

WHAT YOU NEED TO KNOW ABOUT MEASURE L

1. WON'T WE GET 315 APARTMENTS IF WE VOTE "NO"?

NO, despite misleading information to the contrary, the Apartments have NOT been approved (City Council 1/13/14).

- The city certified the Apartments' Environmental Impact Report ("EIR") on August 12, 2013 with 13 significant unavoidable impacts, of which 5 were health and safety impacts on air quality and traffic that authorize denial under State Housing Accountability Act.
- The city attorney states incorrectly - in a staff report and in the June Voter Guide - that the Apartments cannot be put to a vote.
- Even if the city did approve the Apartments, citizens can override by referendum and/or litigation.
- State bills (SB 167 - Housing Accountability Act) & SB35 can't deny a Homes or Apartments vote nor preempt California Environmental Quality Act (CEQA) on public health and safety impact.

2. IS THE SITE HEALTHY - INCLUDING THE HOMES, SPORTS FIELD AND TOT LOT?

NO - Bay Area Air Quality Management District says the site has "unhealthy pollution levels for children".

- Other safer, healthier sites exist in Lafayette which meet the Mayor's criteria and for which the city has the money to provide a better sports field.
- The methods used in the Developer's Environmental Impact Report failed to measure ultra-fine particulates, which penetrate deeply into the lungs, bloodstream and organs and can significantly increase respiratory and cardiovascular diseases, various cancers and developmental disorders.
- Adults/children involved in athletic activity can take in up to ten times as much of these particulates up to 4 million per minute.
- Children's Play Area 160 feet from Pleasant Hill Road (PHR), Sports Field 200 feet from PHR and 50 feet from Deer Hill Road, and both about 400 feet from freeway onramp.
State law restricts public school districts from putting facilities, playgrounds, fields within 500 feet of busy traffic corridors, such as Pleasant Hill Road and Deer Hill Road.
- Similar heavy traffic sites monitored by BAAQMD reach "Unhealthy for Sensitive Groups" monthly readings.
- **Homes'** residents will be required to replace special pollution filters in their homes every three months, are advised to stay inside and keep windows closed because of pollution.
- Traffic associated with the project will make pollution even worse.

3. WHAT ABOUT TRAFFIC?

- Per Homes EIR: "Delay Index would increase" and Level of Service "F" at PHR/Deer Hill Road ("jammed conditions with excessive delays, long back-ups"); unacceptable conditions for emergency response vehicle.
- The project will add an estimated 1,224 car trips a day.
- This is the city's most gridlocked intersection in a congested city.
- The two proposed roundabouts are unnecessary and will slow traffic; one of them exceeds state/federal guidelines for steepness by 400%.

4. WHAT IF MEASURE L PASSES?

- The project cannot be changed by voters.
- Grading will start immediately and Deer Hill Road will be completely closed for months.
- Children exercising in the amenities will be exposed to hazardous air pollution.

5. WHAT IF MEASURE L FAILS?

- Many alternatives to the current proposal would be available – from making changes to the current proposal, to rezoning the property, to leaving the property more or less as is.

6. THE PROPERTY IS ZONED ADMINISTRATIVE/PROFESSIONAL OFFICE, SO COULDN'T THE 315 APARTMENTS BE BUILT?

NO, the recent appeal won by Save Lafayette requires the city to change the zoning to “residential with 2 homes per buildable acre.

7. CAN'T THE CITY/DEVELOPER PROCESS AGREEMENT BE USED TO DENY THE RIGHT TO A REFERENDUM?

NO, incorrect – State Law (The Permit Streamlining Act, (GC 65943(a)) does not allow for such agreements to last longer than 270 days. This process agreement expired in 2014.

8. WHO OWNS THE LAND?

- The person who owns the land lives in Oregon; the developer lives in the Hillsborough area on the peninsula; the project manager lives in the Sacramento area.

9. ARE THE LANDOWNER AND DEVELOPER ENTITLED TO BUILD ON THIS PROPERTY?

YES - but only with city and/or voter approval.

- They can offer a different development project for consideration or accept a buyout, if Measure L fails – either way they get a return on their investment.

10. CAN YOU TRUST THE CITY COUNCIL/ADMINISTRATION ON THIS VOTE? THE RECENT HISTORY:

- The City Council violated state law in 2015 by denying our right to vote on this project; this was overturned by the courts in 2018, due to an appeal by Save Lafayette www.savelafayette.org
- The City mismanaged the analysis of air pollution for the sports field/tot lot.
- City Councilmembers supported the “Yes” ballot rebuttal that falsely refers to “allowed” units of Apartments – but Apartments were never “allowed” or approved.
- The City Mayor made erroneous/misleading statements on Nextdoor regarding approval of the Apartments.
- The City bungled a zoning change approved in 2010 to one house per 5 acres. The developer stepped in and submitted proposals for the Apartments and the Homes at Deer Hill.
- There are many instances of the City allowing commissioners to represent their own clients or approve each other’s applications; some have violated State Law with one fine by the State Fair Political Practices Commission.
- Another investigation is pending. Save Lafayette advocated for a stricter code of ethics which was enacted in March 2018.
- There have been a number of citizen lawsuits recently against the City on land use, trees, and Brown Act and Open Meeting Act violations.