, this might be one of the worst ones due to the volume, the fact that it would not change, and the speed also makes it more difficult than others

in Lafayette. She thought the Commission was sensitive to the neighborhoods that come before them and they were just trying to do the right thing.

J.P. VAN OVERVEEN, 1057 Dolores Drive, felt the road was a mess and was appalled that no one has tried anything before even considering spending a lot of money on something. Mr. Van Overveen noted the City owns portable stop signs that are always put in the road when lights do not work and he suggested taking four of them and placing them at the intersection, have a police car in the area, and get an idea of what was going on. He also suggested prohibiting trucks with larger than 2 axles from driving on the road.

The Council closed public comment.

Councilmember Tatzin thought the issues were similar to previous discussions, and acknowledged it was difficult to make a left turn. He noted sight distance problems and volume, and believed the issue with a no left turn option, was the distance one would go in order to turn around to the opposite direction and also having to use someone's driveway to do so. Councilmember Tatzin stated the City had also looked at reconfiguring the intersection which would consume the entire budget and he was not thoroughly convinced that the staff recommendation yielded that much benefit. He felt slower speeds were needed and suggested Police Chief Fisher return with a plan for enforcement at the intersection; as opposed to saying how hard it was to work with the existing conditions. He also believed the prohibition on trucks over a certain gross vehicle weight would make sense. Councilmember Tatzin voiced concerns about a signal and, confirmed that 10% of the traffic was during peak hours which would suggest that the Las Trampas portion alone would incur 600 cars per day, or about 60 cars during the peak hour; however, the study was only showing 20 cars. Therefore, he felt there was something strange with the traffic counts and requested staff to review this. He also requested seeing additional study of the situation with a speed enforcement plan, traffic study numbers, and other information prior to approving the early warning system.

Councilmember Anduri acknowledged there was a problem at the intersection and that something needed to be done. He believed people should not have to live with the situation, changes made in Moraga and Burton Valley were beyond the control of those who live in the area and further acknowledged there were sight distance problems and speeding. Councilmember Anduri did not feel the traffic signal was the solution and agreed with the minority of the commission that it has the potential to cause more problems than it solves. He asked staff that, should a signal be installed, would the early warning lights be an essential part of the system. Mr. Coe responded that if a traffic signal was installed, it would be recommended to have an advanced warning message to motorists to prepare to stop and noted this situation was currently in place on Deer Hill and at the Park Hotel.

Ms. Greenblat noted the Consulting Engineer believed that the pole used for the signal could be located in order for it to be seen by drivers coming up the hill or as they went southbound on Reliez Station Road in order to provide enough sight distance.

Councilmember Anduri stated he would be willing to wait to determine if there was a police solution; however, he did not know this would work. Councilmember Tatzin did not want to use this as a substitute; however, felt the city might try it for awhile, recognizing there were only 2-3 patrol officers on duty for the entire city.

Councilmember Anduri agreed with limiting heavy vehicles on the road as well and supported the staff recommendation of the early warning system and thought the new suggestion of putting in lights of someone coming could be looked at.

Vice Mayor Federighi agreed with Councilmember Anduri, that speed and volume combined with the steepness make the intersection very dangerous; however, she was not convinced that a traffic light was good due to roll-backs, the shock of a new light, and people being more used to a steady green light. She reported the City hired a consultant to do a study of the intersection and the consultant ruled out and did not recommend a four-way stop. What was recommended was the advanced warning system, which she felt was reasonable. Regarding traffic enforcement, the city has limited numbers of police officers and she hoped the warning system would create some slowed speeds.

**ACTION:** It was M/S/C (Anduri/Tatzin) to direct staff to include the cost of a side street detection advance warning system as a Circulation Commission budget request to be prioritized at the Budget Workshop on June 5, 2006. Vote: 3-0-2 (Ayes: Federighi, Anduri, and Tatzin; Noes: None; Absent: Samson and Anderson).

**ACTION:** It was M/S/C (Tatzin/Anduri) requested the City Manager direct Chief Fisher to provide a recommendation on what would be needed to limit heavy vehicles on the road, and have the discussion return at a future meeting. Vote: 3-0-2 (Ayes: Federighi, Anduri, and Tatzin; Noes: None; Absent: Samson and Anderson).

City Manager Falk noted the Council's action was to include the cost of the system in the budget; however, he said there was no funding provided. Staff is in the process of preparing the proposed budget and will include a series of options for the Council to choose from. He further noted the implication is that the system would be aligned with other priorities during the budget process, such as filling potholes, adding police officers and a code enforcement officer, and wanted to ensure the public knew it was a preliminary step.

Administrative Services Director Tracy Robinson noted the Council requested accelerating the budget process in order to see a draft budget earlier than June 5, so one would be provided early May in order for Council review. The noticed public hearing will still be on May 22<sup>nd</sup> and the budget workshop scheduled on June 5, 2006.

## **9. STAFF REPORTS**

### **A. Leah Greenblat, Transportation Planner**

#### **Traffic safety measures, including the use of optional paving materials.**

Recommendation: This item will be presented in conjunction with item 8A, above.

Vice Mayor Federighi gave a brief description of the item, noting the Circulation Commission and staff recommendation was for pavement grooving and installation of a guard rail, and has nothing to do with what the surface of the new pavement might be when Reliez Station Road is actually repaved.

Ms. Greenblat reported the Circulation Commission asked staff to do some research for a variety of paving options. As a result of research presented back to the Commission, they made a recommendation to do lateral grooving, to groove Reliez Station Road from Olympic Boulevard just past the western side of Las Trampas Road, and to also install a guard rail on the west side of Reliez Station Road. The grooving should help prevent the types of collisions

that staff hears about where cars are going off the road due to excessive speed and also help provide additional traction and help with roll back situations.

Mr. Coe stated the Circulation Commission was particularly interested in using open graded asphalt on Reliez Station Road to address concerns of residents. Staff is proposing to look at this during the next opportunity that they resurface the street. He noted that Reliez Station Road was not yet due for a resurfacing project, therefore, at the point it was ready, and then the open graded asphalt was something to be looked at to use. He reported that residents in the area have testified to the Commission that Reliez Station Road had an open graded asphalt pavement surface which was done away with when it was reconstructed in the 1990's and they are interested this be re-installed. Therefore, staff is recommending the next time the street is resurfaced; it would be looked at as an option.

Councilmember Anduri confirmed the grooving would be done in the summer and that the guard rail was not a short term solution and would address concerns of residents who have witnessed accidents in the proposed location.

Public Comments:

GEORGE WILSON, 14 Richelle Court, mentioned Ms. Greenblat used the word "lateral grooving" and he noted lateral grooving should never be considered. He said "longitudinal grooving" is the correct term. Ms. Greenblat and Council confirmed this was what was meant.

Mr. Wilson said grooving will stop the hydroplaning; however, on the current slurry seal pavement, it would not last long. He asked that the open graded asphalt needed to be done as soon as possible.

Councilmember Tatzin asked what the life of the grooving would be, given the slurry seal. Mr. Coe replied he did not feel there would be a substantial impact, as it was done at several locations throughout town and did not lower the effect significantly.

TOM JUDSON, 825 Reliez Station Road, stated he had spoken earlier about the 11 accidents in 28 months that these occurred in front of his home and all were southbound vehicles that spun out coming out of the intersection. Mr. Judson reported 8 of the 11 wound up in his front yard where he incurred damage, and other occurrences went across in the northbound lane. He felt grooving would minimize tendencies to hydroplane and the guardrail will keep them from running off the road and appreciated the Council's consideration and efforts in their approval.

Councilmember Anduri confirmed that the approved vote of the Commission was by a 4-2 vote due to two members wanted the City to do something immediately, similar to the open graded asphalt.

**ACTION:** It was M/S/C (Tatzin/Federighi) to approve installation of guard rail and longitudinal pavement grooving as part of a summer 2006 capital project. Vote: 2-0-1-2 (Ayes: Federighi and Tatzin; Noes: None; Abstain: Anduri; Absent: Samson and Anderson).

**BREAK**

The Council called for a 10-minute break at approximately 9:50 p.m. and reconvened the regular meeting.

Councilmember Tatzin requested moving up Item 12C on the agenda.

- C. Letter dated March 30, 2006 from Mr. & Mrs. Cocotis requesting appeal hearing be postponed until May 8, 2006 and that they be granted additional presentation time.**  
Action: Postponed Cocotis appeal hearing to May 8, 2006, denied request for additional presentation time and requested written material be provided prior to the meeting.

Paul Cocotis, stated they were unable to attend the April 24 meeting, at the time they did not know they had a previous commitment and asked the council to continue the hearing to May 8. He also requested that the Council approve more time for their presentation, as they had a total of 5 meetings with Design Review and Planning Commission and each discussed different issues and felt 10 minutes was not enough to discuss their experience, questions and answers and overall project. He felt another option was for them to draft a comprehensive written report that they would ask the Council to read in their submittal.

Vice Mayor Federighi stated they have never presented others with more presentation time and they frequently are asked to review a lot of reading material. She suggested focusing on size and comments heard from the Council.

Mr. Cocotis said they have not heard anything about their project, had not seen a presentation, and felt that having them change their project and bring it back to the Council was an odd request. Vice Mayor Federighi said the Council did receive significant back up material on the merits of the project, plans, correspondence and are familiar with the project. She stated their actual charge at the last meeting was whether or not to hear the appeal, which was granted, and a concise presentation would be highly appreciated.

Councilmember Tatzin indicated that having material to read in advanced would help him more than a presentation would. He recommended Mr. Cocotis prepare a written report and limit his presentation to 10 minutes.

Councilmember Anduri said he would not be present on May 8 City Council meeting and found written material more helpful. He stated that for the 10 minute presentation; identify the more important parts of the project. Councilmember Anduri mentioned there would also be time for questions as well, after the presentation.

Councilmember Tatzin suggested the presentation focus on the application as it is and the written material provide background as to how the applicant got there. This would keep the presentation to why the Planning Commission approved and why you believe that this in turn warrants approval by the Council.

Mr. Cocotis thought the direction he was being given was extremely confusing, as he could bring in a plan for a 1,000 square foot house. He stated Councilmember Anderson mentioned over and over again on how the Planning Commission came up with an arbitrary number of 4,000 square feet, and the one thing that was not addressed was the fact that they went through a lot of discussion about lot size, homes built on ridgelines, hillside restrictions, and they all indicated to him to start at 4,000 square feet, given its economic feasibility.

Vice Mayor Federighi noted that he would need to show something of less square footage and less visible. Mr. Cocotis stated that even though something smaller is placed on a hill, it may

not make a difference. Vice Mayor Federighi stated this was what he needed to show the Council.

**ACTION:** It was M/S/C (Tatzin/Anduri) to continue the originally scheduled hearing from April 24 to May 8, 2006 and that a 10-minute presentation be allowed with adequate written material prior to the meeting. Vote: 3-0-2 (Ayes: Federighi, Tatzin and Anduri; Noes: None; Absent: Samson and Anderson).

## **9. (STAFF REPORTS)**

### **B. Matt Luttropp, Associate Engineer**

#### **Moraga Road Corridor Improvement Project – Project No. 014-9653, Final Acceptance**

Recommendation: Accept the Moraga Road Corridor Improvement Project as complete and authorize staff to file a Notice of Completion. Authorize \$97,600 to be allocated from the remaining PMP reserve balance to the project budget.

**ACTION:** It was M/S/C (Tatzin/Anduri) to accept the Moraga Road Corridor Improvement Project as complete and authorize staff to file a Notice of Completion; Authorize \$97,600 to be allocated from the remaining PMP reserve balance to the project budget. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

### **C. Tony Coe, Engineering Services Manager**

#### **Award of Construction Contracts for 2006 Pavement Management Program**

##### **1. Mt. Diablo Boulevard Improvement Project – Award of Contract for Project No. 014-9659**

Recommendation: 1) Adopt the project plans, specifications, and project details to conform to the Uniform Construction Accounting Act. 2) Award the Mt. Diablo Boulevard Improvement Project (Brown Avenue to Pleasant Hill Road); Project No. 014-9659, to MCK Services, Inc. in the amount of \$775,976.19.

**ACTION:** It was M/S/C (Tatzin/Anduri) to adopt the project plans, specifications, and project details to conform to the Uniform Construction Accounting Act; 2) Award the Mt. Diablo Boulevard Improvement Project (Brown Avenue to Pleasant Hill Road), Project No. 014-9659, to MCK Services, Inc. in the amount of \$775,976.19. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

##### **2. South Lafayette – Award of Contract for Project No. 014-9657**

Recommendation: 1) Adopt the project plans, specifications, and project details to conform with the Uniform Construction Accounting Act. 2) Award the South Lafayette Project No. 014-9657, to Bay Cities Paving and Grading Inc. in the amount of \$1,861,343.90. 3) Allocate an additional \$88,000 from the PMP Reserve to allow a five percent project contingency.

**ACTION:** It was M/S/C (Tatzin/Anduri) to adopt the project plans, specifications, and project details to conform with the Uniform Construction Accounting Act. 2) Awarded the South Lafayette Project No. 014-9657, to Bay Cities Paving and Grading Inc. in the amount of \$1,861,343.90. 3) Allocate an additional \$88,000 from the PMP Reserve to allow a five percent project contingency. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

**3. Happy Valley Road, Carol Lane and others – Award of Contract for Project No. 014-9656**

Recommendation: 1) Adopt the project plans, specifications, and project details to conform with the Uniform Construction Accounting Act. 2) Award the Happy Valley Road, Carol Lane and others Project No. 014-9656 to the lowest bidder.

Engineering Services Manager Tony Coe noted the item had to do with a third resurfacing contract that staff opened bids for this year. From the updated memo provided last Thursday, in a matter of two weeks, the list of bidders went down from eight to three bidders, prices increased, and staff requested the Council to reject all bids and direct staff to re-bid the project as part of the 2007 CIP.

Councilmembers asked what other cities were doing and the demand of work. Mr. Coe noted other cities had been moving projects forward earlier in the bidding season. Mr. Coe said staff adjusted its schedule so they were the first out to bid every season. He said this worked for awhile; however, they must plan out even earlier, and said staff contacted those contractors who did not bid on the work as to why they did not bid, and they were told they were too busy and had numerous bids to work on.

City Manager Falk stated that the City runs the risk of having it taken out to bid and prices go up due to demand and not enough contractors. He felt there was no excess supply and only price, so this may be the situation of the library construction as well. Councilmember Tatzin believed a 25% jump in two weeks was unusual. Mr. Coe stated he was amazed at asphalt increases from \$55 to \$89 in a matter of one year; however, this was happening and hoped it was only a one-time spike.

**ACTION:** It was M/S/C (Tatzin/Anduri) to reject all bids and directed staff to re-bid the Happy Valley Road, Carol Lane and others Project No. 014-9656 as late in this calendar year or early next calendar year. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

**D. Tracy Robinson, Administrative Services Director  
Update on the Core Area Maintenance Assessment District**

Recommendation: Discuss and direct staff

Tracy Robinson noted she took the ideas from Councilmembers Tatzin and Anderson to the consultant who felt they were good; however, in order to do them properly, while it is technically feasible to make it this year, it would most likely fail because of the timing for educating the property owners. She noted the cost for the consultant was bid and would not change for next year.

**ACTION:** It was M/S/C (Tatzin/Anduri) to continue working with MuniFinancial to structure a new Core Area Assessment District that will be in place for FY07-08. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

**10. CONSENT CALENDAR**

**ACTION:** It was M/S/C (Tatzin/Federighi) to approve Consent Calendar Items 10 A through 10 F. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

**A. City Council Minutes**

**March 27, 2006**

Recommend: Approve.

**B. Ordinance 555 to adopt by reference County Ordinance No. 2004-7 which requires gas shut-off devices at gas appliances in certain new construction and remodeling of structures.**

Recommendation: Waive second reading of Ordinance 555 and adopted.

**C. Ordinance 554 to adopt by reference County Ordinance No. 2005-32 adopting by reference the 2004 California Electrical Code.**

Recommendation: Waive second reading of Ordinance 554 and adopt.

**D. 3437 Echo Springs Road, Declarations of Restrictions for Use of Accessory Building between Henry and Ruth Neidermeier and the City of Lafayette. APN 167-150-006**

Recommendation: Accept Declarations of Restrictions for Use of Accessory Building between Henry and Ruth Neidermeier and the City of Lafayette and authorized City Clerk to record.

**E. Agreements for Installation and Maintenance of Landscaping and Other Obligations between Lafayette Hidden Oaks, L.P. and the City of Lafayette for 12 lots in the Hidden Oaks subdivision.**

Recommendation: Accept agreements for lots 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 18 and 19 in the Hidden Oaks subdivision relating to installation and maintenance of landscaping and other obligations and authorized the City Clerk to record.

**F. Request for two Cingular Wireless Microcell equipment cabinets encroachment within the City's right-of-way along Moraga Road at Rimrock Road.**

Recommendation: Approve request for two Cingular Wireless Microcell equipment cabinets encroachment within the City's right-of-way along Moraga Road at Rimrock Road and authorize the Mayor to execute an encroachment agreement.

**11. COUNCIL/COMMISSION REPORTS**

**A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda. (10 min.)**

Recommendation: Receive and file.

Councilmember Anduri asked whether responses had been forwarded for the Vistas. Ms. Robinson noted she received a couple responses and phone calls and the Clerk had forwarded a few of the responses and so far the feedback has been positive.

**B. Vice Mayor Federighi**

**Report on Lafayette's solid waste diversion**

Recommendation: Receive and file.

Vice Mayor Federighi noted there were two reports; one for 2004 and 2005. The delay was due to information not coming back regarding residential use and Lafayette looked good there. She said it went from 48% to 52%. Vice Mayor Federighi noted for the commercial use for 2005

which is reported directly to the Authority, there was less material put in the landfill; therefore, recycling fell off a bit and encouraged everyone to recycle more.

## **12. WRITTEN COMMUNICATIONS**

- A. Letter dated March 21, 2006 from Michael R. Reynolds, on behalf of the Contra Costa Cycling Club ("C4"), requesting use of Plaza Park on Sunday, July 9, 2006 in conjunction with the 2006 Lafayette Criterium.**

Recommendation: Approve.

ACTION: It was M/S/C (Tatzin/Anduri) to approve request for use by the Contra Costa Cycling Club to use Plaza Park on Sunday, July 9, 2006 in conjunction with the 2006 Lafayette Criterium. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

- B. Letter dated March 24, 2006 requesting a proclamation recognizing the 10<sup>th</sup> Anniversary of Affordable Housing Week, May 12 – May 21.**

Recommendation: Approve.

ACTION: It was M/S/C (Tatzin/Anduri) to approve proclamation recognizing the 10<sup>th</sup> Anniversary of Affordable Housing Week, May 12-May 21. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

The City Manager briefly mentioned Item 12D, as discussed earlier in the evening regarding the tracking of legislative bills, acknowledged the City relies on the League for their assistance and felt letters are sent throughout the year.

### ***Adjourn to Closed Session and Convene Redevelopment Agency***

ACTION: It was M/S/C (Tatzin/Anduri) to adjourn the regular meeting at 10:30 p.m. and convene the Redevelopment Agency meeting. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

- E. Conference with Real Property Negotiators  
Government Code Section 54956.8  
Property: 3780 Mt. Diablo Blvd.  
Agency Negotiator: Agency Counsel  
Negotiating Party: Contra Costa County  
Under Negotiations: Price and terms of payment**

### ***Adjourn Redevelopment Agency and Reconvene Open Session***

ACTION: It was M/S/C (Tatzin/Anduri) to adjourn the Redevelopment Agency and reconvene in open session. Vote: 3-0-2 (Ayes: Federighi, Anduri and Tatzin; Noes: None; Absent: Samson and Anderson).

Vice Mayor Federighi noted there was no reportable action in Closed Session.

### 13. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Anduri) to adjourn to the next regular meeting on April 24, 2006.  
Vote: 3-0-2 (Samson and Anderson absent).

APPROVED:

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Ivor Samson, Mayor

ATTEST:

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Joanne Robbins, City Clerk