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Lafayette Council approves Samantha Townhomes construction

By Lou Fancher



Image provided

The situation they viewed was not realistic. During 2020, the school was only allowed 50% of typical enrollment. Whitehead said in September of 2021 up to 85 children (full enrollment) would be coming to Stuart Street. "I just can't imagine the traffic was adequately evaluated," she said.

A single-car garage is located on the first level of each proposed unit of the 12 four-level 1- and 2-bedroom townhomes on the cantilevered site. The units include living spaces on the second and third levels, and rooftop decks.

Hearing descriptions of parking shortages and concerns from both parties about cars backing out of driveways, especially the driveways of three units located closest to the school, Mayor Susan Candell asked Attorney Bryan Wenter to explain why eliminating those units did not fall under the council's purview.

Wenter explained the project meets the legal requirements of Density Bonus law and the Housing Accountability Act that "mimic each other in terms of the discretion that is curtailed at a state level in connection with projects that benefit from the protection of those laws."

Wenter said the HAA prevents a public agency (in this case, the city council) from limiting or altering the proposed project because the development meets all zoning requirements and there are no proven public health and safety violations. Other than speculation from the appellants about the negative impact the townhomes would or would not have, he said there are no violations of written criteria establishing public health and safety standards.

He confirmed that the city could be sued by the applicant if they tried to eliminate the end units. He noted that the area had been studied previously and is located where housing has been planned for and sought by the city.

The Whiteheads reiterated concerns about the safety of children attending the school, highlighted the area's limited parking and the likelihood of increased traffic congestion on Stuart Street.

Speaking for applicant/owners Samuel Bing and Linda Lai Lee, representative Stuart Rickard

showed a photograph of Stuart Street as it currently exists. He said the end of the street had been striped for parking. The elimination of those five striped parking spots - a contentious subject that received considerable attention during the meeting - would increase public safety. He also suggested the townhomes' one-car garages could have auditory opening signals that would add to public safety and awareness.

Minus the parked vehicles, Rickard said there would be more room for emergency vehicles to access the area and less multi-point turnarounds made by people bringing their children to the school. "The sidewalk we will be adding will also contribute to the overall safety of pedestrians," said Rickard.

During public comments, a parent of a child enrolled at The Child Day Schools said he was concerned the project was making the area more dangerous. He said developing the land with "a cavalier attitude" left him worried about the construction phase and the increased traffic congestion on an already challenging street. He encouraged council to consider some kind of compromise to mitigate the concerns.

Rickard said he is "a big supporter of the public process because it brings out the issues and allows us to debate them in public." He said an idea proposed during the discussions to have a traffic engineer look at the situation is a good one. "Our project will improve the situation but it probably needs someone who's an expert to help develop some structure around it." He emphasized the applicant is "not cavalier in any way" when it comes to safety.

Because the city must consider and either approve or deny this type of project at one of five hearings - the council meeting July 26 was the fifth public hearing for the project - a decision was required of the council.

Council discussion led to amendments to the Resolution and Conditions of Approval, most relating to ensuring the updated plans and other future information submitted by the applicant includes 220V EV-ready hookups in each garage, a mention in homeowners association agreements of the proper use and maintenance of MERV filters, and limiting construction hours to 9 a.m. to 6 p.m., Monday to Saturday. No construction will be permitted on Sundays or holidays.

It was agreed that staff will direct the public works manager and the city's traffic engineer to consult with the applicant and appellant and make recommendations to the council regarding a possible traffic study.

After voting unanimously to approve the revised articles of Resolution and Conditions of Approval, the council agreed to discuss reductions in the appellant's \$12,637 fee to appeal the decision at the next council meeting.

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