

City of Lafayette Staff Report

For: Planning Commission

By: Christine Sinnette, Senior Planner

Date Written: November 9, 2005

Meeting Date: November 17, 2005

Subject: **TR6569 GREG WOEHRLE (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.*, located at 3148 Lucas Drive, APN 238-080-019.

HDP86-04 GREG WOEHRLE (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. REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT

PURPOSE OF HEARING

The purpose of this public hearing is to solicit input from the public and Planning Commission on the draft environmental impact report (DEIR) prepared for the Soldier Field subdivision. The California Environmental Quality Act (CEQA) requires a 45-day public review period for draft EIRs. The statutory period of review is October 11, 2005 through November 25, 2005. No review or determination on the project applications is being made at this time.

BACKGROUND

A Notice of Availability of the DEIR and notice of this public hearing were published in the Contra Costa Sun on October 21, 2005 and mailed to property owners within 500 feet of the project site on October 11, 2005. Copies of the DEIR are available for review at the City Offices, Lafayette Library, and on the City's website. Copies of the DEIR have been provided to the East Bay Regional Parks District, East Bay Municipal Utilities District, Chamber of Commerce, Lafayette Homeowners Council, burtonvalley.com, and Lucas Drive Neighbors.

At the Planning Commission meeting of November 3, 2005, City staff and RBF Consulting introduced the DEIR and outlined the environmental review process. The public hearing on the DEIR was opened, members of the Planning Commission and the public provided comment, and the public hearing was continued to the meeting of November 17, 2005.

On November 7, 2005, the Circulation Commission conducted a public meeting on the DEIR. The only substantive comment from the Commission was that the traffic and cumulative impact chapters should be expanded to include more analyses of trip generation rates from development projects in Moraga that would potentially use some of the same streets as the Soldier Field project. Once the minutes of the meeting are available, they will be forwarded to the EIR consultant so they can respond to comments on the DEIR. The responses will be included in the final EIR. To date, staff has received no correspondence from the public on the DEIR.

ENVIRONMENTAL REVIEW PROCESS

The Soldier Field Subdivision DEIR was prepared by RBF Consulting. The DEIR has been prepared as directed by City staff and based on input from the Planning Commission, public agencies, and the public. This DEIR reflects the independent analysis and judgment of the City and has been reviewed by Planning and Engineering Division staff, the City Engineer, and the City Attorney.

Once the public comment period is closed, the City must prepare a final EIR responding to all environmental comments received on the Draft EIR. The responses to comments on the DEIR must include good faith, well-reasoned responses to all comments received. Although CEQA does not require public review of a final EIR, it is expected that the Planning Commission will hold at least one hearing on the final EIR before certifying it. The Planning Commission must certify that the final EIR was prepared in compliance with CEQA and reflects the independent judgment of the City. Pursuant to CEQA, the City shall complete and certify the final EIR by December 29, 2005, one year from the date the project application was deemed complete. The one-year time period may be extended for 90 days upon mutual consent of the applicant and the City.

Certification of the EIR does not control the City's ultimate decision on the proposed project. Public hearings on the merits of the project can take place concurrently with the environmental review process or they can occur after the final EIR is certified. Once the EIR is certified, the City has 50 days to make a determination on the subdivision and hillside development applications. The 50-day time period may be extended for 90 days upon mutual consent of the applicant and the City.

This EIR is an informational document prepared to inform City decision-makers and the public of the significant environmental effect of the project, possible ways to minimize the significant effects, and reasonable alternatives to the project. The DEIR concludes that the project would result in less than significant impacts on traffic and transportation. Although the DEIR identifies that the project could result in significant impacts on land use, aesthetics, air quality, biological resources, cultural

resources, geology and soils, hydrology and water quality, noise, and public services, utilities, and service systems, it concludes that all project impacts can be mitigated to less than significant levels.

STAFF COMMENTS

Pursuant to section 15204 of the CEQA Guidelines, review should focus on the sufficiency of the DIER regarding identification of environmental impacts and methods to avoid or mitigate those impacts. Adequacy of the DEIR should be considered in terms of what is reasonable in light of factors such as magnitude of the project, the severity of its likely environmental impacts, and geographic scope of the project. CEQA does not require that conclusive or exhaustive tests or studies be performed. This is not a formal evidentiary hearing in which participants may cross-examine each other or are required to respond to questions raised but an opportunity for the Planning Commission and members of the public to comment on the DEIR.

A number of comments about the DEIR were made by the Planning Commission and the public at the November 3rd meeting. Most of the comments will be addressed in the responses to comments of the final EIR. However, several general comments warrant a response at this time.

Comment: Confirm that the geology report was written by a geotech. The General Plan (Program S-1.1.1) requires that, “development be supervised and certified by a geotechnical engineer, and where necessary, by an engineering geologist.”

Response: The Preliminary Geotechnical Report Tract 6569 Lucas Drive referred to in the DEIR was prepared by Cal Engineering & Geology. The report was signed and stamped by Mitchell Wolfe, Certified Engineering Geologist and Philip Gregory, Civil-Geotechnical Engineer. Additionally, the Geotechnical Report and DEIR were reviewed by City Engineer, Tony Coe. It is his opinion that the report and DEIR analysis are appropriate and accurate for this level of project design. He is in agreement with mitigation measures 3.7-3a and 3.7-3b requiring further specific subsurface testing and design prior to approval of the Final Map or issuance of a grading permit.

Comment: Were the homes staked in accordance with the massing and conceptual plans?

Response: Yes. Prior to installation of the story poles, project architect Ward-Young prepared an exhibit, “Lucas Ranch Staking Conceptuals”. This exhibit was made available to the public during the story pole site visit on May 16, 2005 and to the Planning Commission at the meeting of November 3. The exhibit also contains a massing/section and elevation study. The project architect has indicated that the staking conceptuals are a refinement of the Master Plan and Design Guidelines and the building footprint shown on the vesting tentative map. The primary building element shown in the staking conceptuals for each lot is what was staked in the field.

Comment: Mitigation measure 3.10-7 requires 100 feet of irrigated landscape in all directions; where did that requirement come from?

Response: This requirement came from the Contra Costa County Fire Prevention District (see Attachment C).

Comment: Visibility impacts from the freeway and Deer Hill Road need to be looked into.

Response: Highway 24 and Deer Hill Road were included in the potential sites from the City's Viewing Evaluation list to be evaluated in the viewing analysis. The Soldier Field development cannot be seen from these two roadways because the distance from the project site is too great (see Table 3.3-1, Soldier Field DEIR).

STAFF RECOMMENDATION

Staff recommends that the Commission complete the public hearing, conclude comments from the Planning Commission, and direct staff and the EIR consultant to prepare the responses to comments and final EIR for the Soldier Field Subdivision.

ATTACHMENTS

- A. Aerial Photograph of Project Site and Vicinity
- B. Site Plan/Vesting Tentative Map
- C. Letter from Contra Costa County Fire Protection District, dated August 16, 2005.