

Published August 26th, 2015

Deer Hill Project Wins Approval

By Cathy Tyson



Approved site plan Images courtesy O'Brien Land Company

After numerous meetings and hours of passionate public comment over the past four years, an application for a 315-unit apartment complex on Deer Hill Road is wrapping up with a sober business-like review of a multitude of conditions of approval and environmental reports. The Lafayette City Council gave a green light to the now much smaller alternative project: The Homes at Deer Hill, which includes 44 detached single-family residences and features public amenities, including a much needed sports field.

Alan Moore, attorney for the landowner, Anna Maria Dettmer, pointed out that this development represents a 94 percent downzoning of the property, which could have been built out with 35 dwelling units per acre on its 22 acres. The property is now down to two market-rate homes per acre.

In addition to the change in size, a unique compromise was hammered out between the developer, O'Brien Land Company, and the city of Lafayette in which the developer is contributing half the cost of a community park that includes a multi-sport field, a tot play lot, a parking area, a multi-purpose path skirting the hill and a dog park across the street.

Throughout the review process there has been a substantial amount of public testimony. Final concerns at the Aug. 10 city council meeting focused on what some residents consider inequitable distribution of Parks funding. Although the city is splitting the cost of community park improvements with the developer, a number of parents who live in the Leigh Creekside Park neighborhood complained that a large chunk of the Parks budget is going to this project, rather than improvements for the smaller Leigh Creekside Park on Moraga Boulevard at Fourth Street.

Council members sympathized with parents who had been diligently working on fundraising for improvements at Leigh, but explained that the Parks, Trails and Recreation Commission did an exhaustive study, concluding the biggest city-wide need was an additional sports field, and that opportunities for a flat site are few and far between.

"I don't see that we could find an alternative project with adequate parking," said Council Member Don Tatzin, suggesting that if someone knows a way to acquire and develop a park for the same price that they are sharing with the developer, he'd be happy to consider it.

Parks, Trails and Recreation Commissioner Carol Singer explained that it's important to consider serving the greatest number of residents. "It's a value judgement of where we should spend that money," she said.

"Suddenly we've been given an opportunity that we really can't pass up," said Council Member Mike Anderson. "Right now we need to jump on what's in front of us."

A group of young people representing the San Francisco Bay Area Renters Federation voiced opposition to the smaller project, supporting the prior 315-unit apartment complex that would add more affordable housing stock to the area. Various speakers from the group complained of spiraling rent costs in the Bay Area, calling the need for moderately priced housing "acute."

The amount of paperwork associated with a project of this magnitude is astounding: Resolution 2015 - 50 adopts environmental reports and the Mitigations Monitoring and Reporting Plan, Resolution 2015 - 51, approves a General Plan amendment. Ordinance 641 approves a zoning

amendment and includes a land use permit, hillside development permit and conditions of approval, along with a development agreement between the city, the developer, and the landowner.

Specific conditions of approval spell out 80 items that the developer must agree to in order to build the project, from underground utilities to gravity flow sewers to solar panels, which will offset a minimum of 80 percent of each home's projected electrical needs.

Two of the most surprising conditions respond to citizens' concerns and Bay Area Air Quality Management District threshold levels to reduce cancer risk and to mitigate the impact to sensitive receptors to a level that is "less than significant," because the project is not far from Highway 24 and Pleasant Hill Road. The developer will be providing Minimum Efficiency Reporting Value filters with a rating of 10 or higher for homeowner's ventilation systems approximately once every two to three months, per manufacturers requirement, in perpetuity. MERV is a measurement of how well the filter removes small particles from the air - the higher the MERV, the smaller the particles that can be trapped.

O'Brien is also required to submit a Dust Control and Air Quality Monitoring Plan which shall have real time monitoring of air quality during the grading operations on the site, as well as a dozen items to reduce particulate matter in the air during construction that are identified in the environmental impact report, to comply with BAAQMD.

One of the more unusual requirements specified that a bat biologist be hired to "avoid possible loss of bats during project construction." This will be accomplished by limiting demolition of existing buildings on the property to two months in the spring and two months in the fall to "minimize the likelihood of removal during the winter roosting period ... and the critical pupping period."

While the bats will presumably be protected, and a new bike lane will be installed to protect cyclists, drivers will likely face some added congestion on already busy Pleasant Hill Road. Only two things fell into the "potentially significant effects that cannot be mitigated below a level of significance": noise from Highway 24 and from the sports field, and more traffic.

It's worth considering which is worse, traffic from 44 homes, or traffic from 315 homes?

All of the relevant documents are included in the staff report and as attachments from the Aug. 10 city council meeting, which are available online at www.lovelafayette.com.



Aerial view of existing The Homes At Deer Hill site

Reach the reporter at: cathy@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA