

1 public having submitted a speaker slip; after which, the public comment period will be closed and the item
2 brought back to the Commission for discussion and any action.

3
4 **7. NEW PUBLIC HEARINGS**

- 5
6 **A. TR7978 and HDP82-03; Sohrab Nazari (Applicant), James W. Moore (Owner); LR**
7 **Zoning and H-O-D:** Request for 1) a subdivision of 65.16± acres into six lots pursuant to
8 Part 6, Lafayette Municipal Code (LMC), 2) a hillside development permit pursuant to
9 Chapter 6-20, LMC, and 3) an exception to development with a Class I ridgeline pursuant
10 to Section 6-2026, LMC, located at 788 Glenside Drive, APN 238-080-036.
11 **Recommendation:** Review the environmental checklist, conduct the public hearing, and
12 direct staff on what to include in the scope of the environmental impact report.
13 **Project Planner:** Christine Sinnette, Tel: (925) 299-3241; csinnette@lovelafayette.org
14

15 Ms. Sinnette said this applicant is requesting a subdivision and hillside development permit to subdivide a
16 65.16± acre parcel into six lots and for exceptions to development on slopes greater than 30 percent and
17 within a Class I ridgeline setback. The application also includes a preliminary development plan for six
18 housing sites, roads, and driveways. The development will be clustered at the north end of the site along
19 the existing paved access road to provide for open space preservation and minimized grading and
20 infrastructure extension. The proposed building sites average about 10,000 sq. feet. Staff received some
21 revised plan this evening. There was some concern expressed about the house site on Lot 5 as
22 proposed for right on the ridge top. That house site has now been moved farther to the west side.
23

24 Based on completion of an environmental checklist, staff determined that an environmental impact report
25 (EIR) is required. The purpose of this hearing is to identify the scope of the EIR and enable the
26 Commission to review the checklist and provide any input. Staff is recommending that a Project EIR be
27 prepared for the project and although a Project EIR examines all phases of the project including planning,
28 construction, and operations, in this case the EIR should focus primarily on those areas identified as
29 Potentially Significant or Less than Significant with Mitigation Incorporated.
30

31 Some of the impacts that could be potentially significant for this project include visual impacts of the
32 building sites on the slopes; construction within ridgeline setback areas; short-term air quality degradation
33 due to construction. The City has reviewed this project in various forms. Due to their age, staff is
34 recommending that new archaeological and paleontological studies be performed. There could be
35 potential impacts from seismic activity and landslides, drainage and water quality, and schools and utility
36 providers. Staff is proposing a scope of services to include a transportation engineer, biologist, arborist,
37 geotechnical engineer, archaeologist, and site planner. The process provides for this work to be paid for
38 by the developer but the City hires the consultant and the scope of work is at the City's discretion.
39

40 Vice-Chair Ateljevich asked if the applicant has complied with the necessary applications required for the
41 exemptions.
42

43 Ms. Sinnette answered yes, they have.
44

45 Vice-Chair Ateljevich asked at what point would the Commission have those.
46

47 Ms. Sinnette answered that the applicant has submitted the extensive exhibits and have complied with
48 the initial requirements of the City ordinance to comply with the economic viability exception. These are
49 confidential at this time but would be released at the time the Planning Commission makes a
50 determination.
51

52 Vice-Chair Ateljevich said that the threshold issues were important and the Commission needed to
53 evaluate the whole property.
54

1 Ms. Sinnette said this was the first project of this size where such an exemption was being sought and
2 staff would need to seek the advice of the City attorney. If the City attorney feels it is necessary and
3 appropriate to be included in the scope of the EIR, then the information would be released.
4

5 Vice-Chair Ateljevich said the Commission needs to be able to evaluate the whole property so that they
6 do not grant exemptions to every single house when there may be alternate sites that are viable and they
7 won't know if they don't look at them too. Ms. Ateljevich questioned whether a more comprehensive
8 alternatives analysis was needed.
9

10 Ms. Sinnette said she listed a proposed alternative site location on Page 5 in the second paragraph.
11

12 Ms. Sinnette said that she understood that Vice-Chair Ateljevich was looking for alternatives to
13 specifically address and conform to the hillside regulations.
14

15 Commissioner Holt said there are issues that are critical to the threshold and if they are not passed
16 wondered about proceeding forward.
17

18 Vice-Chair Ateljevich said regarding the soil engineer, that on a site such as this where they know there
19 are landslides, that they need to be sure an engineering geologist reviews the soils information. He
20 needs to look at the whole site and the whole landslide area should be mapped. The trail easements that
21 are proposed, she presumes they are responsible for the trail.
22

23 Ms. Sinnette said the Parks, Trails and Recreation Commission is currently reviewing this project.
24

25 Commissioner Harris said there are proposed scenic easements and could the report include more
26 information on that. He also asked what the major restrictions of the easements would be.
27

28 Vice-Chair Ateljevich said it should also show how far they extend. The report also needs to cover
29 management of the open space areas because there are some very large areas.
30

31 Sohrab Nazari, applicant, has been working on this project and with the neighbors since March 2004.
32

33 Allan Moore, 269 Front Street, Danville, is the land use attorney hired to assist the applicant on the
34 environmental scope review issues and land use process issues. He feels this is a scoping meeting to
35 determine the scope of the EIR. It would be premature to give a presentation on the impacts of the
36 project. A full analysis of the project impacts will be presented after completion of the EIR. He is in
37 agreement with the scoping recommendations as presented by staff. From a legal standpoint in response
38 to comments regarding looking at exceptions first to see if they qualify, it's a double-edged sword
39 because exceptions under the hillside development ordinance allow developments necessary to have an
40 economically and viable project. It is tough initially to look at these exceptions. These exceptions should
41 be evaluated with the project as part of the scope of the EIR and then throughout the project. Mr. Moore
42 introduced the civil engineer on their project.
43

44 Vice-Chair Ateljevich opened the public hearing on this item.
45

46 Laura Renard-Wilson, 710 Los Palos Drive, Lafayette, is against the proposal because of the last three
47 items on the environmental report.
48

49 Mr. Moore had no rebuttal at this time.
50

51 Vice-Chair Ateljevich closed the public hearing on this item.
52

53 Vice-Chair Ateljevich re-opened the public hearing on this item.
54

55 Clifford Tong, 9 Dianne Court, represents burtonvalley.com. His organization has had several meetings
56 with Mr. Nazari and Mr. Moore. The first application reflected a number of proposed sites in highly visible

1 locations. He was able to walk the site and have a number of high visible sites moved to much less
2 visible locations. This is an extremely controversial piece of land but this one is scaled back. They are
3 encouraged by the level of cooperation from Mr. Nazari and Mr. Moore. He feels most of the issues have
4 been identified by staff in the scope of the EIR.

5
6 There was no comment from the applicant.

7
8 Vice-Chair Ateljevich closed the public hearing on this item.

9
10 Vice-Chair Ateljevich said that with this kind of application the sites are usually staked with story poles
11 and netting so they could see the bulk and shape of the houses. She feels that at that point, the
12 Commission should have a field trip to the site and of course the public would be noticed of that.

13
14 There was no comment/changes from the Commission on Page 4 of the Evaluation of Environmental
15 Impacts Issues and Supporting Information Sources and how staff had ranked these impacts.

16
17 On Page 5, Item d, Commissioner Mitchell said he felt this could have potentially significant impacts.
18 There was no objection from the Commission to moving the "dot" to Potentially Significant Impacts.

19
20 The Commission had no comments/changes to Pages 6 - 7.

21
22 The Commission had no comments/changes to Pages 8 - 10.

23
24 On Page 11, Item b, Commissioner Holt felt this should be moved to Potentially Significant. There was
25 no objection from the Commission to move this "dot" to Potentially Significant.

26
27 The Commission had no comments/changes to Pages 12 - 13.

28
29 On Page 14, Items c and d, Commissioner Holt felt there could be some drainage issues that could be
30 significant and these should be moved to Potentially Significant.

31
32 Ms. Sinnette said that under Item d, the threshold is "whether this could result in flooding".

33
34 Commissioner Holt said the Commission has received word from residents along Glenside Drive that they
35 have experienced flooding.

36
37 Ms. Sinnette said that just about any impact could be mitigated. As Vice-Chair Ateljevich has said, this
38 will be reviewed in the EIR, and anything checked in the two boxes on the left hand side will receive the
39 largest target of analysis.

40
41 The Commission had no comments/changes to Pages 15 - 18.

42
43 On Page 19, under Recreation, Commissioner Holt felt they should consider the trails issues and making
44 them of a higher scope than less than significant. After discussion, this was left as initially ranked.

45
46 The Commission had no comments/changes to Pages 20 - 24.

47
48 Ms. Sinnette said that once the draft EIR was available for public review staff would re-notice for the
49 public hearing.

50
51 Vice-Chair Ateljevich closed the public hearing on this project for the preparation of the EIR and called for
52 a motion to that effect.

53
54 **Commissioner Holt moved and Commissioner Lovitt seconded to close this segment of the public**
55 **hearing on this project for the preparation of the EIR.**

56

1 **AYES: Ateljevich, Chastain, Harris, Holt, Lovitt, Mitchell**
2 **NOES: None**
3 **ABSENT: None**
4 **ABSTAIN: Humann**
5

6 8. **OTHER BUSINESS (NONE)**

7
8 9. **PLANNING MANAGER'S REPORT (NONE)**
9

10 Vice-Chair Ateljevich asked about this paper (Meyers Nave: The Executive Summary) regarding the
11 density bonus and how this meshed with the inclusionary.
12

13 Ms. Srivatsa said she was reviewing this right now. She has learned thus far that means a bonus over
14 the maximum density allowed in the General Plan. In addition to the density bonus a developer can
15 request a maximum of three incentives or accommodations that the City has to grant. In essence it
16 increases the density over the maximum density allowed in the General Plan. Initial analysis reveals that
17 the inclusionary housing would not be affected that much but it would be best to do both ordinances
18 together. The County and the City of Lafayette have approached HUD again for more money to do the
19 density bonus ordinance but so far they have said no.
20

21 10. **ADJOURNMENT**

22
23 Commissioner Mitchell moved adjournment of the meeting at 9:32 P.M.
24

25
26 Respectfully submitted,
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28 _____
29 /s/
30 Marie V. Pettersen
31 Contract Minutes Taker