

# Agenda

City of Lafayette  
Public Meeting Agenda  
Planning Commission Meeting  
SPECIAL MEETING

Thursday March 9, 2006, 7:30PM  
Lafayette Community Center, 500 St. Mary's Road, Manzanita Room

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1. CALL TO ORDER
2. ROLL CALL
3. ADOPTION OF AGENDA
4. PUBLIC COMMENTS
5. CONSENT CALENDAR (NONE)
6. CONTINUED PUBLIC HEARINGS (NONE)
7. NEW PUBLIC HEARINGS
  - A. **TR6569 & HDP86-04 GREG WOEHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC (OWNER); LR ZONING AND H-O-D:** Request for 1) a subdivision of 87.9 acres into eight residential lots and one remainder open space lot pursuant to Part 6, Lafayette Municipal Code and California Government Code sections 66410 *et seq.*, 2) a hillside development permit for eight residential lots and one remainder open space lot pursuant to Chapter 6-20, Lafayette Municipal Code (LMC), and 3) an exception to development within a class I and class II ridgeline pursuant to sections 6-2026 and 6-2027, respectively, LMC, located at 3148 Lucas Drive, APN 238-080-019. ***CONSIDERATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (No determination on the project applications will be made at this time.)***  
**Recommendation:** Adopt Planning Commission Resolution 2006-09 certifying the final environmental impact report for the Soldier Field subdivision.  
**Project Planner:** Christine Sinnette, Tel (925) 299-3241, [csinnette@lovelafayette.org](mailto:csinnette@lovelafayette.org)  
(Estimated time 3 hrs\*)
8. OTHER BUSINESS
9. COMMISSIONERS' ACTIVITY REPORT
10. PLANNING MANAGER'S REPORT
11. ADJOURNMENT - Adjourn to the regular Planning Commission meeting of March 16, 2006.

The Planning Commission may continue to a date certain any item it has not commenced prior to 11:00PM. The next regular Design Review Commission meeting is March 21, 2006.

*I, Kathy Foster, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Boulevard, Lafayette.*

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*Kathy Foster, Planning Services Division*

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\* Estimated time for consideration is given as a service to the public. Please be advised that an item on the agenda may be considered earlier or later than indicated.

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# City of Lafayette Staff Report

**For:** Planning Commission

**By:** Christine Sinnette, Senior Planner

**Date Written:** March 1, 2006

**Meeting Date:** March 9, 2006

**Subject:** **TR6569 GREG WOHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC (OWNER); LR ZONING AND H-O-D:** Request for a subdivision of 87.9 acres into eight residential lots and one remainder open space lot pursuant to Part 6, Lafayette Municipal Code and California Government Code sections 66410 *et seq.*

**HDP86-04 GREG WOHRLE (APPLICANT), SOLDIER FIELD PARTNERS, LLC (OWNER); LR ZONING AND H-O-D:** Request for 1) a hillside development permit for a subdivision of 87.9 acres into eight residential lots and one remainder open space lot pursuant to Chapter 6-20, Lafayette Municipal Code (LMC) and 2) an exception to development within a class 1 ridgeline pursuant to Section 6-2026, LMC, located at 3148 Lucas Drive, APN 238-080-019 **CONSIDERATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

**Statutory Deadline:** March 29, 2006 for certification of the Final EIR

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## **EXECUTIVE SUMMARY**

On December 1, 2005, the Planning Commission directed staff to prepare the responses to comments and Final EIR for the Soldier Field subdivision. The Final EIR was released on February 23, 2006. All potentially significant environmental impacts have been adequately analyzed in the Final EIR. State CEQA Guidelines state that review of a Final EIR should focus on the responses to comments on the Draft EIR. No action on the project will occur at this time. Prior to certification, staff is requesting clarification on Mitigation Measure 3.3-1a related to submittal of landscaping plans. Staff is recommending that the Planning Commission adopt Resolution 2006-09 certifying the Final EIR.

## **BACKGROUND**

The Soldier Field Subdivision Draft Environmental Impact Report (Draft EIR) was circulated for a 45-day public review period beginning October 11, 2005, and ending November 25, 2005. At the November 17, 2005 Planning Commission hearing on the Draft EIR, the Commission extended the public review period an additional seven days to December 2, 2005. Copies of the document were distributed to state, regional and local agencies, as well as organizations and

individuals, for their review and comment. During the public review period, the Planning Commission conducted three public hearings. The Circulation Commission also conducted a public meeting on the Draft EIR and the Draft EIR was reviewed by a subcommittee of the Design Review Commission.

The City of Lafayette/Planning Services Division, as the lead agency, and RBF Consulting have evaluated the comments received on the Draft EIR, and have prepared written responses to the comments received. The Soldier Field Subdivision Final Environmental Impact Report Responses to Comments was released on February 23, 2006. The responses to comments and the proposed revisions to the Draft EIR have been reviewed by the City Attorney and City staff. All potentially significant environmental impacts have been adequately analyzed in the Final EIR.

## **CONTENTS OF THE FINAL EIR**

The Final EIR is composed of the following elements:

- The Draft EIR;
- A list of persons, organizations and public agencies that commented on the Draft EIR;
- Copies of all comments received; and
- Written responses to those comments.

All comments on the Draft EIR, and the responses thereto, are presented in the Responses to Comments document. Since a majority of the comments centered on issues related to land use, aesthetics, geology and soils, and hydrology and water quality, master responses were prepared to address these public comments and are included in Section 9.5 of the document. Section 9.6 contains all of the comments received on the Draft EIR along with responses to each. These responses include identifying text revisions in the Draft EIR. Text changes resulting from comments on the Draft EIR, as well as staff-initiated text changes, are presented in Chapter 10 (Revisions to the Draft EIR). Revisions to the Draft EIR text are indicated by underline text (underline) for text additions and strike out (~~strike out~~) for deleted text. Revised figures and tables are identified with the word "revised" in front of the figure or table number.

## **CERTIFICATION OF THE FINAL EIR AND APPLICATION REVIEW PROCESS**

Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the project. Section 15089 of the Guidelines states that review of a Final EIR should focus on the responses to comments on the Draft EIR. No action is to be taken on the proposed project at this time. Staff has prepared Resolution 2006-09 for consideration by the Commission regarding certification of the EIR (see Attachment 1). Please note the four required findings for certification which are on page 3 of the Resolution. The following is an explanation of the first finding for certification contained in the Resolution.

The City followed the regulations contained in the California Environmental Quality Act and the CEQA Guidelines in the preparation and processing of the

EIR. The EIR addresses the environmental impacts of the project. The finding that the EIR is an “adequate document”, according to CEQA Guidelines Section 15151 means, “An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

Certification of the EIR relates to the processing and adequacy of that document. The Final EIR is sufficiently detailed so that all of the potentially significant environmental effects of the project have been adequately evaluated. The Final EIR analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project’s potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines.

Certification of the EIR does not preclude the ability of the Planning Commission to approve, modify, or deny the subdivision and hillside development applications. Following Final EIR certification, but prior to action on the project, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared. Before approving (or conditionally approving) the project, written CEQA findings must be prepared for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the State CEQA Guidelines.

## **PUBLIC NOTIFICATION**

For a period of at least ten days prior to any action to certify an EIR, CEQA requires that the Final EIR be made available to, at a minimum, the trustee and responsible agencies that provided written comments on the Draft EIR. William R. Kirkpatrick of the East Bay Municipal Utilities District and Linda J. P. Chavez of the East Bay Regional Parks District commented during the public review period on the Draft EIR. They were sent copies of the Final EIR on February 23, 2006. No comments on the Final EIR have been received.

Availability of the Final EIR and notice of this public hearing was published in the Contra Costa Sun on February 24, 2006 and mailed to property owners within 500 feet of the project site on February 23, 2006. To date, no comments on the Final EIR have been submitted.

## **STAFF COMMENT**

Prior to certification, staff is requesting clarification on Mitigation Measure 3.3-1a which states, in part, “Prior to Final Map approval or issuance of grading permits, whichever occurs first, the project sponsor shall submit landscaping and irrigation plans to the Planning Services Division for review and approval by the Planning Commission...” Since existing and proposed

landscaping is an important issue in the site planning of the project, staff is requesting comment by the Planning Commission on whether or not deferring a landscape plan to the final map or grading permit stage is adequate or should a preliminary landscape plan be submitted prior to a determination on the project.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt Resolution 2006-09 certifying the Final EIR.

### **ATTACHMENT**

1. Planning Commission Resolution 2006-09

## Planning Commission Resolution 2006-09

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TR6569 AND HDP86-04, SOLDIER FIELD SUBDIVISION, LOCATED AT 3148 LUCAS DRIVE, APN 238-080-019

#### RECITALS

- A. On October 12, 2004, the Planning Services Division received subdivision (TR6569) and hillside development permit (HDP86-04) applications from Soldier Field Partners, LLC for a subdivision of 87.9 acres into eight residential lots and a remainder parcel, located at 3148 Lucas Drive.
- B. By correspondence on December 29, 2004, Planning Services Division staff determined the applications to be complete.
- C. On January 28, 2005, Planning Services Division staff completed an environmental checklist/initial study and determined that preparation of an environmental impact report ("EIR") for the Soldier Field Subdivision ("Project") was required.
- D. Pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §21000 *et seq.*) and the State CEQA Guidelines (14 CCR §15000 *et seq.*, the City of Lafayette/Planning Services Division ("City") is the lead agency for the Project.
- E. On February 17, 2005, the Planning Commission reviewed the initial study prepared by staff and conducted a public hearing to determine the scope of the EIR for the Project.
- F. On February 22, 2005, the Circulation Commission conducted a public hearing to determine the scope of the EIR for the Project as it related to potential impacts on traffic and transportation.
- G. On April 12, 2005, the Design Review Commission conducted a public hearing to determine the scope of the EIR for the Project as it related to potential impacts on aesthetics and land use.
- H. On March 9, 2005, Planning Services Division staff issued a Notice of Preparation of a Draft Environmental Impact Report and requested comments by April 11, 2005.
- I. On March 31, 2005 Planning Services Division staff requested funds from Soldier Field Partners, LLC to prepare the EIR.
- J. On April 19, 2005, RBF Consulting was authorized to begin preparation of the Draft EIR.
- K. On May 2, Soldier Field Partners, LLC submitted funds for the preparation of the EIR.
- L. The Draft EIR was completed and released for public review on October 11, 2005 and the City filed a Notice of Completion and Availability of a Draft EIR with the State Office of Planning and Research establishing a 45-day public comment period from October 11, 2005 to November 25, 2005.

- M. Pursuant to Public Resources Code §21092, the City also provided a Notice of Completion and Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Completion and Availability on October 21, 2005 in a newspaper of general circulation in the Project area.
- N. During the 45-day comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines §15086.
- O. All potential significant adverse environmental impacts were sufficiently analyzed in the Draft EIR.
- P. On November 3, 2005, the Planning Commission held the first public hearing on the Draft EIR and continued the hearing to November 17, 2005.
- Q. On November 7, 2005, the Circulation Commission held a public meeting on the Draft EIR.
- R. On November 17, 2005, the Planning Commission held the second public hearing on the Draft EIR, extended the public review period on the Draft EIR to December 2, 2005, and continued the public hearing to December 1, 2005.
- S. On December 1, 2005, the Planning Commission held a third public hearing on the Draft EIR and directed staff to prepare the Final EIR for consideration by the Planning Commission.
- T. During the official public review period for the Draft EIR, the City received approximately 144 written and oral comments, all of which the City responded to in the Final EIR.
- U. On February 23, 2006, Planning Services Division staff released the Final EIR for the Project.
- V. All the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated.
- W. The EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines.
- X. On March 9, 2006, the Planning Commission, following notification to the public in the prescribed manner, conducted a public hearing on the Final EIR including responses to comments and revisions to the Draft EIR, where it received written and oral testimony, including a written staff report dated March 1, 2006.
- Y. No comments made in the public hearings conducted by the Planning Commission, nor any additional information submitted to the City, have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines §15088.5.

Z. All other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Lafayette, California certifies as follows:

1. The Environmental Impact Report for the Soldier Field Subdivision has been completed in compliance with the California Environmental Quality Act. The Environmental Impact Report is an adequate document which addresses the environmental impacts of the Project.
2. The Final EIR was presented to the Planning Commission and the Planning Commission has reviewed and considered the information in the EIR prior to taking action on the Project.
3. The City of Lafayette is the lead agency for this project. The decision making authority for this Project, TR6569 and HDP86-04, rests with the Planning Commission. The decision of the Planning Commission is subject to appeal to the City Council.
4. The Final EIR reflects the independent judgment of the City and the Planning Commission. The EIR was prepared by consultants under contract to the City and by City personnel. The Planning Commission held five public hearings on the Project related to the environmental review process and California Environmental Quality Act, provided extensive opportunity for public participation including public hearings before the Lafayette Circulation and Design Review commissions, and authorized a Draft EIR review period which was longer than State requirements.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a regular meeting held on March 9, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ATTEST:

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Niroop K. Srivatsa  
Planning Commission Secretary

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Jeanne Ateljevich  
Planning Commission Chair