

A P P E N D I X B

NOTICE OF PREPARATION AND
SCOPING MEETING COMMENTS



APPENDIX B1:
SUMMARY OF COMMENTS

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COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING

COMMENTOR	TOPIC AREA														SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR		
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services	Transportation		Utilities/Service Systems	Construction Impacts
LETTERS RECEIVED IN RESPONSE TO THE NOTICE OF PREPARATION DATED JULY 25, 2011.																	
Regional Agencies																	
Scott Morgan Director OPR – State Clearinghouse 1400 10 th Street PO Box 3044 Sacramento, CA 95812 July 25, 2011																	<p>Acknowledges Lead Agency has complied with CEQA for review requirements of the DEIR.</p> <ul style="list-style-type: none"> <i>No inclusion in the Draft EIR analysis is necessary.</i>
Katy Sanchez Program Analyst Native American Heritage Commission 915 Capital Mall Room 364 Sacramento, CA 95814 August 1, 2011																	<p>Letter recommends assessing archaeological impacts, the lead agency should contact the regional archaeological Information Center for a record search to determine (among other things) whether the area has been previously surveyed for cultural resources and whether an archaeological inventory survey is required. If a survey is required, The Native American Heritage Commission's letter details the required information and submittals. The letter recommends contacting the Native American Heritage Commission for a Sacred Lands File Check, and has attached a list of Native American contacts available for consultation and assistance in mitigation measures. If there is no surface evidence of archaeological resources, there may still be subsurface resources. The letter recommends lead agencies making provisions for accidentally discovered resources, the disposition of recovered artifacts, and the discovery of Native American human remains.</p> <p><i>Chapter 4.4, Cultural Resources, for a description of the sources used to assess existing archaeological resources.</i></p>
Carl Wilcox Regional Manager Bay Delta Region Dept. of Fish and Game 7329 Silverado Trail Napa, CA 94558 August 8, 2011																	<p>Comment recommends the EIR to assess natural habitats and all of the flora and fauna with and adjacent to the project area for any direct or indirect changes that may be associated with project implementation. If the project will impact a river, stream bed or related riparian resources, the Department of Fish and Game may require a Lake and Streambed Alteration Agreement with the applicant.</p> <p><i>See Chapter 4.3, Biological Resources for a discussion of impacts to riparian areas.</i></p>

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Gary Arnold District Branch Chief Local Development – Intergovernmental Review California Dept. of Transportation 111 Grand Avenue Oakland, CA 94623 August 17, 2011														•				Comment recommends, since the project area is close to the Highway 24 Caldecott Tunnel Improvement project, to coordinate construction activities with the Dept. of Transportation's District 4 office (including providing the office with the construction Traffic Control Plan). Coordinate the Traffic Impact Study (TIS) with the Dept. of Transportation to ensure impacts on State highways are fully assessed. The TIS should include the 9 items detailed in the Dept. of Transportation's letter. Any work or traffic encroaching on the state right-of-way requires a Dept. of Transportation encroachment permit. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of the Project's impacts to traffic on State Route 24.</i>
Local Agencies																		
Ted Leach Fire Inspector Contra Costa County Fire Protection District 7329 Silverado Trail Napa, CA 94558 April 25, 2011	•												•	•				The comment summarizes the findings of the Contra Costa County Fire Protection District's (CCCFPD) review of the Project site plan. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of the Project's consistency with applicable standards.</i>
Christopher J. Learned Associate Superintendent Business Services Acalanes Union High School District 1212 Pleasant Hill Road Lafayette, CA 94549 August 11, 2011											•		•	•		•		The School District notes that congestion is currently a problem around the school and that, without proper mitigation, the proposed project would exacerbate the congestion. Additionally, the School District is concerned that the proposed three north-bound lanes on Pleasant Hill Rd near the freeway narrowing to two lanes near an Acalanes High School driveway would cause congestion and safety hazards to students, parents and faculty. The School District is uncertain that it will be able to absorb the additional students the project might generate in the area. Finally, the School District is concerned about construction-related noise and dust. <i>See Chapter 4.12, Public Services, for a discussion of the Project's impacts to school facilities. See Chapter 4.13, Transportation and Traffic, for a discussion of the Project's impacts to traffic and traffic-related hazards.</i>
William R. Kirkpatrick								•						•				Comment suggests a portion of the project appears to be located over easements

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Manager of Water Distribution Planning East Bay Municipal Utility District 375 Eleventh Street Oakland, CA 94607 August 22, 2011																		containing two EBMUD aqueducts and states that construction over these aqueducts should be avoided if possible and notes the project must adhere to EBMUD's Procedure 718 – Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses. EBMUD requests a complete set of design drawings. Portions of the development located above 450 feet require a Low Pressure Service Agreement. EBMUD does not inspect, install or maintain pipeline in contaminated soil or groundwater of a particular level of health and safety risk. EBMUD will not design pipeline installation until soil and groundwater quality data and remediation plans are reviewed. EBMUD will not install pipelines until remediation is implemented and its effectiveness is reviewed. The City should require compliance with the Lafayette Water Efficient Landscape Ordinance in its conditions of approval. <i>See Chapter 4.14, Utilities and Service Systems, for a description of existing easements on the Project site and the regulations applicable to the Project site.</i>
COMMENTS FROM OCTOBER 17, 2011 EIR SCOPING MEETING																		
Oral Comments																		
MEMBERS OF THE PUBLIC																		
Diane Britto Realtor October 17, 2011																		Comment suggests the project will increase traffic in an already congested area. Comment expresses an opinion that service streets are congested, causing reduced quality of life for homeowners (e.g., vehicles using driveway for u-turn to escape congested roadway); current traffic on Pleasant Hill Road discourages potential home buyers; curb cuts serving the Shell Station, Acalanes High School, tennis courts, District offices, and the Briones parking lot create hazards and add to congestion—which will only be exacerbated by the proposed development. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of impacts related to traffic and traffic-related hazards.</i>
Michael Walker October 17, 2011		•							•		•	•	•					Comment expresses an opinion that the proposed left turn onto Pleasant Hill Road will exacerbate week night congestion; the proposed Deer Hill Road ingress/egress is dangerous; re-striping will not adequately address traffic issues; the project is underestimating occupancy rate at 2.09 residents per unit; there is no projected

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																		<p>occupancy load for Springhill School; there is no sidewalk along Pleasant Hill Road between the proposed site and Springhill School—believes this is dangerous for students; the hillside is the most prominent in Lafayette, acts as an important gateway and would be negatively impacted by the proposed placement of three buildings on its “brow.” Concerned that while the General Plan identifies the site as residential, it is zoned as administrative/professional office—making the proposed project a nonconforming use.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character. See Chapter 4.9, Land Use and Planning, for a discussion of impacts associated with the Zoning Code. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Rod Ford-Smith President Homeowners' Association on Brown Avenue October 17, 2011																		<p>Comment requests to improve safety. There needs to be a light at the bottom of Brown Avenue and Deer Hill Road. With current congestion, it is dangerous for drivers turning left into the Montessori school on Deer Hill Road.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Guy Atwood October 17, 2011		•												•	•			<p>Comment requests that public should be informed on how long they will have to comment on the EIR scope. Comment suggests that both Highway 24 as a scenic highway and EBMUD water main that runs directly underneath the site should be considered. Off site impacts, specifically to traffic and views, should be considered. Other communities beside Lafayette should comment on the project. Comment suggests the site is a natural hillside and requests that any prior illegal changes to the property should be reversed. Comment requests that site should be restored to and maintained in its natural state.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts to a State scenic highway and scenic vistas. See Chapter 4.11, Utilities and Service Systems, for a description of existing water utilities on the Project site.</i></p>

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Richard Morrison October 17, 2011										•		•					•	<p>Comment expresses an opinion that high density infill development is supportable if the location is walkable to services and accessible to public transit—neither of which is true of this project. Comment states concern that this project is not infill but sprawl and could exacerbate congestion. Comment suggests the project’s residents might be unlikely to walk to BART due to the grade and notes it would be interesting to see a study of pedestrian BART users in the area.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of existing pedestrian and transit facilities and the Project’s impact on those facilities.</i></p>
Traci Reilly October 17, 2011														•			•	<p>Comment expresses an opinion that not all traffic is bad and requests that the impacts of and likely mitigations for traffic spillover onto Mt. Diablo Boulevard and downtown should be considered. Requests the consultants should incorporate findings from the Downtown Specific Plan.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i></p>
Kenneth Paige October 17, 2011		•												•				<p>Comment expresses an opinion that an owner has a right to develop, not overdevelop and expresses a concern that the design “shotguns” over hill and could visually resemble Daly City. Suggests that although traffic may be down at certain times, it peaks at the beginning of the school day. Suggests the project could also exacerbate traffic and parking in downtown.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts related to the visual character of the Project. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts, including during the school-related mid-day peak hour.</i></p>
Karen Zemelman October 17, 2011	•	•												•				<p>Comment expresses an opinion that the project will change the character of the area from beautiful and semi-rural to dense and urban. Comment states the applicant has not done adequate community outreach—many people are unaware of the project’s scope and size. Requests more time should be given for public comment and visual simulations carefully choose vantage points. Concerned traffic impacts will be significant—especially since there is no public transit. The 45 mph speed limit on Deer</p>

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																		<p>Hill Road will make turns out of the proposed development dangerous.</p> <p>See Chapter 3, Project Description, for a detailed description of the proposed Project. See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts to the visual character of the Project site vicinity. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</p>
Aaron Hope Civil Engineer October 17, 2011																		<p>Comment expresses an opinion that the assumption that there will be 2.09 residents per unit is not accurate. If there are actually 3 residents per unit, it could impact peak sewer flows. Suggests Central Contra Costa Sanitation District has upsized its sewer capacity to address aging infrastructure but assuming no growth. Believes the development will exacerbate an already strained sewer system, which has is only one interceptor under Highway 24.</p> <p>See Chapter 4.11, Population and Housing, for a discussion of growth impacts. See Chapter 4.14, Utilities and Service Systems, for a discussion of impacts to wastewater services.</p>
Mark Zemelman October 17, 2011																		<p>Comment expresses an opinion that new students from the development will burden an already underfunded Lafayette and Acalanes school systems. Believes development fees do not address this and parcel taxes cannot be levied on the proposed apartments. Requests the EIR add an additional element focusing on the impact to local school budgets. The City should request input from school fundraising organizations such as the Lafayette Partners in Education (LPIE) and Parent Faculty Committees (PFC).</p> <p>See Chapter 4.12, Public Services, for discussion of impacts to schools.</p>
Leslie Dumas Professional Engineer October 17, 2011																		<p>Request that the City should check the capacity of the EBMUD water main on Pleasant Hill Road, identify whether Pleasant Hill Road will need to be torn up and discover EBMUD's Urban Water Management Plan for the project area's future water supplies. Comment expresses an opinion that stormwater drainage into Reliez Creek may be a problem due to severe down cutting. Reliez Creek may also be steelhead trout habitat. Comment expresses an opinion that the view may be negatively impacted</p>

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																		and although the Initial Study indicates light will be dispersed, the project area may represent a concentrated light source and light pollution. Increased congestion may lead to increased air pollutants near a sensitive receptor (Acalanes High School). <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with light and glare. See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts associated with drainage. See Chapter 4.14, Utilities and Service System, for a discussion of impacts to water supply services.</i>
Eliot Hudson Secluded Valley Homeowners' Association October 17, 2011		•	•				•						•				•	Requests a number of items be considered as potentially significant impacts, including: creation of a new source of light/glare (Sec. 1D), creating objectionable odors (Sec. 3E), public service issues (all items under Sec. 14), transportation/traffic (as listed under Sec. 16A), and inconsistency with adopted policy (Sec. 16F). Comment expresses an opinion that the project would negatively affect community character and impact areas north of the freeway and Lafayette. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with light, glare, and community character. See Chapter 4.2, Air Quality, for a discussion of odors impacts. See Chapter 4.12, Public Services, for discussions of impacts to fire protection and emergency medical response services, law enforcement services, schools, libraries, and parks and recreational facilities. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i>
Donna Eldridge October 17, 2011													•				•	Comment expresses an opinion that existing conditions are challenging and dangerous for pedestrians and bicyclists. Comment expresses an opinion that the Initial Study severely underestimates the potential impacts of the project. Believes there is already a traffic problem in the area. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i>
Linda Murphy October 17, 2011												•	•					Comment expresses an opinion that the population numbers are underestimated. Requests the EIR should assume one person per room in a unit (e.g. 3 people for a 3

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																		<p>bedroom unit). Believes public services (police and schools) and transportation (traffic and safety) will experience a potentially significant impact related to the project. Concerned outdoor car parking will increase the likelihood of crime and require more police service; adding more students to the district will strain the underfunded schools. Requests the project needs to address the additional operating costs schools will face.</p> <p><i>See Chapter 4.11, Population and Housing, for a discussion of growth impacts. See chapter 4.12, Public Services, for discussions of impacts to law enforcement services and schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Lynda Rotundo October 17, 2011		•											•				•	<p>Comment expresses an opinion that more people walk in the Acalanes Valley and Ridge neighborhoods after efforts were made to increase pedestrian safety. Concerned, aesthetically, the project will blur the view of the beautiful hills; it will be difficult for traffic from Highway 24 to Pleasant Hill Road north attempting to get into the left lane.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with viewpoints to ridgelines and the visual character of the Project site vicinity. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i></p>
Alex Steinberger October 17, 2011		•	•				•			•			•					<p>Comment expresses an opinion that the project may greatly increase traffic and noise and air pollution; project may negatively impact many drivers relying on Pleasant Hill Road to access Highway 24. Believes the project area, formerly the site of a gas station, is at high risk for having residual pollutants. Concerned the aesthetics and local character will be negatively impacted—and it will set a precedent for similar development.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with the visual character of the Project site vicinity. See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.7, Hazards and Hazardous Materials, for a description of on-site contaminants. See Chapter 4.13,</i></p>

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																		<i>Transportation and Traffic, for a discussion of traffic impacts.</i>
Roberto Castellon October 17, 2011																		<p>Comment expresses an opinion that existing conditions are dangerous for pedestrians and children. Pedestrian bridges should be built from Quandt to Springhill School and across Acalanes/Deer Hill Road.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic-related hazards and impacts associated with pedestrian facilities.</i></p>
David Harnish October 17, 2011			•	•		•												<p>Comment expresses an opinion that the large amount of material being moved and the fact that the area is susceptible to landslides points to the importance of ensuring that estimates are rigorously vetted. There may be more material needing to be moved than currently estimated. This in turn could impact air quality and biological resources. The large scale of grading may generate dust, including a priority pollutant which is significant as the site is near a high school. Requests the EIR thoroughly examine dust control measures. Believes the site is habitat for a variety of protected species and work will need to be halted during nesting season. Requests the EIR should thoroughly analyze geology/soils, biological resources and air quality.</p> <p><i>See Chapter 4.2, Air Quality, for a discussion of impacts associated with dust. See Chapter 4.3, Biological Resources, for a discussion of impacts to habitat. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of geologic hazards.</i></p>
Daniel Reich October 17, 2011			•			•												<p>Comment expresses a question as to whether the Permit Streamlining Act applies to this project. States that the moving of soil involves not only dust but diesel particulate matter from construction vehicles. Comment expresses an opinion that a study from the South Coast Air Quality Management District demonstrates a cancer risk from such particulates and is concerned there is an asthma risk to children and elderly during construction. Suggests diesel particulate matter negatively impacts climate change. Requests there be disclosure about O'Brien Land Company and its financial interests.</p> <p><i>See Chapter 4.2, Air Quality, for a discussion of impacts associated with particulate matter.</i></p>

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Kerry Bolen Silver Dell Road Homeowners' Association October 17, 2011			•								•				•	•	Requests that section 3 Air Quality should be considered a potentially significant impact. Air quality may be impacted by the increase in moving and idling cars. According to "The Seven Rules for Sustainable Communities" the Pleasant Hill Road area is a classic bottleneck. Suggests the children and farm animals at Sienna Ranch should be considered sensitive receptors; Sienna Ranch animals would be negatively impacted by construction-related noise and vibration, as well as the actual living units. Comment expresses a concern that the project would represent a physical divide in an established community. <i>See Chapter 4.2, Air Quality, for a discussion of air quality impacts and for a description of the findings of the Health Risk Assessment conducted for the EIR.</i>
Oliver Rotundo October 17, 2011		•												•		•	Comment expresses an opinion that the project will discourage children from walking/biking to school. Suggests the state will no longer be "Golden" if its hills are gone—overall, aesthetics will be significantly impacted. Suggests traffic congestion could increase. Comment expresses concerns that if trees are felled, adjacent landowners will lose privacy. <i>See Chapter 4.1, Aesthetics and Visual Resources, and Chapter 4.9, Land Use and Planning, for a discussion of impacts associated with hillside development. See Chapter 4.13, Transportation and Traffic, for a discussion of impacts to pedestrian facilities.</i>
Gene Holit October 17, 2011														•		•	Comment expresses an opinion that the impact of this project is significant. The existing traffic congestion will be exacerbated. The Circulation Commission should separately review traffic. Requests traffic calming should be incorporated but will be inadequate to fully mitigate the project's traffic impacts. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i>
David Bowie O'Brien Land Company October 17, 2011		•														•	Comment expresses an opinion that the application is strong, complete and accompanied by many studies and materials; suggests the EIR process is intended to allow everybody the opportunity to comment and consultants will re-rank impacts; any comments have touched on subjects already identified within the staff report;

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																	<p>suggests the EBMUD easement issue is a legal issue and unrelated to the EIR and some aesthetic issues will be addressed by screening—for an example look at the Orinda Woods Project.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character and scenic views. See Chapter 4.14, Utilities and Service Systems, for a description of existing water utilities and easements on the Project site.</i></p>
Ginny Burendahl October 17, 2011												•		•			<p>Comment expresses an opinion that the scoping documents do not provide an adequate description of the project; suggests the area is single family homes and 300 units seem unnecessary; traffic could increase through Bodega Avenue when attempting to access Deer Hill Road.</p> <p><i>See Chapter 3, Project Description, for a detailed description of the proposed Project. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i></p>
Jonathan Westen October 17, 2011																	<p>Comment expresses an opinion that the community is largely unaware of the project. Suggests Mr. Bowie's (previous commentor) comments are an admission that many boxes on page 2 (of the Initial Study) should be checked—many more items should be included in the EIR as other speakers have indicated.</p> <p><i>The comment does not address a specific topic area in the EIR. The EIR provides a detailed evaluation of all the topic areas addressed in the Initial Study.</i></p>
Marie Parti October 17, 2011								•						•			<p>Comment expresses an opinion that traffic, stormwater drainage and flooding are already problems in this area and will be exacerbated. Comment requests more time to study this project.</p> <p><i>See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts related to drainage and flooding. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i></p>
Ed Burns October 17, 2011												•		•			<p>Comment expresses a concern that the estimates of residents and vehicles are underestimated and parking in the neighborhood is a problem whenever there is an</p>

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																		<p>event. Concerned that the project may lead to neighborhood spillover and associated problems.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of parking-related impacts.</i></p>
COMMISSIONERS																		
Patricia Curtin-Tinley Chair Planning Commission October 17, 2011																		<p>There will be multiple opportunities for public comment. The applicant does not seek to amend the General Plan and Zoning Ordinance. The analysis is focusing on the number of units the project proposes. The commissioner requests Circulation Commissioner comments on the Initial Study.</p> <p><i>No inclusion in the Draft EIR analysis is necessary.</i></p>
Mary-Jane Wood Circulation Commission October 17, 2011																		<p>Comment expresses an opinion that the proposed entrance/egress on Deer Hill Road is hazardous and may require a traffic signal; the project would exacerbate existing congestion; believes it would be impossible to enter the site coming from Highway 24. Concerned intersection level of service (LOS) should not be listed as B for existing or proposed. Notes the Circulation Commission did not review the Abrams traffic study.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Yoland Vega Circulation Commission October 17, 2011																		<p>Comment expresses an opinion that the project looks beautiful but will exacerbate existing congestion.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Dino Riggio Circulation Commission October 17, 2011																		<p>Comment expresses an opinion that discussion of the EBMUD easement has triggered issues about traffic and ongoing utilities maintenance.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards. See Chapter 4.14, Utilities and Service Systems, for a</i></p>

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																		<i>discussion of impacts associated with utilities.</i>
Lynn Hiden Circulation Commission October 17, 2011			•									•	•					<p>Acalanes principal stated the project would generate 68-69 students for the high school, but numbers for Springhill School are unknown. Lower traffic counts are due to the economic downturn. The following items should be evaluated: the need for a signals at Brown and Deer Hill Road and the Pleasant Hill road entry, narrowing to 10 foot lanes on an arterial, level of service (LOS) for freeway entrances/exits, LOS delay, LOS on roads adjacent to project area, the effect on the Pleasant Hill Road (route of Regional Significance CCTA Action Plan), the length of turn lane/ability to get into the project, the need for a bridge at Deer Hill Road and Quandt, air quality in relation to car trip generation, and the impact on surrounding side streets. Caltrans mentions a number of things that should be evaluated. The Planning Commission should read Councilmember Tatzin's report and note potential cumulative regional impacts and weaving issues. A warning signal would be necessary at the 14.9% gradient.</p> <p><i>See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Ellen Poling Vice Chair Circulation Commission October 17, 2011														•				<p>Traffic generation is not necessarily a bad thing. Tight schedule is worrisome. Site distance and safety at all project driveways is an important issue, especially during peak congestion times. All trip distribution and assignment assumptions should be checked with City staff. Traffic simulation should be used around the site, especially on Pleasant Hill, Stanley, Deer Hill, driveways to the site and potentially affected upstream/downstream intersections. Weaving from the off-ramp to the left turn pocket will be an issue during peak congestion. There should be careful analysis of how trip will approach the site (e.g., side streets) and what routes they might take.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Will Lovitt Planning Commission		•										•					•	<p>Comment expresses an opinion that the Initial scoping was comprehensive and requests that section 1.D Light and Glare should be considered potentially significant.</p>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA														SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR			
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services	Transportation		Utilities/Service Systems	Construction Impacts	Other
October 17, 2011																		Mitigation may be required for potential Fire Protection service delays. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with light and glare. See Chapter 4.12, Public Services, for discussions of impacts to fire protection services.</i>
Karen Maggio Planning Commission October 17, 2011		•	•	•		•	•	•					•	•	•	•		Comments requests things to consider include aesthetics, circulation concerns, congestion levels, absence of appropriate sidewalks, signaling, off-site impacts, and creating dust/pollutants near a school. The levels of significance should be increased for Section 1.D Substantial Light and Glare, Section 4.D Wildlife, Section 6.B Soil Erosion/Loss of Topsoil, Section 7.A Greenhouse Gas Emissions, C under Hydrology and Water/Drainage Patterns and D Drainage, as well as Utilities and Service Systems A Wastewater, B and C. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with light and glare. See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.3, Biological Resource, for a discussion of impacts to wildlife. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with erosion. See Chapter 4.6, Greenhouse Gas Emissions, for a discussion of greenhouse gas (GHG) emissions impacts. See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts associated with drainage. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts, traffic-related hazards, and impacts associated with pedestrian facilities. See Chapter 4.14, Utilities and Service Systems, for a discussion of impacts to wastewater services.</i>
Thomas Chastain Planning Commission October 17, 2011		•	•	•		•	•	•			•	•	•			•		Requests traffic impacts should be examined at both "local" and downstream intersections. The impact on trips to downtown should be analyzed. Traffic analysis should look at types of drivers, the needs of institutions, such as schools, and the impact of proposed driveways, and expected traffic on bicycle use. The population estimate is questionable. Aesthetics and biology are intertwined and interact to affect the area's character. School physical capacity and financing should be analyzed. The following sections should be considered as potentially significant impacts: 1. D, 3. D, 4. D, and 4. E. Soil movement should be carefully reviewed. The project adds density

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		to an area lacking mass transit, which will increase car trips. The commissioner agrees with previous comments about water quality. Traffic congestion will impede emergency services. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with the visual quality of the Project site and light and glare. See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.3, Biological Resource, for a discussion of impacts to wildlife and trees. See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts associated with water quality. See Chapter 4.11, Population and Housing, for a discussion of growth impacts. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and impacts associated with pedestrian, bicycle, and transit facilities.</i>
Jeanne Ateljevich Vice Chair Planning Commission October 17, 2011		•				•												Comment expresses an opinion that the project would change the character of place. Historically, Lafayette has controlled hillside development and preserved hills. Grading policies should conform to existing hill shape and take into consideration the recent earthquake with an epicenter near this site. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with hillside development and the character of the Project site vicinity. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with geologic and seismic hazards.</i>
Mark Mitchell Planning Commission October 17, 2011			•							•		•	•				•	Air quality, noise, and the impact on schools are important issues to evaluate. The area is an established, diverse neighborhood. The Commissioner agrees with all of Commissioner Poling's comments on traffic. It will also be important to look at stopping distances and steep slopes. There will be problems associated with the loss of current (illegal) parking. Traffic spillovers into the neighborhood streets. Teen driving behavior should be taking into account. There should be an additional scoping meeting. <i>See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.9, Land Use and Planning, for a discussion of impacts to the surrounding</i>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		<i>neighborhood. See Chapter 4.10, Noise, for a discussion of noise impacts. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i>
Patricia Curtin-Tinley Chair Planning Commission October 17, 2011																		<p>In addition to her earlier comments, the Commissioner agrees with all other Commissioners comments on impact evaluation. The breadth of comments seems to be representative and do not necessitate another scoping meeting.</p> <ul style="list-style-type: none"> • <i>No inclusion in the Draft EIR analysis is necessary.</i>
Mark Mitchell Planning Commission October 17, 2011																		<p>In addition to earlier comments, the Commissioner believes the public will be able to add relevant information about the sewer, but also recognizes there are multiple opportunities for community engagement.</p> <ul style="list-style-type: none"> • <i>See Chapter 4.14, Utilities and Service Systems, for a discussion of impacts to wastewater services.</i>
Jeanne Ateljevich Vice Chair Planning Commission October 17, 2011																		<p>The Commissioner agrees with the Chair's second set of comments.</p> <ul style="list-style-type: none"> • <i>No inclusion in the Draft EIR analysis is necessary.</i>
Thomas Chastain Planning Commission October 17, 2011																		<p>There is no functional reason to have an additional scoping meeting, but if it is not disruptive then it would be a way to further engage the community.</p> <ul style="list-style-type: none"> • <i>No inclusion in the Draft EIR analysis is necessary.</i>
Patricia Curtin-Tinley Chair Planning Commission October 17, 2011																		<p>In her third and subsequent comment, the Chair restates that another meeting is unnecessary and that there will be other opportunities for public involvement. The Chair also explains that public comment is welcome both on the EIR and on the project itself.</p> <ul style="list-style-type: none"> • <i>No inclusion in the Draft EIR analysis is necessary.</i>
Ellen Poling Vice Chair																		<ul style="list-style-type: none"> • In her second comment, the Commissioner requests staff provide a summary of the process and opportunities for Commission and public involvement.

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
Circulation Commission October 17, 2011																		<i>No inclusion in the Draft EIR analysis is necessary.</i>
Written Comments																		
Greg Meronek gmeronek@live.com October 14, 2011																		<p>A 365-unit development will increase traffic at the already congested Pleasant Hill Road/Stanley intersection. The proposed entry/exit onto Deer Hill Road seems to be on the downhill side of a blind curve and will pose a safety threat and potential liability issues for the City and the developer.</p> <p><i>See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>
Sent by: David Harnish harnishs@comcast.net October 16, 2011 On behalf of: David Harnish and Leslie Dumas Springhill Valley Association			•	•	•		•		•					•	•	•		<p>Comment expresses an opinion that the Initial Study (IS) understates the project's potential for substantial impacts. The project is on a prominent, undeveloped ridge—line—the development will increase light and decrease night sky visibility. Construction related dust will be carried by prevailing winds to residential areas and a high school. Mitigation techniques are not adequate to address the scale of dust likely to be created. The EIR should determine whether emissions impact Bay Area Air Quality Management District (BAAQMD) standards. The project area is likely home to the protected Alameda Whip Snake and birds protected by the Migratory Bird Treaty Act. The project area is prone to landslides and construction efforts will likely exacerbate this tendency. There does not seem to be an indication of where stormwater will discharge and whether existing systems have the capacity to handle the additional runoff. The IS does not indicate whether trunk sewage lines have the capacity to collect and route additional sewage generated by this project. The EIR should indicate whether the additional water required by this project fits within the EBMUD projected water supplies for Lafayette. The project will likely increase congestion at the intersection of Pleasant Hill Road and Deer Hill Road. Project entrances on Deer Hill Road are a potential safety hazard due to limited sight lines.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character and light. See Chapter 4.2, Air Quality, for a discussion of air quality impacts and impacts associated with dust. See Chapter 4.3,</i></p>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		<p><i>Biological Resources, for a discussion of impacts to wildlife. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with geologic and seismic hazards. See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts associated with drainage. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards. See Chapter 4.14, Utilities and Service Systems, for a discussion of impacts to water supply and wastewater services.</i></p>
<p>Guy Atwood 3345 Springhill Road Lafayette, CA 94549 guyatw@prometium.com October 16, 2011</p>		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	<p>Comment expresses an opinion that there should have been more notice given since this is a large project and much of Lafayette will be impacted. The amount of light and glare and the size of the project will significantly impact aesthetics. Requests the EIR should research the parcel's previous zoning as agricultural land. The increase in vehicle trips per day will significantly impact air quality to residents and Acalanes High School students. Believes the area is significant to migratory birds and animals. Concerned the movement of 400,000 cubic yards of soil may uncover archaeological resources. There have been earthquakes in the project area. Requests the EIR should determine whether the area is protected by the Hillside Ordinance. Concerned the area has been illegally graded, it should be returned to its original slope. Staff discussion would seem to indicate that greenhouse gases are a potentially significant impact. Requests the EIR study whether the former gas station on an adjacent parcel leaked hazardous materials. Hydrology issues to consider include: a creek running through the middle of the site, historic occurrences of mudflows and landslides on and around the site. The General Plan calls for a use to be consistent with the surrounding area. Concerned the project is not fitting with the character of the area. Construction noise will be significant. Believes there is not enough funding or capacity to provide police, fire or school services to the project area. Concerned the project may decrease parking and increase traffic in the area. Utilities may not have the capacity to provide services for a project of this size.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character and light and glare. See Chapter 4.2, Air Quality, for a discussion of air quality impacts. See Chapter 4.3, Biological Resources, for a discussion of impacts to wildlife. See Chapter 4.4, Cultural Resources, for a discussion</i></p>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		of impacts to archaeological resources. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with geologic and seismic hazards. See Chapter 4.6, Greenhouse Gas Emissions, for a discussion of GHG emissions impacts. See Chapter 4.7, Hazards and Hazardous Materials, for a discussion of impacts associated with contaminants. See Chapter 4.8, Hydrology and Water Quality, for a discussion of impacts to water quality. See Chapter 4.9, Land Use and Planning, for a discussion of consistency with existing land use regulations and policies, including hillside development regulations. See Chapter 4.10, Noise for a discussion of noise impacts. See Chapter 4.12, Public Services, for discussions of impacts to fire protection services, law enforcement services, and schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and parking-related impacts. See Chapter 4.14, Utilities and Service Systems, for a discussion of impacts to utilities.
Lynn Hiden (1) dandlhiden@comcast. October 16, 2011		•												•	•	•	•	First of three comment letters. The project drawings show portions of buildings and internal roads constructed on the EBMUD right of way, which is not allowed. See Chapter 4.11, Utilities and Service Systems, for a description of utilities regulations, including EBMUD's Procedure 718 – Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses.
Andrea Rich andi.rich@ymail.com Lafayette, CA October 17, 2011													•	•				Comment expresses an opinion that schools, particularly Springhill Elementary, are underfunded and will not be able to handle additional students generated by the project. There is a concern about increasing traffic on Pleasant Hill Road. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.
Colin H. Elliott PO Box 1926 Lafayette, CA colin@chelliott.com October 17, 2011		•	•	•		•	•		•					•			•	Requests the applicant do better community outreach. The IS makes no mention of potential health impacts to residents from the adjacent major freeway. The IS does not show the area as having potentially significant seismically, although the area was epicenter to a 4.2 magnitude earthquake in 2007. Requests the EIR should survey the project area and consider all Biological Resource categories as potentially significant, due to the stream running through the proposed site. The large amount of grading

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COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		<p>cut and fill seems to contradict slope and ridgeline preservation policies. Concerned a higher density development at this site is aesthetically displeasing and will impact traffic despite mitigation measures.</p> <p><i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character. See Chapter 4.2, Air Quality, for a description of the findings of the Health Risk Assessment conducted for the EIR. See Chapter 4.3, Biological Resources, for a discussion of impacts to natural resources. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with geologic and seismic hazards. See Chapter 4.9, Land Use and Planning, for a discussion of consistency with existing land use regulations and policies, including hillside development regulations. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i></p>
<p>Don Tatzin dontatzin@sbcglobal.net October 17, 2011</p>			•							•	•		•			•		<p>Requests the EIR transportation section should examine: the safety and traffic implication of turning left onto Deer Hill Road or making a U-turn at Deer Hill and Pleasant Hill in order to enter the project area, whether adding a lane to Pleasant Hill Road south of Deer Hill will lead to weaving, the delay index, the impact on traffic performance and air pollution if State Route 24 institutes ramp metering, the impact of an increase in pedestrian traffic on traffic performance at the Deer Hill and Pleasant Hill intersection, whether this project's mitigations will induce regional growth due to increase capacity and whether proposed mitigations align with the City's practice of not increasing the physical capacity of Pleasant Hill Road over more than twenty years. Comment expresses an opinion that the project size should trigger a more thorough consideration of construction impacts than is typical for Lafayette—particularly around issues of parking, traffic flow, lane closures, work hours, noise/dust pollution and how standard policy will affect traffic performance during construction.</p> <p><i>See Chapter 4.2, Air Quality, for a discussion of impacts to air quality and impacts associated with dust. See Chapter 4.11, Population and Housing, for a discussion of growth impacts. See Chapter 4.10, Noise for a discussion of noise impacts related to construction. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts and traffic-related hazards.</i></p>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR			
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts
Eliot R. Hudson 109 Bacon Court Lafayette, CA 94549 Eliot.Hudson@dlapiper.com October 17, 2011		•															Forwarded David Harnish Letter above. Additionally, notes that the project could impact the community character of Lafayette (i.e., semi-rural and single family) and cites a court case supporting this as a legitimate basis for limiting development. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with community character.</i>
Jean Follmer jeanfollmer@yahoo.com October 17, 2011		•									•	•	•			•	Comment expresses an opinion that the project does not fit with either the general character of Lafayette or the particular character of the Pleasant Hill corridor. Concerned that introducing this project with its higher density to the area will decrease real estate values for single family home owners in the surrounding area. The project will exacerbate existing congestion. Area schools do not have the capacity or the funding to absorb additional students. Believes the developer's proposed contribution of \$297/square foot contribution to schools will not adequately address this problem. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with visual character. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i>
Jenifer Lamken Paul jenlamkenpaul@hotmail.com October 17, 2011		•				•					•		•				Comment expresses an opinion that the new housing this project proposes conflicts with Lafayette's mission statement valuing the preservation and enhancement of the area's semi-rural character. The area has experienced a decrease in population and does not need new housing. The project could exacerbate existing traffic congestion. The project will significantly impact aesthetics. Requests the fact that the project area was the site of a 4.2 magnitude earthquake in 2007 should be taken into consideration. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with community character and visual resources. See Chapter 4.5, Geology, Soils, and Seismicity, for a discussion of impacts associated with geologic and seismic hazards. See Chapter 4.9, Land Use and Planning, for a discussion of consistency with existing land use regulations and policies, including hillside</i>

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		<i>development regulations. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i>
Karen Zemelman 115 Bacon Court Lafayette, CA 94549 karenzemelman@yahoo.com October 17, 2011		•	•	•						•	•	•	•	•				Forwarded David Harnish Letter above. Comment expresses an opinion that increased light pollution will obscure the night sky and harm ecosystems. Increased vehicle trips per day associated with the project will decrease air quality. Believes the project is in conflict with the General Plan's which requires a use to be consistent with that of the surrounding area. Concerned the project would increase noise pollution; the development fees are limited to infrastructure; the project would build apartments, which are not privy to parcel taxes; this could shift more of the school funding burden to single family homeowners. The project could exacerbate existing congestion. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with light. See Chapter 4.2, Air Quality, for a discussion of impacts to air quality. See Chapter 4.9, Land Use and Planning, for a discussion of consistency with land use policies. See Chapter 4.10, Noise, for a discussion of noise impacts. See Chapter 4.12, Public Services, for discussions of impacts to schools. See Chapter 4.13, Transportation and Traffic, for a discussion of traffic impacts.</i>
Lynn Hiden (2) dandlhidden@comcast.net October 17, 2011														•				Second of three comment letters. A forwarded message from EBMUD, Nora Hallow, dated October 17, 2011 clarifying that a scheduled capital improvement project will include work in the Pleasant Hill Road area. However, it shouldn't impede the Terraces project because work will be conducted from either tunnel end. <i>No inclusion in the Draft EIR analysis is necessary.</i>
Lynn Hiden (3) dandlhidden@comcast.net October 17, 2011														•				Third of three comment letters. A forwarded email dialogue between Lynn Hiden and Contra Costa Transportation Authority, Matt Kelly, dated October 17, 2011 about level of service, traffic counts and traffic projections for the project area. Roadway counts are down county-wide. Attached Spring 2010 Roadway Counts for Pleasant Hill Road at Stanley Boulevard.

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		See Chapter 4.13, <i>Transportation and Traffic</i> , for a discussion of traffic impacts.
Sent By: Marie Parti mparti@moraga.k12.ca.us October 17, 2011 On behalf of: Ernest W. Parti, PhD, PE (Former Lafayette Planning Commissioner and City Council Member) 3221 Stanley Blvd Lafayette, Ca 94549		•	•			•		•						•				Comment expresses an opinion that the project would significantly impact air quality; the project would significantly impact aesthetics, since the site is on a corner which sets the residential/park-like tone for the area. Placing residential units on a slope close to major faultlines is dangerous and likely to undergo significant damage during an earthquake. Runoff draining to Springhill Creek will exacerbate existing flooding problems. Concerned the project would exacerbate existing congestion. See Chapter 4.1, <i>Aesthetics and Visual Resources</i> , for a discussion of impacts associated with community character and visual resources. See Chapter 4.2, <i>Air Quality</i> , for a discussion of impacts to air quality and impacts associated with dust. See Chapter 4.5, <i>Geology, Soils, and Seismicity</i> , for a discussion of impacts associated with geologic and seismic hazards. See Chapter 4.8, <i>Hydrology and Water Quality</i> , for a discussion of flooding. See Chapter 4.13, <i>Transportation and Traffic</i> , for a discussion of traffic impacts.
Norm Dyer NDyer@lca-architects.com October 17, 2011														•				A forwarded attachment of letter from BKF to EBMUD clarifying EBMUD aqueduct concerns, as mentioned in the October 17 forwarded message from Lynn Hiden. Specifically, proposed surface uses will not interfere with or damage tunnels/aqueducts since the lowest floor elevation above an aqueduct is ~50 ft from the top of the pipes. Where applicable, the project complies with Procedure 718. Buildings above EBMUD tunnels and deep section of raw water supply facilities are not unusual. See Chapter 4.11, <i>Utilities and Service Systems</i> , for a description of utilities regulations, including EBMUD's Procedure 718 – <i>Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses</i> .
Steven Falk steven.falk@gmail.com October 17, 2011		•							•								•	Attached letter from Robert M. Fisher, Councilman and Mayor, 1968-1976; Chair, Local Agency Formation Commission and Mayors' Conference Letter summary: Comment expresses an opinion that historically, the community supports mixed use

COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PREPARATION AND AT THE EIR SCOPING MEETING (CONTINUED)

COMMENTOR	TOPIC AREA													SUMMARY OF COMMENT & WHERE ADDRESSED IN THE DRAFT EIR				
	Project Description	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Greenhouse Gas Emissions	Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use Planning	Noise	Population/Housing	Public Services		Transportation	Utilities/Service Systems	Construction Impacts	Other
																		in an appropriate space. Believes this project is neither. Historically, the community supports development which respect's the area's semi-rural character and viewsheds. Concerned the project does not. Requests the developer should respect community needs and understand that this project is inappropriate/unacceptable for the area. <i>See Chapter 4.1, Aesthetics and Visual Resources, for a discussion of impacts associated with community character.</i>
Claude Aiello claudeaiello@att.net October 24, 2011														•				Forwarded by Leah Greenblat to Ann Meredith. Requests there should be a study and report examining the project's impact on pedestrians and cyclists using Pleasant Hill Road to travel towards downtown Lafayette. <i>See Chapter 4.13, Transportation and Traffic, for a discussion of impacts to pedestrian and bicycle facilities.</i>

APPENDIX B2:
NOTICE OF PREPARATION AND
SCOPING COMMENTS

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STATE OF CALIFORNIA
 Governor's Office of Planning and Research
 State Clearinghouse and Planning Unit

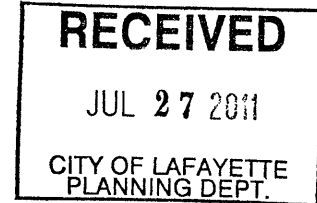


Edmund G. Brown Jr.
 Governor

Ken Alex
 Director

Notice of Preparation

July 25, 2011



To: Reviewing Agencies

Re: The Terraces of Lafayette
 SCH# 2011072055

Attached for your review and comment is the Notice of Preparation (NOP) for the The Terraces of Lafayette draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Ann Merideth
City of Lafayette
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
 Director, State Clearinghouse

Attachments
 cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011072055
Project Title The Terraces of Lafayette
Lead Agency Lafayette, City of

Type NOP Notice of Preparation
Description The Project is a 315-unit apartment development on a currently vacant site. There will be 14 residential buildings with an area of 332,000 s.f. Seven of the buildings will be three stories and seven will be two stories. There are 569 parking spaces in garages and carports and on internal streets. Frontage improvements and three access driveways will be installed along Pleasant Hill and Deer Hill Roads. The Project will require 400,000 cy of grading cut and 100,000 cy of grading fill. The Project site currently has riparian, seep, oak woodland, and grassland habitats. Project will require Hillside Development Permit, Ridgeline Exception, Land Use Permit, Design Review, Tree Removal Permit, and Public Art.

Lead Agency Contact

Name Ann Merideth
Agency City of Lafayette
Phone 925 299 3218 **Fax**
email
Address 3675 Mt. Diablo Boulevard, Suite 210
City Lafayette **State** CA **Zip** 94549

Project Location

County Contra Costa
City Lafayette
Region
Cross Streets Pleasant Hill Road / Deer Hill Road
Lat / Long
Parcel No. 232-150-027
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 24
Airports
Railways
Waterways
Schools Acaianes, Springhill
Land Use Administrative / Professional Office/ Multifamily Residential; Hillside Overlay District

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

Date Received 07/25/2011 **Start of Review** 07/25/2011 **End of Review** 08/23/2011

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # **2011072055**

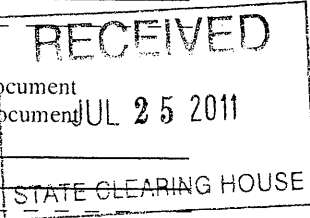
Project Title: The Terraces of Lafayette

Lead Agency: City of Lafayette Contact Person: Ann Merideth
 Mailing Address: 3675 Mount Diablo Boulevard, Suite 210 Phone: 925.299.3218
 City: Lafayette Zip: 94549 County: Contra Costa

Project Location: County: Contra Costa City/Nearest Community: Lafayette
 Cross Streets: Pleasant Hill Road / Deer Hill Road Zip Code: 94549
 Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 22.27
 Assessor's Parcel No.: 232-150-027 Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: 24 Waterways: _____
 Airports: _____ Railways: _____ Schools: Acalanes, Springhill

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____ FONSI



Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Rezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:

Residential: Units 315 Acres 22.27
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational: _____ Waste Treatment: Type _____ MGD _____
 Recreational: _____ Hazardous Waste: Type _____
 Water Facilities: Type _____ MGD _____ Other: _____

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: _____

Present Land Use/Zoning/General Plan Designation:

Administrative / Professional Office / Multifamily Residential; Hillside Overlay District

Project Description: (please use a separate page if necessary)

The Project is a 315-unit apartment development on a currently vacant site. There will be 14 residential buildings with an area of 332,000 sf. Seven of the buildings will be three stories and seven will be two stories. There area 569 parking spaces in garages and carports and on internal streets. Frontage improvements and three access driveways will be installed along Pleasant Hill and Deer Hill Roads. The Project will require 400,000 cy of grading cut and 100,000 cy of grading fill. The Project site currently has riparian, seep, oak woodland, and grassland habitats. Project will require Hillside Development Permit, Ridgeline Exception, Land Use Permit, Design Review, Tree Removal Permit, and Public Art.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

<u>Sources Agency</u>	<input type="checkbox"/> Fish & Game Region 1E Laurie Hamsberger	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<u>Resources Agency</u>	<input type="checkbox"/> Fish & Game Region 2 Jeff Drongesen	<input type="checkbox"/> Public Utilities Commission Leo Wong	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<u>Dept. of Boating & Waterways</u>	<input checked="" type="checkbox"/> Fish & Game Region 3 Charles Armor	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input type="checkbox"/> Caltrans, District 10 Tom Dumas	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<u>California Coastal Commission</u>	<input type="checkbox"/> Fish & Game Region 4 Julie Vance	<input type="checkbox"/> State Lands Commission Cy R. Oggins	<input type="checkbox"/> Caltrans, District 11 Jacob Armstrong	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<u>Elizabeth A. Fuchs</u>	<input type="checkbox"/> Fish & Game Region 5 Leslie Newton-Reed Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Caltrans, District 12 Marion Regisford	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<u>Colorado River Board</u>	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchel Habitat Conservation Program	<u>Business, Trans & Housing</u>	<input type="checkbox"/> Caltrans, District 13 Marion Regisford	<input type="checkbox"/> RWQCB 5 Central Valley Region (5)
<u>Gerald R. Zimmerman</u>	<input type="checkbox"/> Fish & Game Region 6 I/M Brad Henderson Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> Caltrans - Division of Aeronautics Philip Crimmins	<input type="checkbox"/> Caltrans, District 14 Marion Regisford	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<u>Dept. of Conservation</u>	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> Caltrans, District 15 Marion Regisford	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<u>Jonathan Maritz</u>	<u>Other Departments</u>	<input type="checkbox"/> California Highway Patrol Scott Loetscher Office of Special Projects	<input type="checkbox"/> Caltrans, District 16 Marion Regisford	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<u>California Energy Commission</u>	<input type="checkbox"/> Food & Agriculture Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division	<input type="checkbox"/> Caltrans, District 17 Marion Regisford	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<u>Eric Knight</u>	<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Caltrans, District 18 Marion Regisford	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<u>Cal Fire</u>	<input type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Dept. of General Services Anna Garbeff Environmental Services Section	<input type="checkbox"/> Caltrans, District 19 Marion Regisford	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<u>Allen Robertson</u>	<input type="checkbox"/> Dept. of Agriculture Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/> Dept. of Public Health Bridgette Binning Dept. of Health/Drinking Water	<input type="checkbox"/> Caltrans, District 20 Marion Regisford	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<u>Central Valley Flood Protection Board</u>	<input type="checkbox"/> Other Departments	<u>Independent Commissions, Boards</u>	<input type="checkbox"/> Caltrans, District 21 Marion Regisford	<input type="checkbox"/> Other
<u>James Herola</u>	<input type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Delta Protection Commission Linda Flack	<input type="checkbox"/> Caltrans, District 22 Marion Regisford	
<u>Office of Historic Preservation</u>	<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Cal EMA (Emergency Management Agency) Dennis Castrillo	<input type="checkbox"/> Caltrans, District 23 Marion Regisford	
<u>Ron Parsons</u>	<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 24 Marion Regisford	
<u>Dept. of Parks & Recreation</u>	<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 25 Marion Regisford	
<u>Environmental Stewardship Section</u>	<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 26 Marion Regisford	
<u>California Department of Resources, Recycling & Recovery</u>	<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 27 Marion Regisford	
<u>Sue O'Leary</u>	<input type="checkbox"/> Conservancy	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 28 Marion Regisford	
<u>S.F. Bay Conservation & Dev't. Comm.</u>	<input type="checkbox"/> Land Game	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 29 Marion Regisford	
<u>Steve McAdam</u>	<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 30 Marion Regisford	
<u>Dept. of Water Resources</u>	<input type="checkbox"/> Fish & Game Region 1 Donald Koch	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 31 Marion Regisford	
<u>Resources Agency</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 32 Marion Regisford	
<u>Nadell Gayou</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 33 Marion Regisford	
<u>Conservancy</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 34 Marion Regisford	
<u>Land Game</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 35 Marion Regisford	
<u>Dept. of Fish & Game</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 36 Marion Regisford	
<u>Scott Flint</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 37 Marion Regisford	
<u>Environmental Services Division</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 38 Marion Regisford	
<u>Fish & Game Region 1</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 39 Marion Regisford	
<u>Donald Koch</u>		<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 40 Marion Regisford	

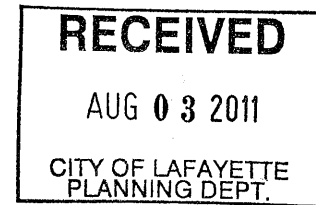
NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



August 1, 2011

Ann Merideth
City of Lafayette
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549



RE: SCH# 2011072055 The Terraces of Lafayette: Contra Costa County.

Dear Ms. Merideth:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List
Contra Costa County
August 1, 2011

Indian Canyon Mutsun Band of Costanoan
Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister , CA 95024
ams@indiancanyon.org
831-637-4238

Ohlone/Costanoan

Amah/Mutsun Tribal Band
Irene Zwielerlein, Chairperson
789 Canada Road
Woodside , CA 94062
amah_mutsun@yahoo.com
(650) 851-7747 - Home
(650) 851-7489 - Fax

Ohlone/Costanoan

Jakki Kehl
720 North 2nd Street
Patterson , CA 95363
jakki@bigvalley.net
(209) 892-1060

Ohlone/Costanoan

Don Hankins
P.O. Box 627
Forest Ranch, CA 959421
530-343-3489 - phone/fax

Miwok

Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
canutes@verizon.net
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Amah/Mutsun Tribal Band
Joseph Mondragon, Tribal Administrator
882 Bay view Avenue
Pacific Grove, CA 94062
831-372-9015
831-372-7078 - fax

Ohlone/Costanoan

Trina Marine Ruano Family
Ramona Garibay, Representative
30940 Watkins Street
Union City , CA 94587
soaprootmo@msn.com
510-972-0645-home
209-688-4753-cell

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

Amah/Mutsun Tribal Band
Melvin Ketchum III, Environmental Coordinator
7273 Rosanna Street
Gilroy , CA 95020
408-842-3220

Ohlone/Costanoan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for proposed SCH# 2011072055 The Terraces of Lafayette: Contra Costa County.

Native American Contact List
Contra Costa County
August 1, 2011

Muwekma Ohlone Indian Tribe of the SF Bay Area
Rosemary Cambra, Chairperson
2574 Seaboard Avenue Ohlone / Costanoan
San Jose , CA 95131
muwekma@muwekma.org
408-205-9714
510-581-5194

Amah/Mutsun Tribal Band
Jean-Marie Feyling
19350 Hunter Court Ohlone/Costanoan
Redding , CA 96003
jmfmgmc@sbcglobal.net
530-243-1633

The Ohlone Indian Tribe
Andrew Galvan
PO Box 3152 Ohlone/Costanoan
Fremont , CA 94539 Bay Miwok
chochenyo@AOL.com Plains Miwok
(510) 882-0527 - Cell Patwin
(510) 687-9393 - Fax

Linda G. Yamane
1585 Mira Mar Ave Ohlone/Costanoan
Seaside , CA 93955
rumsien123@yahoo.com
831-394-5915

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for proposed
CH# 2011072055 The Terraces of Lafayette: Contra Costa County.



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
JOHN McCAMMAN, Director



August 8, 2011

Ms. Ann Merideth
City of Lafayette
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

Subject: The Terraces of Lafayette, Notice of Preparation, SCH #2011072055,
City of Lafayette, Contra Costa County

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). DFG recommended survey and monitoring protocols and guidelines are available at [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf).

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential

Ms. Ann Merideth
August 8, 2011
Page 2

impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Senior Environmental Scientist, at (707) 944-5529.

Sincerely,

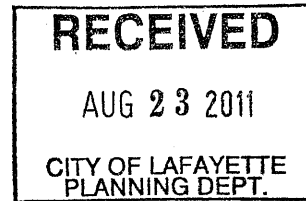
A handwritten signature in blue ink that reads "Scott Wilcox FOR". The signature is written in a cursive, flowing style.

Carl Wilcox
Regional Manager
Bay Delta Region

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

August 17, 2011

CC024211
CC-24-R7.7
SCH# 2011072055

Ms. Ann Merideth
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

Dear Ms. Merideth:

The Terraces of Lafayette – Notice of Preparation

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Terraces of Lafayette project. The following comments are based on the Notice of Preparation (NOP). As the lead agency, the City of Lafayette (City) is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and the Department to ensure that our concerns are resolved during the environmental review process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Traffic Control Plan

This project is in very close proximity to the Highway 24 Caldecott Tunnel Improvement project. We recommend that you coordinate your construction activities with the Department's, District 4 office, to avoid any unnecessary conflicts and delays. Please provide the project's construction Traffic Control Plan (TCP) for review.

Traffic Impact Study

We encourage the City to coordinate preparation of the Traffic Impact Study (TIS) with our office, and we would appreciate the opportunity to review the scope of work. Please include the information detailed below in the TIS to ensure that project-related impacts to state roadway facilities are thoroughly assessed. The Department's "*Guide for the Preparation of Traffic*

Impact Studies” should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. The state ROW should be clearly identified.
2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project’s contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department’s LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all state facilities. Please note, the Department considers LOS by itself as an inadequate measure of effectiveness (MOE) for describing traffic operational conditions since it may actually mask a deficient condition on one or more approaches. As for intersection analysis the accepted MOEs used by the Department include flow (output), average control delay, queue (length or number of vehicles), and Volume/Capacity (V/C) ratio. For freeway and ramp operations, flow (output), speed, and travel time/delay are the accepted MOEs in addition to LOS.
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
6. The project site building potential as identified in the General Plan. The project’s consistency with both the Circulation Element of the General Plan and the Contra Costa Transportation Authority’s Congestion Management Program should be evaluated.
7. In order to reduce traffic impacts from your project, we suggest the City and project proponent work to development Transportation Demand Management (TDM) and parking management measures. You might consider recommending participation in the TransForm’s Green TRIP Certification Program. More information about this program can be found at <http://www.transformca.org/GreenTRIP>.

8. Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts and mitigation measures can be quantified.
9. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

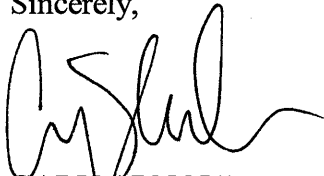
Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please forward at least one hard copy and one CD of the environmental document, along with the TIS, including Technical Appendices, TCP, and staff report as soon as they are available to: Luis Melendez, Transportation Planner, Community Planning Office, Mail Station 10D, California, District 4, P.O. Box 23600, Oakland, CA 94623-0660.

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or luis_melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,



GARY ARNOLD
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

Contra Costa County



Fire Protection District

April 25, 2011

Mr. Norm Dyer
LCA Architects
245 Ygnacio Valley Road, Suite 200
Walnut Creek, CA 94596

RECEIVED

MAY 02 2011

CITY OF LAFAYETTE
PLANNING DEPT.

Subject: The Terraces of Lafayette
3233 Deer Hill Road, Lafayette
APN 232-150-027
CCCFPD Project No.: P-C05-11-0496

Dear Mr. Dyer:

We have reviewed the site improvement plans, dated 3/21/11, for a proposed multifamily apartment complex consisting of fourteen (14) two and three story residential buildings, a two-story clubhouse, and a leasing office. The following is required for Fire District approval in accordance with the 2010 California Fire Code (CFC), the 2010 California Building Code (CBC), the California Vehicle Code (CVC), and adopted ordinances:

1. Emergency vehicle access, as shown on Sheets A1, GD-1, GD-2 and GD-3, **does not comply** with the minimum required inside turning radius of 25 feet and the minimum outside turning radius of 45 feet.

Emergency apparatus access roadways with a driving surface of not less than 20-feet unobstructed width shall be provided to within 150 feet of travel distance to all portions of the exterior walls of every building. Access roadways shall not exceed 20% grade. **Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard.** (503) CFC
2. All access roadways shall have signs posted or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. (503.3) CFC
3. The dead-end emergency apparatus access roadway at **Building M** shall be provided with approved provisions for the turning around of Fire District apparatus. Contact the Fire District for approved designs. (503.2.5) CFC
4. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1,500 GPM. Required flow must be delivered from not more than one (1) hydrant flowing for a duration of 180 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC
5. The developer shall provide a minimum of nine (9) hydrants of the East Bay type. **Refer to the returned plans for approved hydrant locations.** (C103.1) CFC
6. The developer shall submit three (3) copies of **revised** site improvement plans indicating approved hydrant locations and corrected fire apparatus access for review and approval prior to obtaining a building permit. (501.3) CFC
7. **Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.** (501.4) CFC

Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

8. The buildings as proposed shall be protected with an approved automatic fire sprinkler system. Submit three (3) sets of plans to this office for review and approval prior to installation. (903.2) CFC, Contra Costa County Ordinance 2010-15

Note: Fire department connections (FDC) shall be fronting the buildings they serve and shall be accessible to fire apparatus devoid of any visual or physical obstruction between the FDC and the access roadway.

9. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
10. The developer shall submit a computer-aided design (CAD) digital file copy of the subject project to the Fire District upon final approval of the site improvement plans or subdivision map. CAD file shall be saved in the latest AutoCAD® .DXF file format. (501) CFC
11. The developer shall submit three (3) complete sets of building plans and specifications for each building type, including plans for the following required deferred submittals, to the Fire District for review and approval **prior to** construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1), (901.2) CFC, (107) CBC
- Private underground fire service water mains
 - Fire sprinklers
 - Fire alarm

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,

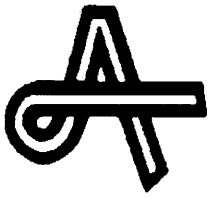


Ted Leach
Fire Inspector

TL/cm

Attachment: Grooved Concrete Detail

c: City of Lafayette
Planning Services Division
3675 Mt. Diablo Boulevard, Suite 210
Lafayette, CA 94549

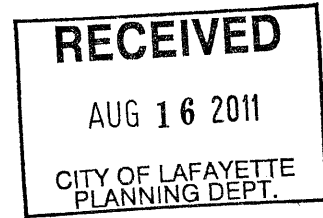


Acalanes Union High School District

1212 Pleasant Hill Road, Lafayette, CA 94549

www.acalanes.k12.ca.us

925-280-3900 ♦ Fax 925-932-2336



GOVERNING BOARD

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Richard Whitmore
Member

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Student Board Member

August 11, 2011

Ann Merideth
Special Projects Manager
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

RE: The Terraces of Lafayette

Dear Ms. Merideth:

The project proponents for The Terraces of Lafayette have shared their development plans with District staff.

DISTRICT ADMINISTRATION

John T. Nickerson, Ed.D.
Superintendent

Christopher J. Learned
*Associate Superintendent,
Business Services*

Kevin French
*Associate Superintendent,
Administrative Services*

The primary concern of the District is traffic mitigation. Based on our discussion with the project proponents, they are proposing to construct three north-bound lanes on Pleasant Hill Rd. from the highway 24 off-ramp through the Stanley/Dear Hill Rd. intersection and then choke it down to two lanes in close proximity of the first driveway into Acalanes High School. The District is concerned about the congestion this would cause in front of the school and about the potential safety risks to students, parents and faculty trying to enter and exit the school in that area.

It needs to be made clear to the project proponents that the current traffic patterns around the school create significant congestion on Pleasant Hill Road as students arrive and leave school in the morning and afternoon. Adding 315 dwelling units in such close proximity to the school, without proper mitigation, will only exacerbate the congestion. The typical reaction to added congestion is to blame the school.

SCHOOLS

Acalanes Adult Education
Walnut Creek

Acalanes Center for
Independent Study
Walnut Creek

Acalanes High School
Lafayette

Campolindo High School
Moraga

Las Lomas High School
Walnut Creek

Miramonte High School
Orinda

Based on a student generation factor of .2% per dwelling unit, this project has a potential of generating 63 high school students. The District does not collect developer fees. However, this project does have the potential of negatively impacting Acalanes High School's ability to house the potential students. Consequently, the District cannot guarantee enrollment at the school and diversion to another school could be a possibility.

The District is also concerned about the noise and dust emanating from the project during construction.

We look forward to reviewing and responding to the draft environmental report.

Sincerely,

Christopher J. Learned
Associate Superintendent, Business Services



August 22, 2011

Ann Merideth, Special Projects Manager
City of Lafayette
3675 Mount Diablo Boulevard, Suite 210
Lafayette, CA 94549

Re: Notice of Preparation of an Environmental Impact Report for the Terraces of Lafayette Project

Dear Ms. Merideth:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Terraces of Lafayette Project located in the City of Lafayette (City). EBMUD has the following comments.

GENERAL

Construction of a portion of the proposed development seems to be located over two 30-foot wide easements containing EBMUD's Lafayette No. 1 and No. 2 Aqueducts (Aqueducts). These Aqueducts transport and divert raw water to EBMUD's water treatment plants and terminal reservoirs and provides water service to approximately 1 million people including the City of Lafayette. The integrity of these Aqueducts must be maintained at all times and any proposed construction techniques cannot impact or impede EBMUD's ability to operate and maintain the Aqueducts; construction over the Aqueducts should be avoided if possible. The project sponsor must adhere to EBMUD's requirements on use of the right-of-way describe in EBMUD's Procedure 718 – Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses. A copy of the procedure is enclosed for your reference.

Please provide EBMUD with a complete set of design drawings (both hard copy and electronic copy) on the proposed development for review and approval. Hard copy drawing set should be either full-size or half-size (11x17), and electronic copy of the drawings should be in pdf format. All submittals shall be sent to the attention of Roberto C. Cortez, P.E., Assistant Superintendent of Aqueduct Section. Documents requiring courier use such as FedEx should be sent to 1804 W. Main Street, Stockton, CA 95203. Letter correspondence should be sent to P.O. Box 228, Stockton, CA 95201.

WATER SERVICE

EBMUD's Colorados Pressure Zone, with a service elevation between 250 and 450 feet, will serve the proposed development. Depending on the final elevations of the development,

portions of the development located above 450 feet will require a Low Pressure Service Agreement. A Low Pressure Service Agreement recommends installation and maintenance of individual storage and pumping facilities (hydropneumatic system) and associated plumbing to ensure an adequate water supply at the premises at all times, and would be at the project sponsor's expense. Main extensions, at the project sponsor's expense, may be required to serve the proposed development depending of EBMUD's metering requirements and fire flow requirements set by the local fire agency. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

The project sponsor should also be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

WATER CONSERVATION

The proposed development presents an opportunity to incorporate water conservation measures. EBMUD would request that the City to include in its conditions of approval a requirement that the project complies with Lafayette Water Efficient Landscape Requirements and California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be

Ann Merideth, Special Projects Manager
August 22, 2011
Page 3

furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb11_142.doc

Enclosure

cc: O'Brien Land Company, LLC
3031 Stanford Ranch Road, #2-310
Rocklin, CA 95765



Procedure 718

EFFECTIVE 15 MAR 10

SUPERSEDES 01 MAY 08

LEAD DEPARTMENT O&M

RAW WATER AQUEDUCT RIGHT-OF-WAY NON-AQUEDUCT USES

PURPOSE - To establish procedures and criteria for review and authorization of surface and sub-surface use of District-owned property containing raw water aqueducts for purposes other than installation, maintenance, and operation of District raw water aqueducts.

Forms Used	L-14	Limited Land Use Permit
	K-47	Work Request Agreement
	N-15	Certificate of Public Liability Insurance
	N-17	Certificate of Workers' Compensation Insurance
		Application for Use of EBMUD Property or Request for Information
		General Fund Receipts for Miscellaneous Payments

Authority and Responsibility

Use, development, and control of fee-owned rights-of-way for District and non-District uses must be consistent with water supply operation and security and the rights and obligations of the District. District and non-District uses of District-owned aqueduct rights-of-way may be permitted when they conform to Policy 7.01, Aqueduct Rights-of-Way Maintenance.

- No use of District aqueduct properties by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- No use of District properties by others will be permitted except under terms of a written agreement.
- Use of raw water aqueduct rights-of-way for District purposes shall have the concurrence of the Aqueduct Section Superintendent.
- Use of aqueduct rights-of-way for District treated water lines shall include all applicable aqueduct protections required for similar third-party utility water line crossings.

For the Mokelumne, Lafayette, and Moraga raw water aqueducts, acceptable long-term uses of the rights-of-way include but are not limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable, long-term uses of rights-of-way and easements for future raw water aqueducts will be evaluated upon facility completion. Such uses will be authorized by letter, limited land use permits, revocable licenses, leases or easements, as appropriate. All approved uses will conform to the requirements and limitations described in Requirements for Entry or Use (Supplement No.1 to Procedure 718) and all other conditions as specified in the written approval, permit or easement for each individual use.

The Water Supply Division is responsible for monitoring permitted uses and detecting and preventing unauthorized uses of raw water aqueduct rights-of-way. The Office of General Counsel and the Manager of Real Estate Services will be consulted when an unauthorized user will not voluntarily desist.

The Water Supply Division is responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a raw water aqueduct right-of-way is to be permitted.

The Director of Engineering and Construction shall be consulted when needed to supply location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

Inquiries and Applications for Use

For the Mokelumne, Lafayette, and Moraga raw water aqueducts, applications and inquiries for use of raw water aqueduct rights-of-way shall be processed by the Water Supply Division. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees outlined in Supplement No. 2 to Procedure 718, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

The Water Supply Division is responsible for:

- Providing requirements for use of the District's raw water aqueduct rights-of-way to applicants and to other District departments requesting use of the right-of-way. See Supplement No. 1, Requirements for Entry or Use of Mokelumne, Lafayette and Moraga Aqueduct Rights-of-Way.
- Checking for completeness to ensure compliance with the requirements for entry or use of raw water aqueduct rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Engineering and Construction Department for update of District raw water aqueduct right-of-way drawings.
- Collecting application fees and charges associated with the preparation and execution of revocable licenses.
- Assuring proper environmental documentation.

Real Estate Services is responsible for:

- Advising Manager of Water Supply Division of any real estate matters which relate to a specific proposed use.
 - Collecting application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See Supplement No. 2, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.
 - Maintaining records relating to rights-of-way crossings and use, and providing information to Survey Section and Engineering Services Division for the update of District raw water aqueduct right-of-way drawings.
-

Types of Permit License or Easement

The Manager of Water Supply Division shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

Temporary Entry/Temporary Construction Permit

For temporary access to raw water aqueduct right-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year. These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large pipelines, canals and railroads, and other permanent publicly owned encroachments. Easements are officially recorded with the county having jurisdiction. The fee or consideration will be significant and based on the value of the property being encumbered.

The Manager of Water Supply Division shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division, Office of General Counsel, and the District's Pipe Committee.

Processing Applications

Temporary Entry Permits

The Manager of Water Supply Division may issue temporary entry permit including standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Water Supply Division, if warranted, shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

The Manager of Water Supply Division shall then specify any and all requirements, including special conditions to the applicant, discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply Division may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Copies of all revocable licenses issued by the Water Supply Division shall be provided to the Manager of Real Estate Services.

Limited Land Use Permits

The Manager of Water Supply Division shall convey the District's requirements to the applicant and investigate to determine any special conditions.

Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to aqueduct stationing and other appropriate location identifiers, including adjacent aqueduct structures.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply Division shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply Division, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

Leases and Easements

The Manager of Water Supply Division shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

If structural or corrosion protective facilities are required, the Manager of Water Supply Division shall request the Manager of Design Division or Pipeline Infrastructure Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply Division, who will arrange for inspection as required.

The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Water Supply Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services with the recording data.

Approvals

District uses of the raw water aqueduct right-of-way shall be confirmed in writing listing any special conditions which may apply to the proposed use to the requesting District departments by the Manager of Water Supply Division.

Terminations

If the Water Supply Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo.

Appeals

The final determination of the terms and conditions appropriate for District uses of aqueduct properties rests with the Director of Operations and Maintenance.

The final determination of the terms and conditions appropriate for a specific third party applicant rests with the General Manager and the Board of Directors. Appeals by third parties directed to the Board of Directors shall be forwarded to the General Manager for resolution.

Records

The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses and is responsible for the assignment of right-of-way crossing numbers to approved documents.

The Survey Section and Engineering Services Division of the Engineering and Construction Department shall maintain working sets of right-of-way prints for each District raw water aqueduct right-of-way. These prints shall be updated following:

1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.
2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department, as necessary, then to the Manager of Real Estate Services. After right-of-way tracings are revised, new prints will be released to those having sets.
3. Termination of any raw water aqueduct right-of-way use. Notice to be supplied by the Manager of Real Estate Services.

Revised prints shall be released following all right-of-way drawing revisions.

Requirements and Fees

Requirements for use of raw water aqueduct right-of-way and fees for the processing of applications and documents related to such uses are included in the documents Requirements for Entry or Use and Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others, respectively (see Supplement No. 2, attached). The Manager of Water Supply Division is responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

References

Procedure 108 – Real Estate Transactions
Procedure 436 – Cash Receipts

Requirements for Entry or Use of Mokelumne, Lafayette & Moraga Aqueduct Rights-of-Way (attached)
Fees and Documentation Charges Use of Aqueduct Rights-Of- Way by Others (attached)
Schedule of Rates and Charges to Customers of the East Bay Municipal Utility District – Real Property Use Application Fees – Resolution 33046-97



**REQUIREMENTS FOR ENTRY OR USE OF
MOKELUMNE, LAFAYETTE & MORAGA
AQUEDUCT RIGHTS-OF-WAY**

SUPPLEMENT NO. 1 TO PROCEDURE 718

**East Bay Municipal Utility District
P. O. Box 228, Stockton, CA 95201
(209) 946-8000**

1. Requests for encroachment rights or for other uses of the District's aqueduct properties shall be directed to the Manager of Water Supply Division, P.O. Box 228, Stockton, California 95201. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.
2. Requests for property uses shall be in writing and accompanied by a completed application, plan and profile drawings of the area and work involved. District aqueduct stationing and adjacent above-ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's. Drawings and maps shall be full size or half-size (11x17inch). Application must include complete insurance documentation.
3. The applicant must agree to indemnify and hold harmless the District from any loss, claim, or liability which may arise by reason of applicant's use of District property and may be required to provide insurance coverage.
4. All requests for uses of District property must be consistent with requirements and limitations set forth by Procedure 718 and will be reviewed and approved on a case-by-case basis.
5. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.
6. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.
7. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted.
8. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as needed:
 - a. Design of structural protective measures
 - b. Design of fences or other structures
 - c. Corrosion control protective measures
 - d. District engineering, plan review, and inspection of activities
 - e. Environmental documentation
 - f. Application, permit or license fees.
9. The plan for the execution of the work must be approved by the District.
10. The type and weight of equipment working over the aqueduct must be approved by the District.
11. The use of vibratory compaction equipment is prohibited on the aqueduct right-of-way.
12. A minimum of 48 hours notice must be given to the District before work commences. To contact the District by telephone, call: The Aqueduct Section's Stockton Office at (209) 946-8000.
13. A preconstruction meeting is required prior to start of work.
14. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.
15. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences (including footings) must be located completely outside the aqueduct property lines.

16. No pile driving will be allowed within 100 feet of the aqueducts.
17. Railroad, freeway and highway crossings of the aqueduct right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.
18. Street and road crossings constructed on grade shall incorporate protection of the aqueducts. Protective measures will be designed by the District or by applicant's licensed engineer to District standards with specific District approval of each design. Existing aqueduct protective measures such as concrete slabs shall not be cut, penetrated, or otherwise disturbed. If a protective measure is cut, penetrated, or disturbed, it shall be replaced with a new protective measure, designed by a District engineer or applicant's licensed engineer to District standards with specific District approval of design.
19. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.
20. Temporary construction fences and barricades shall be installed by contractor as directed by the District.
21. No geotechnical exploration such as drilling or boring shall be allowed on an Aqueduct right-of-way.
22. Any changes in finished grade must be approved by the Aqueduct Section. Earthfills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and where the District determines that there will be no detrimental effect on the aqueducts or their maintenance.
23. Pipeline crossings shall be perpendicular to the aqueducts and on a constant grade across District property. Sanitary sewers, water lines or petroleum product lines crossing above the aqueducts must be encased in a steel or polyvinyl chloride (PVC) conduit or reinforced concrete with a minimum vertical clearance of two (2) feet between the pipeline and the top of District aqueducts unless other protective measures are provided. Under no circumstances will the minimum clearance be less than one foot.
24. All pipelines crossing below the aqueducts must be encased in a steel or reinforced concrete conduit and provide a minimum of two (2) feet of clearance between the casing and the bottom of the District aqueducts.
25. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.
26. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.
27. Cathodic protection for steel encasements must be installed as follows:
 - Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
 - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.

- If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.
 - Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.
28. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.
 29. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the aqueduct right-of-way.
 30. Buried electrical cables passing over the aqueducts shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduit and marked in the appropriate Underground Service Alert (USA) colored marking materials across the entire width of the aqueduct right-of-way. The minimum vertical clearance between the conduit and the top of the District's aqueducts is two (2) feet unless other protective measures are provided. Under no circumstances will the minimum vertical clearance be less than one foot.
 31. Electrical or telecommunications cables passing under the aqueducts shall be encased in conduit and marked at both edges of the aqueduct right-of-way with the appropriate USA color coded markers. The minimum vertical clearance between the conduit and the bottom of the District's aqueducts is two feet. For directional bored conduits the minimum vertical clearance is five feet.
 32. Vehicular parking and storage of equipment or material on aqueduct property are specifically prohibited.
 33. Extraction of oil and gas from aqueduct properties may be permitted under appropriate lease agreements.
 34. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.
 35. All aqueduct crossings involving mechanical excavation on the right-of-way require potholing of all three aqueducts at the site of the proposed crossing. Visible reference markings showing the aqueduct alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Entry permits are required for pothole work.
 36. All grading or excavating of the right-of-way requires USA notification and the maintenance of a current inquiry identification number.
 37. Certified six-sack mix is the minimum acceptable concrete batch to be used on the aqueduct right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.
 38. Each truckload of concrete to be placed on the aqueduct right-of-way may be sampled by the District. No water may be added to the mix after sampling.

39. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the aqueduct right-of-way.
40. No traffic will be allowed over protective slabs until 3,000 PSI is reached.
41. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.



FEES AND DOCUMENTATION CHARGES USE OF AQUEDUCT RIGHTS-OF-WAY BY OTHERS

SUPPLEMENT NO. 2 TO PROCEDURE 718

TYPE OF DOCUMENT	APPLICATION FEE		
Fee Title (Outright purchase of District property)			\$2,000
Easement (Rights for permanent use of District property such as access, utilities, etc.)			\$1,000
Quitclaim (Removal of District's right, title, and interest to property)			\$1,000
Revocable License (Permission to use District property for periods exceeding one year. Subject to revocation)			\$500
Revocable License and Application Fees:			
Applicant	Application	Property Rights	Total
Government Agencies	May be Waived	\$1,000	\$1,000
Public Utilities	May be Waived	\$1,000	\$1,000
Privately Owned Public Utilities (AT&T, PG&E, etc.)	\$500	\$1,000	\$1,500
Developers & other profit-seeking activities	\$500	\$1,000	\$1,500
Private, nonprofit organizations	\$500	\$1,000	\$1,500
Lease (The right to occupy and use District land for a specified time period)			\$600
Telecommunication Lease (The right to occupy and use District land for a specified time period)			\$2,000
Information Only (Request for information requiring research of District records)			\$60/hr
Processing and Review of Watershed Land Use Proposals (Request for District to perform a formal evaluation of watershed land use proposal)			\$60/hr <i>(Plus all other District costs)</i>
Property Entry Permits, Rights of Entry, Temporary Construction Permits (Permission for temporary access onto District property)			\$100
Limited Land Use Permit (Allows landscaping, gardening, or other minor surface use of District property; subject to annual renewal)			\$25

1. In addition to the above charges, applicants will be required to reimburse the District for its costs of engineering, surveying, and inspection of the proposed use of encroachment.
2. Fair market value for property rights conveyed shall also be paid by the applicant, where appropriate including all costs (appraisal, recordation, title report, etc.).

1 **City of Lafayette**
2 **SPECIAL JOINT MEETING**
3 **Planning Commission & Circulation Commission**
4 **Monday, October 17, 2011 • 7:00 PM**
5 **Lafayette Library & Learning Center • 3491 Mt. Diablo Blvd. • Community Hall**

6 CALL TO ORDER

7 Chair Curtin-Tinley called the Special Joint Meeting to order at 7:00 PM.

8 ROLL CALL

9 Planning Commission:

10 Present: Planning Commission Chair Curtin-Tinley, Vice-Chair Ateljevich, Commissioners Chastain, Lovitt,
11 Maggio, and Mitchell

12
13 Excused: Commissioner Humann

14
15 Circulation Commission:

16 Present: Circulation Commission Vice-Chair Poling, Commissioners Hiden, Riggio, Vega, Wood and BPAC
17 liaison Crane

18
19 Excused: Commissioner Hughes and Chair Sevilla

20
21 STAFF PRESENT

22 Niroop Srivatsa, Planning & Building Services Manager; Ann Merideth, Special Projects Manager; Leah
23 Greenblat, Transportation Planner

24
25 ADOPTION OF AGENDA

26 Vice Chair Ateljevich moved to adopt the agenda; Commissioner Lovitt seconded the motion which
27 carried by unanimous consent.

28 PUBLIC COMMENT – None

29 SCOPING FOR THE ENVIRONMENTAL IMPACT REPORT FOR TERRACES OF LAFAYETTE PROJECT

30 Recommendation: Provide comments and information regarding potential environmental impacts

31 Project Planner: Ann Merideth, Tel. (925)299-3218, amerideth@lovelafayette.org

32 Action: Planning Commission, Circulation Commission and public provided comments and information
33 regarding potential environmental impacts

34 Ann Merideth provided an overview of the purpose of the meeting, actions to date regarding the project
35 and environmental review, and stated Steve Noack, the City's environmental consultant is present, as
36 well as Rich Haygood from TJKM.

37 The purpose of the meeting is the start of a very long process to review this project applications and the
38 beginning of that is the environmental review process, which she said is used to gather potential
39 impacts of a project. The scoping session is an opportunity or vehicle to do more information gathering.
40 The project will not be reviewed tonight and the opportunity for people to participate in this project will
41 be many, particularly next year. The City received an application to develop the property at the corner
42 of Deer Hill and Pleasant Hill Road. Once the applications met all City requirements for application
43 submittals, staff is required to process the application. The first step was the preparation of an Initial

1 Study. CEQA uses the Initial Study to identify any potential impacts and to use this information to
2 determine what type of environmental document will be required. In this case, it was determined that
3 this project could have potential significant impacts and therefore, an EIR is required.

4 The next step was to send out the Initial Study and Notice of Preparation to agencies that might have a
5 jurisdictional interest in the project. This occurred and staff heard back from some agencies. The City
6 has hired its consultants who have begun review of the application materials and staff has also looked in
7 more detail at the project. Staff recognizes there are potential significant impacts which include
8 aesthetics, visual impacts, hillside development impacts, air quality, biological resources, cultural
9 resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and
10 planning, noise, population and housing, public services, recreation, transportation and traffic, utility
11 and service systems, all of which will be addressed in the EIR.

12 Ms. Merideth said staff is interested in hearing from both the Planning Commission and Circulation
13 Commission about additional information they have or would like to see in the EIR, as well as to hear
14 from the public. Staff is on a time schedule with this project which is subject to the Permit Streamlining
15 Act, and while tonight is the scoping meeting, people are always welcome to submit comments at any
16 time which will be forwarded onto the EIR consultant.

17 Ms. Merideth introduced Mr. Steve Noack who is the project leader for the EIR.

18 Steve Noack stated that based upon the Initial Study and environmental effects Ms. Merideth had
19 outlined, they have a robust scope of work to address those issues. It has been helpful to review emails
20 received to date and they look forward to any information or comments over and above issues outlined
21 in the Scope of Work. He said they will also be contacting the service agencies to discuss potential
22 impacts as part of the environmental review. They will look at a range of alternatives on this project and
23 are working with staff and felt it was important to begin their analysis and determine in detail what
24 potential impacts are which will help to shape the alternatives.

25 Vice Chair Ateljevich questioned who will determine what the alternatives are. Ms. Merideth responded
26 that alternatives will be determined by the consultants, staff and the City Attorney.

27 Ms. Merideth noted that in conclusion, the schedule now is for the Draft EIR to be released for public
28 review in mid- to late January and staff will be doing an extensive outreach notification for this. The
29 public review period is usually 45-50 days, it will be on-line and at the Library and hard copies will be
30 available.

31 Chair Curtin-Tinley questioned if the on-line information will include a schedule and the EIR document.
32 Ms. Merideth said yes; currently there is information regarding the project application on-line as well as
33 all information to date on the environmental review process, and staff will continue to update it.

34 Vice Chair Ateljevich questioned if the original submittal included a signed topography of the area as it is
35 now with easements shown on it. Ms. Merideth said she believes the easements are shown on those
36 documents.

37 Commissioner Mitchell said typically when the Commission sees a completed application there is an
38 outline of exceptions and variances that might be asked for. He asked if there were any as they would
39 relate to the Hillside Ordinance or other exceptions. Ms. Merideth directed Commissioner Mitchell to
40 the staff report; and said there are no requests for variances. The project will require a Hillside

1 Development Permit, Class I Ridgeline exception, land use permit, design review, tree removal permit,
2 and a public art component.

3 Commissioner Wood referred to the top exit on Deer Hill Road and asked if it is where the existing
4 driveway is now. Ms. Merideth said she did not believe so, and she would need to review the plans.

5 Vice Chair Polling stated she has comments for the scoping and would defer them until after public
6 comment.

7 Chair Curtin-Tinley opened up the public comment period. She reiterated that the merits or substance of
8 the project is not before Commissioners this evening and asked speakers to limit their comments to the
9 scope of the environmental review. Tonight, all that is being done is providing additional information to
10 staff on the extent and scope of the environmental review. She also noted several emails have been
11 received this date which have been provided to and reviewed by Commissioners.

12 Public Comments:

13 Diane Britto said she and Michael Walker own the residence located at 3275 Hillview Lane which is two
14 blocks from the proposed Terrace project. She noted their side yard is immediately adjacent to Pleasant
15 Hill Road and they are keenly aware of existing traffic congestion as well as other neighborhood issues.
16 The addition of 315 apartment units would significantly contribute to additional traffic congestion along
17 this corridor. She is a real estate broker with J. Rockcliff Realtors and during the course of her work and
18 commute, she travels service streets around the Terraces project several times per day both during
19 commute hours and non-commute hours. The traffic during commute hours requires waits from 2-3
20 times through a traffic light cycle. The usual congestion during these times has increased over the past
21 several years as evidenced by at least 10 or more cars that turn around in their private driveway every
22 day in lieu of having to deal with the gridlock on Pleasant Hill Road. Curb cuts that currently service the
23 Shell Station, Acalanes High School, the tennis courts, the District offices, as well as the Briones parking
24 lot create hazards as well as additional holdups in the flow of traffic. Adding yet another high density
25 living situation she suspects will increase the use of Pleasant Hill Road in addition to deteriorating their
26 quality of life further. Lastly, the traffic congestion has become a liability to property owners in her
27 neighborhood. In the course of her work, she has had prospective buyers specifically state they are not
28 interested in looking at neighborhoods that use Pleasant Hill Road as egress. The traffic has become an
29 issue and while she does not have any clients looking in that area, she has experienced this in the last
30 two and one half years. She urged the Commission to consider the impact the Terraces would have on
31 their quality of life by contributing to further waits in traffic. As an aside, she would appreciate seeing an
32 American flag in the room in the future.

33 Michael Walker, 3275 Hillview Lane, Vice President, CB Richard Ellis, said he has several concerns with
34 the proposed EIR. Traffic has already been addressed by the previous speaker. He believes that the left
35 turn into Pleasant Hill Road would further cause problems in the back-up which currently occurs on a
36 week night, backing up underneath the freeway. The Deer Hill Road ingress and egress, particularly at
37 the lower entrance is dangerous. He does not think re-striping will be enough to deal with traffic issues
38 there. He also noted in the report the estimate of 2.09 residents per unit which he thinks is woefully shy
39 of what would actually occur there. There was no information about the number of bedrooms in the
40 apartments, but unless they are one bedroom units, 2.09 residents under-estimates the occupancy load.
41 He said Acalanes School District mentions they expect 68 high school students to occupy the project.
42 There was no mention of the occupancy load that would impact Springhill School. There is no sidewalk
43 between this project and Springhill School. There is a bike lane and he would not like to see elementary

1 school students traversing Pleasant Hill Road in that location between the project and Springhill School.
2 He also stated that the hillside of the Hillside Overlay District and State Route 24 is the most prominent
3 in the City of Lafayette, it is an important gateway and impression and the design calls for three
4 buildings sitting right on the brow of the hill which will have a negative visual impact of the hillside.
5 Regarding whether the appropriateness of its use, he was not clear on materials provided and it appears
6 the use is a non-conforming use under zoning which is stated as administrative and professional office.
7 While the General Plan calls for residential, this is not what the zoning is, and he heard no mention of
8 zoning or conditional uses and asked staff to address this at some point in time. Lastly, he is a big
9 proponent of property rights and is respectful of the Dettmer's use of the property, but he also feels the
10 project should stay 'in the box', feels the project is too aggressive and not respectful to the landscape,
11 the municipal code or to the residents of Lafayette.

12 Rod Ford-Smith, President of the Homeowners Association on Brown Avenue, said his concerns involve
13 safety. He said often at their homeowners meetings, residents ask them to request a light at the bottom
14 of Brown Avenue crossing Deer Hill Road. They keep getting told by the City there is no money. His other
15 concern is the fact that there are upwards of 300 cars going through the intersection on Deer Hill Road
16 during rush hour. There is a Montessori school there and drivers turn left into that school, he can see a
17 calamity happening with cars, and thinks this should be taken into consideration as an impact.

18 Guy Atwood said the public is providing input to the Commission regarding scoping of the EIR. He asked
19 if there will be another opportunity to do so and asked how long does the public have to provide input
20 on scoping of the EIR. He said the document has only been public for three days. A number of citizens
21 are in the process of studying this application and responding to it, but much more is being researched
22 and will be arriving. He noted Highway 24 is a scenic highway which should be taken into consideration
23 in this development and also the fact that the main EBMUD water main for the City runs directly
24 underneath this property. One of the things that cannot be done is move soil in the easement, as well as
25 a number of other things which will have a major impact on how the project is designed. One thing not
26 addressed too much in the EIR is the tremendous off site impacts, both from a viewing and traffic
27 standpoint. It is Lafayette as well as other communities, and he asked other communities to also provide
28 input as to how they see the project developing. He lived on Deer Hill Road from 1968 to 1972 and it did
29 not go through to Pleasant Hill Road until 1969 and that hillside was natural from the top of it all the
30 way down to the freeway. There were no cuts, no leveling pads, and it should be protected under the
31 hillside ordinance as a natural hillside. Things done to that property need to be researched as to
32 whether or not they were legally done, and if not done legally, he thinks the City should restore those
33 hillsides to their natural state and maintain them as such under the ordinance.

34 Richard Morrison said he is a strong supporter of high density infill development which is exactly what is
35 needed in California to accommodate population increase, but infill development must be in the right
36 place. Two important aspects of this are that it be walkable to services and accessible to public transit.
37 Lafayette, in its wisdom, approved the multi-family unit development by the BART station which is
38 excellent. But putting 315 units on Deer Hill Road at Pleasant Hill is exactly the wrong thing to do in
39 terms of planning. It is walkable to absolutely nothing and there is no public transit. Therefore, in his
40 opinion, the project is not infill but more related to sprawl. Regarding traffic, Eagle Point Court is in
41 Springhill Valley and he travels the area all the time, and all 315 units will at least have one to two cars
42 and most dwellers will go to work in the morning and come home in the evenings. He was through the
43 area at 8:00 a.m. and he asked the Commissions to visualize another 315 cars competing for space
44 during the rush hours.

1 Commissioner Hiden asked if Mr. Morrison wanted an evaluation on the number of pedestrians who
2 might walk to BART. Mr. Morrison said he occasionally walks to BART from his home and it is difficult,
3 given the 14.9% grade. Commissioner Hiden noted the traffic on the road as it is now is the lowest it has
4 been since the 1980's due to the downturn in the economy. Mr. Morrison agreed that it would be
5 interesting to determine the number of pedestrians who might walk to BART, and he would be very
6 surprised if the number is not close to zero.

7 Traci Reilly said on the Downtown Specific Plan there was a lot of discussion about negative impacts in
8 the downtown area and things that could not be mitigated. She asked if the consultants will incorporate
9 some of what was found in the DSP when the scoping is done on this project since not all traffic is bad.
10 While traffic will be negatively impacted on Deer Hill and Pleasant Hill Roads, there will also be overflow
11 onto Mt. Diablo Boulevard and the downtown area. Given 315 units and likely more than two cars per
12 family, she questioned the level of impacts in the downtown area and what sort of mitigations could be
13 done.

14 Kenneth Paige, 16 Cricket Hill Road, said while he supports an owner's right to develop, he resists
15 overdevelopment and this is what he perceives this to be. Regarding aesthetics, looking at the plan
16 visually, it shotguns across the hill which is reminiscent of projects seen in Daly City, and he would not
17 like Lafayette to be a subject of this sort of division. He said if the project moves forward, he asked to
18 come up with a better design. Secondly, while traffic is down or reduced at certain hours, Deer Hill is the
19 raceway when students are late to school. Another issue is density of the City, and he thinks the City
20 already has a problem with it. It is very difficult to get to downtown through Mt. Diablo Boulevard late in
21 the afternoon, and this is not something that can be improved upon. He likened the situation to
22 undersized garments and questioned whether the project would be an asset or an embarrassment.

23 Commissioner Hiden clarified with Mr. Paige that he would like the scoping to evaluate the impacts on
24 parking and traffic in the downtown.

25 Karen Zemelman, 115 Bacon Court, said last week she became aware of the scoping session. She travels
26 down Stanley and through the intersection several times a day either taking her children to or from
27 school and is very aware of traffic impacts. The proposal will significantly change the character of this
28 important gateway forever. The gateway intersection is beautiful, semi-rural, and if the project moves
29 forward the intersection will become densely populated and have a very urban feel and very different
30 from the City's current character. Also, many residents she spoke to are unaware of this project,
31 particularly of its size and scope and she does not believe the applicant has made an effort to reach out
32 to the local community or other stakeholders to present this project. Residents need time to understand
33 the proposal and its potential impacts on the environment. She therefore requested the matter be
34 continued to a later date and provide residents with adequate time to consider these impacts. She is not
35 convinced at this point that everything has been included or adequately characterized in the Initial
36 Study. For instance, the proposal will have a significant impact on the visual aesthetics of the
37 intersection. The applicant has provided some visual simulations, but it seems most of the vantage
38 points used have been carefully chosen and she is very concerned with what the project will look like to
39 Lafayette's beautiful hillsides. The Initial Study also shows that certain aspects of traffic impacts could be
40 significant and this is just an understatement, as she sees no way that the impacts from this many units
41 can be mitigated. There is no public transit and all residents will be using their cars. In addition, Deer Hill
42 Road is 45 mph and it concerns her that whether turning right or left onto Deer Hill Road, if someone is
43 coming down Deer Hill Road at 45 mph it is potentially very dangerous. She thinks the community needs
44 more information and time to ensure the EIR truly is complete.

1 Commissioner Mitchell stated a number of people have asked if there would be more opportunity for
2 input on the scoping portion and asked for staff response. Ms. Merideth said as mentioned in the staff
3 report, the project is subject to the Permit Streamlining Act and the City is on a schedule to be followed.
4 This said, people can continue to provide input and it will be forwarded to the EIR consultant. This is the
5 last scheduled public meeting for the scoping session, but not the end of people providing input. She
6 also said people have discussed the Initial Study and how it did not cover certain things. This is the
7 purpose of the next step which is the Draft EIR. All issues of concern will be addressed in the Draft EIR
8 and people will be able to comment on that.

9 Commissioner Hiden said while the project may be subject to the Permit Streamlining Act, she asked if
10 the City is required only to have this meeting or is there the option to have another public meeting on
11 this subject. Ms. Merideth said there is no requirement at all to have any scoping meetings, but rather
12 something the City has traditionally done. She said another meeting could be scheduled, but it would be
13 staff's recommendation to handle it with one meeting to maintain the schedule and continue to receive
14 comments.

15 Aaron Hope, 1020 Circle Creek Lane, said he is a civil engineer and is concerned with some of the details
16 in the Initial Study. He echoed speaker comments, particularly the 2.09 residents per unit based upon
17 other rental units, which he feels is a bad assumption. If this gets carried over into the Draft EIR, it will
18 be a big sticking point. If the development resembles more like 3 residents per unit, the number would
19 rise to 1,000 residents or more, which will have an impact on peak sewer flows. In his development the
20 residents have been suffering through recent sewer upgrades because of capacity issues. Central Contra
21 Costa Sanitary District has upsized the size of their sewers to handle more capacity, and this is based on
22 aging infrastructure and no growth. With 1,000 more people, this will increase the strain on an already
23 strained sewer system. There is only one interceptor that goes under Highway 24. He also noted he saw
24 nothing about sewers needing to be upsized, which is a significant impact, and he would like this
25 addressed thoroughly in the EIR.

26 Mark Zemelman requested adding an element to the EIR to look at the impact of this development on
27 the operating budgets of the Lafayette and Acalanes school systems. Development fees are limited to
28 infrastructure and do not help the schools with their operating budgets. Nationally, excellent schools
29 across the country put out roughly \$12,000 to \$18,000 per student and Lafayette gets by on \$8,500 per
30 student. The amount from the State is \$5,500, thereby requiring the school to raise \$3,000 for every
31 child locally from parcel taxes, Parent/teacher Faculty Committees (PFC) and Lafayette Partners in
32 Education (LPIE). Currently, LPIE asks for \$800 per child, the PFC's ask for \$200 per child and schools are
33 already having trouble making these dollars. LPIE is currently receiving about 70% in participation and is
34 not meeting its budget. In looking at parcel tax side of it, they are slightly over \$500 per parcel and
35 apartment houses currently do not pay a separate parcel tax. The apartments will be right across from a
36 major school and down the road from Springhill and people who move here will come for the school
37 system. If an extra 300 children go into the system, it is \$900,000 of additional deficit. To make this up,
38 the result will be slashing things like science, teachers, and add to classroom size. People here care
39 about schools here and there is nothing more important to them, and he asked that as their
40 representatives, the City should look at the impact of this project on the operating budget to the schools
41 which is not typically mandated by the State. Lastly, he suggested the City also ask for input from LPIE,
42 from the PFC's and other organizations that are trying to raise money for the schools to keep them
43 going.

44 Leslie Dumas, P.E., Springhill Road resident, said she wanted to touch on other categories people have
45 not yet discussed. She asked the City to also look at EBMUD water main that goes up Pleasant Hill Road

1 and its capacity, whether the road will need to be torn up there as well as what EBMUD put in their
2 2010 Urban Water Management Plan for the City of Lafayette for future water supplies. Most important
3 is storm water drainage, as most drainage areas in that part of the City go into Reliez Creek. Anecdotal
4 information indicates there has been severe down cutting of Reliez Creek over the last 30 years because
5 of growth in the area and the concentration of storm water runoff into the creek. The creek is a
6 tributary to Las Trampas and Walnut Creek, it is waters of the U.S., and it has the potential for being a
7 habitat for steelhead trout. Regarding aesthetics, she runs regularly up Briones and also worries about
8 what the view will look like there. It is a beautiful area and the last thing she wants to see is more
9 houses in Mt. Diablo, as well as light pollution from it. The Initial Study talks about it being dispersed
10 through, but this will be a concentrated light source which will cause light pollution at night, further
11 obscuring the night sky. With respects to air quality, the increased congestion could potentially increase
12 the amount of pollutants in the air. Acalanes High School being one mile from the proposed project is a
13 sensitive receptor and thresholds of significance also need to be considered.

14 Eliot Hudson, Secluded Valley Homeowners Association, joined Mr. Atwood in requesting more time to
15 study, respond and submit comments, as three days for something this dense is no time at all. There are
16 a few items on the scoping list should be moved from less than significant impacts into the column of
17 potentially significant impacts and included within the scoping on that basis. One is Item 1.D: Create a
18 new source of substantial light or glare, Item 3.E: Create objectionable odors affecting a substantial
19 number of residents. Overlooked in the current scoping derives from the fact that to get up to this
20 property, one must go up a very steep hill from Pleasant Hill Road. This means using a lot of gas to get
21 up the hill which smells and produces more noise and pollution. He believes all of the public service
22 items under Section 14 should be moved to potentially significant impacts for further study rather than
23 concluding at this stage that there will be less than significant impacts. Regarding transportation and
24 traffic and whether it conflicts with an applicable plan under Section 16.A should also be moved for
25 reasons stated. There are many people who bicycle on Deer Hill Road and the amount of cars the project
26 would add is a problem from that standpoint. Similarly, with Section 16.F: Conflict with adopted plans,
27 policies regarding public transit and bicycle plans. Lastly and consistent with the previous comments, the
28 impact on community character should be studied. This is a direct assault on the nature of the semi-
29 rural community north of Highway 24. He thinks it requires a special use permit and all factors which
30 pertain to the tremendous impact the project would have north of the freeway and Lafayette as a whole
31 should be included in the study.

32 Donna Eldridge said she noticed Commissioner Hiden is particularly interested in who would actually be
33 walking along any of these roadways and how people would be impacted. She occasionally tries to walk
34 from the downtown to her home and it is quite a challenge because there are no sidewalks, she walks
35 through the mud, she is forced to cross Pleasant Hill Road and Mt. Diablo Boulevard and Stanley in order
36 to get onto a sidewalk. Her husband is a serious cyclist and he will not let her children ride anywhere
37 near Pleasant Hill Road because of the traffic dangers. She thinks there are significant impacts the
38 project will create and the build-out time and amount of soil proposed to be moved on this parcel is
39 astronomical. She said people have not seen a development like this since the 1960's when something
40 similar was done at the Safeway parking lot. She thinks the project is severely over-reaching and echoed
41 previous speakers who commented that the current scope indicating less than significant impacts are
42 severely under-estimated. She said her neighborhood is already cut off by the amount of traffic. It takes
43 5-6 turns of a light for her to get from Springhill School through traffic in the morning past Acalanes High
44 School. The Circulation Commission needs to understand that another drop-off point for high school
45 students is needed as well as something that will reduce impacts along that corridor. They are already at
46 LOS F at that intersection and it is a nightmare getting through there throughout the day.

1 Vice Chair Ateljevich said several people have worried that the Commissions will be confined in its study
2 given the ratings given in the Initial Study. The purpose of the Initial Study was partly to determine that
3 an EIR was needed. If the consultant should find it needs a deeper look as suggested by that report, he
4 will not be constrained by that report. Ms. Merideth agreed and said the purpose of the Initial Study is
5 only to determine what type of document should be prepared and the consultant will conduct an in-
6 depth analysis.

7 Linda Murphy, 1025 Buchan Drive, echoed Aaron Hill's comments relating to the numbers used for a 315
8 unit apartment complex. She thinks the 658 population seems woefully under-estimated and the EIR
9 should assume 4 people per unit for a 3 or 4 bedroom unit and assess the impacts that way. People will
10 get blind-sighted by assessing it at 658 and these numbers need to be broadened and further analyzed.
11 Regarding Section 14 and public services for police and schools should be classified as potentially
12 significant. In looking at the plans for this development, she said there are a couple of hundred spaces
13 where cars are parked outside and not protected. This will allow more crime to be committed because
14 of the lack of protection. She saw the letter from the Acalanes School District dated August 11, 2011
15 where they indicate that in assuming 63 additional students, there could be cause to re-direct students.
16 Again, using more accurate and higher numbers, there will be that much more of an impact. Regarding
17 the way Lafayette and Lamorinda schools fund their schools, so much is dependent on parcel taxes,
18 fundraising and parent contributions. She is on the PTA Board of her child's school and they were asked
19 by the District to provide thousands of dollars to meet their needs. Therefore, operating costs need to
20 be addressed. Under Sections 16 A and F, both transportation and circulation issues; the LOS will reduce
21 down from a LOS D to F as this is where people are rushing and trying to get their children to school on
22 time. There is anxiety, stress and the potential for accidents, and both should be viewed as potentially
23 significant. With the number of parking and vehicles with a potential development like this, it will impact
24 bike lanes, parking in the neighborhoods for events at the high school, and it will have a far rippling
25 impact and needs to be accurately assessed in the EIR.

26 Lynda Rotundo, 3163 Stanley Boulevard, said she was involved for a number of years with the Acalanes
27 Valley and Ridge neighborhoods and dedicated to bringing health, wellness and community to the
28 neighborhood. They were successful in increasing pedestrian safety on Stanley Boulevard. With the
29 cooperation of the City of Lafayette, they introduced a traffic calming project and elements, introduced
30 a sidewalk, and have benefitted greatly from it. There are more people of all ages walking out in the
31 neighborhood now, she feels comfortable having her 10 year old riding his bike or scooter to
32 Springbrook pool to swim, Acalanes High School when he has water polo. Her concern is aesthetics and
33 traffic. When they do walk down the street, they can view the beautiful hills, which will be blurred with
34 this development. More importantly, the traffic from Highway 24 and getting into Lafayette, if taking the
35 Highway 24 exit and Pleasant Hill Road north and try to get over to the left lane to make a U-turn or left
36 turn onto Deer Hill Road, it would be very tricky. She envisioned traffic staying in the right lane, taking a
37 right on Stanley Boulevard and the lack of safety increasing more motorists on a road that is already
38 congested.

39 Alex Steinberger, 1291 Quandt Court, said the infrastructure is overburdening. The traffic will
40 substantially increase at a busy and still but barely viable transportation artery for the communities that
41 depend on Pleasant Hill to access Highway 24 which will impact thousands of households and families
42 who invested in their homes under certain assumptions of sustainable and reasonable development. For
43 those who are discounting this aspect of traffic, he invited them to drive north on Pleasant Hill between
44 the hours of 6:30 and 8:30 a.m. and/or south on Pleasant Hill between the hours of 4:30 and 6:30 p.m.
45 Secondly, as a consequence of this development, noise and air pollution will significantly increase in the
46 area which will add to the already taxed thoroughfare due to moving and idle traffic impact. He noted

1 this morning he traveled north from Quandt Court on Pleasant Hill and traffic was up, down and on the
2 hill. Thirdly is the residual environmental hazard. There must be serious consideration given to the real
3 possibility that the gas station which used to be situated on the property has leaked residual pollutants
4 in the ground which will more than likely exist on the premises to be developed. Fourth, aesthetics and
5 local character should not be dismissed. Once this step is undertaken and development proceeds, it will
6 become a de facto precedent which will open the gates to further obscure development in Lafayette. It
7 will alter forever the character of Lafayette much to the chagrin of those who built this community and
8 those who, over the years, spent their personal housing resources in Lafayette. There will be no going
9 back, which is not a good thing.

10 Roberto Castellon, 3251 DeYoung Lane, spoke regarding the personal safety of children in the
11 community, stating that in traveling from DeYoung Lane to Springhill School is a safety hazard every day
12 in the morning and afternoon. To solve this problem, he suggested building a pedestrian bridge across
13 Acalanes and also on Deer Hill because there is also a problem with teenagers sometimes running across
14 the road. He sees this every day between 2:00 to 3:00 p.m. and someone will get killed. He felt the City
15 is not taking the steps necessary to stop this. Kids are walking, running, or driving in the middle of the
16 school, through the highway and through Springhill Road from 2:00 p.m. on. There are people driving
17 15-25 mph in the street and kids are running alongside. His wife got hit a week and a half ago in front of
18 Acalanes High School and she was walking on the sidewalk. A kid turned to make a left turn and didn't
19 even see her and she got hit from the rear. He said he lived in the house for 40 years and it was nice and
20 quiet and now it is terrible. He cannot trust his grandchildren to walk across the street because they
21 might get run over and asked the Commission to this about whether this is safe. He asked that this be
22 stopped, said someone will get killed, his wife got hit and he asked that thought be given to building a
23 bridge across the street from Quandt to Springhill School and also by Acalanes on Deer Hill Road.

24 David Harnish, 3342 Springhill Road, agrees with prior comments but said he wanted to focus his
25 comments on three different aspects of the Initial Study; geology and soils, biological resources, and air
26 quality. He said this is a large project. Current estimates are that they are moving 400,000 cubic yards of
27 material, 100,000 of which would be used as fill, which means that three-fourths of it gets moved
28 around the site. It is also in an area that is mapped as being susceptible to landslides. When moving that
29 much material, there will be problems. One issue he thinks that needs to be looked at in the EIR is how
30 good the estimate is. A lot of ways that sometimes people deal with loose soils that might be subject to
31 slipping or erosion are simply to peel it back or remove them and use them as fill elsewhere. If it turns
32 out there are vulnerable areas identified through geotechnical studies, there actually may be more
33 material than is currently estimated to be moved. This affects other areas of the project such as air
34 quality and biological resources, as well as other estimates that might require fill. It would affect how
35 much stream would be altered. This is an area in the EIR he would like to see fully vetted because it will
36 affect all other sections. Regarding air quality, massive grading like this generates dust and there are a
37 couple of different types of dust the Air District measures. There is total dust and respirable dust which
38 is harder to see and less than 10 microns in size. This is a priority pollutant and they are very near a
39 school. When looking at this in the EIR, they need to look carefully at the dust control measures in place,
40 the calculations and protective measures or contingencies that shut down the project if dust from this
41 large grading is not able to be implemented in a way that protects the neighboring areas of residents
42 and schools. Regarding biological resources, this is an area that is considered habitat for the Alameda
43 whip snake, raptors, song birds which are all protected under the Migratory Bird Treaty Act. Work
44 cannot be done if there is potential habitat during nesting season. These become essentially black-out
45 dates for work during those periods if the species are present or there is potential habitat. The surveys
46 need to be thorough and complete in terms of what may be protected species so that they would not be
47 disturbed or taken. He said he knows the consultant is working with Fish and Game and in the Initial

1 Study document preconstruction surveys would be done; however, a very detailed analysis must be
2 done of all the potential takes in this section.

3 Daniel Reich, 3148 Stanley Boulevard, questioned whether there is automatic applicability of the Permit
4 Streamlining Act to this project, and asked for further analysis as to whether all projects that complete
5 their application are subject to this Act, or are there some exemptions. Secondly, there was talk about
6 movement of soil and the previous speaker's comments about dust and said in moving soil, diesel
7 particulate matter from construction vehicles also occurs, specifically looking at the South Coast Air
8 Quality Management District found that 70 percent of cancer risk from toxic air contaminants are in the
9 Los Angeles basin is from particulate matter. Regarding asthma for the young and elderly, he said 2.5
10 microns lodge inside them and he would be concerned during the construction period with respect to
11 this. Regarding climate change, he asked to recognize that diesel particulate matter is the second or
12 third largest contributor to climate change because it is black carbon and it needs to be evaluated. In
13 addition, he questioned who the people are from the O'Brien Land Company that want to change the
14 character of Lafayette, asked whether or not they were present today, and asked for more disclosure
15 about them and their financial interests.

16 Kerry Bolen, 1612 Silver Dell Road, Silver Dell Road Homeowners Association, said after reviewing the
17 EIR, they ask that a couple of things be changed. They notice that Section 3; Air Quality, was deemed
18 less than significant impact and asked that this be moved to potentially significant impact. She thinks
19 there is a potential for a net increase in poor air quality, not only in the number of moving car trips but
20 now a very real possibility of many, many more hours of idling cars sitting there. Just using the basic
21 system of 315 units at an average of 10-12 car trips per day per dwelling which is average and gathered
22 from *The Seven Rules for Sustainable Communities*, a book written by Condon and Yaro (2010), another
23 3500 car trips will come out of the Terraces every day. Going through what the authors describe as the
24 classic dendritic or branch-like tree structure on Pleasant Hill Road where it is a feeder street with no
25 other way in or out of that end of town. It is a bottleneck as described by concerned speakers. Also,
26 regarding air quality, just in September of this year, they had 5 to 10 days in Lafayette where the Air
27 Quality Index (AQI) was unhealthy and the schools were on alert that healthy children could not be
28 outside for prolonged exercise. So, there are already significant impacts on air quality in Lafayette and
29 this is without what could be calculated as 2,000 extra hours of daily motors running right in front of
30 Acalanes High School. Also, on Part 3 of Air Quality, D, Sensitive Receptors, while she is not sure of
31 CEQA's definition of it, but she thinks children and farm animals that live across at Sienna Ranch across
32 the street would be sensitive receptors and therefore, this should be considered potentially significant.
33 In the noise category, Section 12, Sienna Ranch is very concerned about groundborne vibration and the
34 noise both being during construction and ultimately with living units there excessively disturbing to
35 resident animals. Lastly, Section 10, the physical divide in an established community, which she believes
36 qualifies as this. It was noted as "no significance" and Silverdale believes it should be potentially
37 significant; that this type of bottleneck in a dendritic artery will basically be dividing the north side of
38 Lafayette which will no longer be a viable part of town anymore because people will then be cut off
39 from the downtown and unable to participate in any activities. Any trip will be over 20 minutes.

40 Oliver Rotundo, 3163 Stanley Boulevard, 4th grade student at Springhill School, said he swims, plays
41 water polo and lacrosse at Acalanes High School. He walks or rides his bike or scooters to all these places
42 on his own and if condos are put on the property, he and his friends will most likely not be able to ride
43 or walk and use their bikes to school. He said it already takes a long time at crosswalks, felt the State
44 would no longer qualify as being called a "Golden State" because its golden hills would be gone, Sienna
45 Ranch will no longer look like a ranch, condos will replace a painter's view of the tree and hill, and he

1 will be even later for school when his mother drives due to increased traffic as well as those living in the
2 condos. Lastly, if the trees are cut down, those living right behind them will lose their privacy.

3 Gene Holit, 1156 Bacon Way, said he has lived at his residence for 47 years and is quite outraged at the
4 magnitude of this project; that the City has had the audacity to put this sort of heavy project into this
5 neighborhood. He realizes people have the right to develop their properties, but he asked if the
6 Commission has witnessed the traffic congestion at peak times, noting there are significant problems.
7 He is a retired civil engineer and worked 41 years on projects solving traffic problems, and this one is a
8 doozy. He asked if the Circulation Commission has had a separate chance to review the traffic situation
9 and said this is yet another instance where they have been avoided for the sake of progress on the
10 calendar. He was also on the Circulation Commission for eight years and due to health circumstances
11 had to resign, but he was also involved with traffic calming on Stanley and Springbrook. He suggested
12 calming traffic with this project, but still believed the project was too significant.

13 Vice Chair Poling welcomed and thanked Mr. Holit for his participation and replied that this meeting is
14 simply a scoping session for comments to go into the EIR just like the Planning Commission.

15 Commissioner Hiden said while the Planning Commission might review projects in this manner, typically
16 the Circulation Commission reviews a project and then a scoping session is held. She commented that
17 the project proposes to narrow Pleasant Hill travel lanes to 10 feet and asked for Mr. Holit's opinion as a
18 civil engineer whether he believes traffic can handle 10 foot lanes, as well as traffic projections in the
19 future. Mr. Holit stated narrowing lanes is used in slowing down traffic for calming in neighborhoods.

20 David Bowie, Attorney on behalf of the O'Brien Land Company, said this application was accompanied
21 by many studies and materials and is one of the most complete applications he has ever seen in his
22 professional career. These studies done were designed to be objective, provide information which
23 would be the basis upon which a reasoned decision might be made, and they actually welcome the
24 entire EIR process and did not resist it. The advantage of the EIR process is that hopefully it will provide
25 objective information which will enable everyone to make an objective and proper decision regarding
26 this project as it is reviewed on its merits. He said Ms. Ateljevich made an appropriate comment long
27 ago that some people are concerned about the weight that staff has assigned to various impacts,
28 potentially significant, and less than significant. The EIR process is designed to create a situation
29 whereby everybody will have an opportunity to comment and consultants will re-rank them in any case
30 so it is not important to come up with agreements on those. He congratulated staff, particularly Ms.
31 Merideth, in what he felt to be an exhaustive Initial Study. As he was making notes from those making
32 comments, he thinks every single comment is already subsumed within every category listed on page 3
33 of the staff report. For example, a number of people raise the issue of character which is a very
34 appropriate issue but it is already addressed in land use and planning. A number of people raised
35 concerns about the schools as addressed already in public services. He believes the scoping has been
36 quite well done by staff and he did not hear anything that would suggest that there were subjects
37 outside of what staff has already suggested to be appropriate. The legal issues he is aware of are the
38 EBMUD easement and its impact on this property. He reiterated that the EIR has to do with physical
39 impacts on the environment of a project in particular. This is not what the EBMUD easement is about; it
40 is a legal question in terms of the impact and right on the property owner to use the fee ownership. He
41 stated that the material EBMUD included and that is found in the staff report has no application
42 whatsoever to this legal issue and should be handled differently. The second comment has to do with
43 the key issue identification on page 4 where there is a reference to consistency with the City's Hillside
44 Development regulations including assessment of visual impacts. He certainly agrees aesthetics and
45 visual impacts are important but would disagree with a speaker who characterized this as a Daly City

1 type of project. Some of the publicity surrounding this project has included some cropped pictures
2 which are misleading in terms of its presentation. He suggested people drive by Highway 24 in the
3 Orinda Woods project and see how visible that is after tree screening and vegetation has taken hold,
4 which is exactly what this is supposed to do. They are planting 700 trees to be added in this area which
5 will create an oak wood lands. In summary, they have made a very strong presentation, submitted all
6 kinds of materials and reports indicating that it is their position this is not part of the Hillside Overlay
7 District. It is a strong legal issue, and he emphasized that their position is that visibility and aesthetics
8 are important but not necessarily the consistency with the overlay district because this is not part of
9 that district.

10 Ginny Burendahl, 3212 Bodega Avenue, said she lives across from the proposal, questioned why over
11 300 units are needed, all homes in the area are single family homes, she has no sidewalks, and said
12 significant traffic would come through Bodega Avenue looking at how to get on Deer Hill Road. She
13 noted that from what she read, it asks for the scoping of the EIR but it does not provide a summary of
14 what the project is, except for the fact it is 315 units.

15 Jonathan Westen, 1294 Quandt Court, said many speakers have identified things that are important and
16 said many people he has talked with over the last few days were baffled this was taking place. As far as
17 they knew, there were zoning discussions that happened previously and zoning decisions were made so
18 that nothing was happened. So, a large percentage of Lafayette has no idea about the project and it is in
19 a stage where there is this discussion occurring. Secondly, regarding comments made by Mr. Bowie, he
20 views this as a concession that a number of boxes on page 2 that are not checked should have checks.
21 He mentioned there were good comments about geology, soils, air quality, noise, hydrology, water
22 quality, mineral resources, and public services and that they were all covered, but those boxes are not
23 checked. Therefore, he views this as a concession that there is a lot more here that should be included in
24 the EIR that is currently not checked.

25 Marie Parti, 3221 Stanley Boulevard, said she has lived four houses down from the intersection of
26 Pleasant Hill and Deer Hill Road for 37 years. If anyone tells her the traffic has been abated she could
27 speak longer than anyone would want to listen about how this cannot possibly be true, unless perhaps it
28 was taken at 7:00 a.m. on a Saturday or Sunday. As far as hydrology is concerns, while she is not an
29 expert, she knows that when large surfaces are paved, the ground water can no longer percolate down
30 and be absorbed. It goes to waterways, and probably Reliez Valley Creek. The creek has flooded, as well
31 as her home, and in the 1980 storms when her husband was the Mayor, he received many calls about
32 people who had streams going through their backyard. A huge area will be paved and taken into the
33 streams, and this should be reviewed very carefully. She agrees that perhaps more time is needed to
34 study this because what alarmed her was when someone asked staff where the entrance to the current
35 driveway was, and staff did not know. She therefore believe the City was rushing this too much and the
36 public does need to have more input, and perhaps staff needs to study some of the finer points of
37 where exactly the entrance is.

38 Ed Burns, 1150 Nogales Street, said his neighborhood is directly across the street from the proposed
39 project. He thinks their estimate on the amount of vehicles and residents living in the complex are
40 grossly under-estimated; everybody there will have a car or at least one car per unit. Most will have two
41 cars and many three-bedroom units will have three cars, with \pm 500 parking spaces. He said these are
42 younger, transient people with motorcycles, jet skis and boats, and he questioned how parking is
43 distributed and assigned, but the overflow will end up in his neighborhood, which is the only one that
44 has parking. They are severely impacted whenever there is a swim meet, which is accepted. But one
45 cannot even drive in the neighborhood when there is a swim meet, there is no parking, driveways are

1 blocked, Nogales Avenue is blocked, any big truck must turn around and leave the neighborhood, and he
2 thinks there will be a severe overflow of vehicles coming out of the complex and into neighborhood.
3 There is no parking on Pleasant Hill Road and there will be none the way it is configured.

4 Chair Curtin-Tinley closed the public comment period.

5 Chair Curtin-Tinley noted that repeatedly, the question was asked whether this was the only opportunity
6 that the public could comment on the scoping of the EIR. The answer is no. This is the one public
7 meeting where oral comments can be provided on the scoping, but comments in writing can be
8 provided to Ms. Merideth. Another question was does the project application seek to amend the
9 General Plan and Zoning Ordinance and the answer to that is no, as well. A few others questions
10 involved the extent of the analysis and whether or not impacts would result, which would be addressed
11 after the EIR was prepared. Regarding why the number of units are being proposed, and this is because
12 it is part of the application, and as a result, the City is required to analyze that number of units. She
13 asked the Circulation Commission for their comments on the Initial Study and any additional information
14 to provide staff in scoping the EIR.

15 Commissioner Wood said her concern is the egress and entrance to this project. As designed, the top
16 egress area would be at the top of Deer Hill and it would surprise people coming over that road that
17 there is an exit. She would anticipate the need for a traffic light eventually to do this. The bottom of the
18 development would come into the major thrust of the waiting traffic. The area coming out on Pleasant
19 Hill Road would exacerbate an already horrendous backup problem. Coming back at night, she noticed
20 that Councilmember Tatzin had the same concern—trying to get in the project would be impossible
21 coming off Highway 24. She said puzzling was that the intersection LOS would remain a B, and she did
22 not agree with this level of service at any time. She noted the Circulation Commission did not review the
23 traffic study by Charlie Abrams and she was not sure what was provided that would place the rating in
24 the less than significant area, as it is a significant impact.

25 Commissioner Vega stated that about 20 years ago, she took her son to a basketball meet at Springhill
26 School. She moved to Lafayette eight years earlier. She did not know what hit her as to the number of
27 people. She was stopped on Pleasant Hill Road, thinking there might have been a parade, but people
28 told her this is what traffic was like at 3:30 p.m. It sounds like traffic has not gotten better over the last
29 20 years. She felt the project looks beautiful, but she does not see where it will alleviate traffic
30 congestion, and the reason people moved here is for their children, for the beautiful area; she would
31 have stayed in San Francisco and is not why she came to Lafayette. From personal experience, she
32 would rather see something that is more concrete in numbers.

33 Commissioner Riggio stated that while the EBMUD easement was discussed, it triggered the on-going
34 maintenance from all utilities and what effects that would have on traffic in the future, which he asked
35 to be explored.

36 Commissioner Hiden stated that the Acalanes Principal who responded there would be 68 or 69
37 students attending Acalanes. She did not see anything in the report stating how many students would
38 be directed to Springhill School. Ms. Merideth said the Lafayette School District did not respond to the
39 Notice of Preparation, but the EIR consultant will be contacting them to obtain this information, which
40 will be in the EIR.

41 Commissioner Hiden commented that the lowest traffic counts are in the 80's only because of the
42 downturned economy. Traffic is bad, but it also has been worse. She said the need for a signal should be
43 evaluated at Brown and Deer Hill Road, the safety of the lane configuration and merges, the wisdom of

1 10 foot lanes on a busy arterial, the need for signalization at the Pleasant Hill Road entry and Deer Hill
2 Road ingress and egress on a 14.9% gradient, the LOS for all freeway entrances and exits, their back up
3 and flow, LOS delay, the same at Quandt, Springhill, Pleasant Hill Road, the effect of all of this on the
4 Pleasant Hill Road Route of Regional Significance CCTA Action Plan which would include the cumulative
5 impacts as well, the length of the turn lane and ability to get into the project, whether there needs to be
6 a signal there, determine whether a bridge needs to be created at Deer Hill and Quandt, air quality due
7 to car trips generated, and the impacts on the side streets for people trying to get into the project which
8 she and her husband did themselves. She referred to page 49 and said Caltrans has mentioned many
9 things they would like evaluated such as effects of the roadways, cross roads, controlled intersections,
10 contribution and degradation of cumulative impact. She said Councilmember Tatzin mentioned the
11 cumulative development as it comes from Concord, Pleasant Hill, Walnut Creek, and Martinez. Caltrans
12 mentions the measure of effectiveness which is different from the LOS, and queuing, volume capacity
13 ratio, etc. She said Councilmember Tatzin has mentioned several items, particularly weaving and noted
14 the Planning Commission should read his report if given more time. She felt there were gross inducing
15 aspects of the project, air quality issues, and she thinks it is true what neighbors are saying in that there
16 will be impacts to the side streets from people trying to turn in and try to cross over. The need for a
17 warning signal is needed for the 14.9% gradient, and Caltrans also talks about the modeling for
18 pedestrian, bike and transit trips and mitigations.

19 BPAC liaison Crane indicated he had no comments on the scoping session.

20 Vice Chair Poling said she thinks this project has some challenges. Traffic generation in its pure form is
21 not a bad thing necessarily, but this is a sensitive spot and she thinks the team the City has hired will do
22 a good job of this. However, she is a little concerned about the schedule being so tight. Regarding
23 technical aspects of the traffic study and the transportation study, two items are particularly important
24 in this case. First is the site distance and safety at all project driveways, Pleasant Hill Road and on Deer
25 Hill Road, particularly during peak congestion times. For example, the driveway closest to Pleasant Hill
26 Road on Deer Hill Road during the time queues are backing up on the hill. Related to this is concern if
27 any of the left turns that are proposed to be added on Deer Hill were on Pleasant Hill Road result in
28 shortening of other left turns such as the one on Deer Hill Road where the left turn pocket is being put
29 in. It is hard to tell from the plan, but if so, this should be included in the analysis because this is
30 obviously going to change the way the left turns queue up. Since the distribution of traffic and
31 assignment of traffic into these driveways from wherever they are coming from will directly affect the
32 findings of the traffic impact analysis, she would like the trip distribution assumptions and assignment
33 assumptions be checked with City staff before they get pushed through the analysis. It is an art and not
34 a science, and she does these studies too. They are really important assumptions and it would be nice to
35 have them checked before the draft report is in.

36 She would like to see traffic simulation used at least in the core area around the site because this is a
37 highly congested area during the morning and evening peaks and traffic simulation gives more reliable
38 results and often very different results than if just a stand-alone intersection analysis is done. By
39 simulation, she asked to look at Pleasant Hill, Stanley, Deer Hill, the driveways to the site, and any
40 upstream or downstream intersections that might also be affected, like the one at Springhill School at
41 Springhill and Pleasant Hill. As much as the traffic congestion and safety issues concern her, she would
42 like a thorough assessment of bicycle and pedestrian safety and the impacts on circulation routes that
43 will go by these new driveways.

44 Finally, the weaving issue of getting off the off-ramp and getting over to the left turn pocket will
45 obviously be an issue during the peak congestion, particularly the afternoon commute peak. So, she

1 thinks there will potentially be some diversion to neighborhood streets to get to the site during those
2 times, and this relates to the trip distribution issue. She asked to take a careful look at how trips will
3 approach the site and what routes they might take. She asked to check a couple of permutations; if 10%
4 of the traffic does this to avoid congestion, what would happen, as this is such an important thing to
5 look at in this project's case.

6 Chair Curtin-Tinley asked for comments from the Planning Commission.

7 Commissioner Lovitt said he thought the initial scoping was very comprehensive and clarified with Ms.
8 Merideth that staff, the consultant and the City Attorney would determine project alternatives. He
9 believes the Planning Commission has been very involved in this and he suggested discussion of this, as
10 he was not sure he was happy with the idea it was simply presented to the Commission without some
11 way to be involved with project alternatives. In Section 1.D, Light and Glare, he suggested it be moved
12 up to potentially significant.

13 Regarding the logic in Public Services under Fire Protection, half of the goal calls for the target response
14 time to be minutes, but now only half the calls occur in less than seven minutes and mitigation could be
15 required to offset potential response delays. He asked for information on what kinds of mitigations
16 would address this. Lastly, he thanked staff stating he believes it was a very comprehensive scoping.

17 Commissioner Maggio thanked the public for their excellent comments and for participating in the
18 meeting. In particular, she would underscore aesthetics, circulation concerns, congestion levels, absence
19 of appropriate sidewalks, signaling, impacts off site and the significance of dust and pollutants near the
20 school She specifically would like to increase the level of significance to Section 1.D., Substantial Light
21 and Glare, as well as Section 4.D, Wildlife, Section 6.B, Soil Erosion, Loss of Topsoil as there will be
22 significant grading, Section 7.A; Greenhouse Gas Emissions, She would give greater significance to C
23 under Hydrology and Water, Drainage Patterns and D, Drainage, as well as Utilities and Service Systems
24 to give greater significance to A, Wastewater, B and C.

25 Vice Chair Poling announced that the Circulation Commission would adjourn their participation in the
26 joint meeting due to the need to begin their 7:00 p.m. regular Circulation Commission meeting.

27 Commissioner Chastain prefaced some general concerns that he wants to amplify and agree with,
28 stating that some have to do not just with the checked box but how impacts are actually looked at.
29 Traffic has been discussed at length very well. For him, it is the local as well as the downstream
30 intersections. He is even interested in the comment about how it might affect people from traveling to
31 the downtown as a traffic issue, because he does think it has the potential effect of dividing people in
32 terms of where they go to get their services. He thinks it is very important in traffic to understand the
33 institutions being served. They have recreation facilities, schools, events, pre-school, elementary school,
34 and much generation of traffic at different times and different ways. It is not just numbers, so it is
35 important that the study understand what these institutions are and the kinds of loads they are putting
36 on the traffic infrastructure. Along those lines, he thinks it is an interesting point about the types of
37 drivers. There are drivers that are concentrated that are not present in other places in that concentrated
38 number. He does not know how to get at this, but this has to have some kind of bearing on the ability to
39 deal with a lot more traffic. He was not sure it would be the number of citations or accidents in that
40 area, but he thinks it is an interesting dimension of the problem. Further, he is also interested in how
41 this added traffic affects transportation by bicycle. Already, people are going up Deer Hill partly to get
42 away from the problems, but he thinks it is important to look at the plan for bicycles or bicycle uses and
43 the potential impact it has for these new driveways and added traffic in and out.

1 He also thinks all of this is predicated on a population count or occupancy count which he thinks is
2 questionable. He thinks the number of people per unit is too low. Everything discussed changes even in
3 small percentage gain. So, he is very concerned about how that number was arrived at, and thinks it
4 ought to be realistic because even another person per unit is totally different than what is being looked
5 at now. He is concerned about how that is established and how it works into things like traffic.

6 Regarding other general comments, aesthetics is key here. It is about character and about the landscape
7 as a biological aspect. It is not just a matter of fact on that site but obviously it has to do with the
8 continuity of that landscape beyond it. Currently, there are uses across the way that allow for animals to
9 move back and forth, an environmental that will be totally transformed not just by building on it but by
10 interrupting a continuous landscape. So, in some ways, he thinks character is tied with that and in
11 general, the biological problems are to be weighted more because of that.

12 Also important to consider is the impact on schools, not just in numbers of students but how schools are
13 organized and how financing is derived because it affects the infrastructure of it. This was a very
14 important point and would like to see this addressed.

15 To be specific, he said some of the following have already been discussed and he agrees with. He thinks
16 Section 1.D. should be a significant impact and moved up. He thinks Air Quality, 3.D. ought to be moved
17 up partly because we will have more traffic and more cars sitting there. Generally, this is not the kind of
18 project which will be served by mass transit. So, it is moving away from air quality as far as he can see.
19 Under 4.D and possibly 4.E, he would like these moved up in terms of significance.

20 Commissioner Mitchell suggested the Commission discuss consensus items together so each would not
21 have to individually comment, as there were similarities. Steve Noack stated they will be addressing
22 every single impact and the thresholds without any regard with how they are checked off in the box and
23 will take every one of them at the same level. So, it does not matter much as to what the Commission's
24 conclusions are or if they want to change them; they are all equally given full weight in their analysis.

25 Commissioner Chastain clarified that each would be directly analyzed. He said in providing a few more
26 points, he thinks the comments about moving that much ground is very sobering and he hopes this is
27 reviewed carefully. He also thinks that under greenhouse gas emissions, he thinks density is being put
28 where it is not served by mass transit and creating more trips by cars and not less. The same comments
29 apply to water quality as stated. Under public services, he also thought that they need to understand
30 services and not just in terms of numbers but in relationship to potential problems of getting to places.
31 People are talking about traffic situations where they don't completely understand but the question is
32 whether it is going to impact the ability for emergency services to get through to things just having that
33 many more people trying to get in and out of that particular intersection.

34 Chair Curtin-Tinley stated that if the Commission believes there is an impact identified under the "No
35 Impact" column which should be identified and marked significant, she asked Commissioners to indicate
36 this, as well as the case if an issue is not addressed.

37 Vice Chair Ateljevich referred to the aesthetics, stating she cannot stress enough the role of the
38 character change. The Lafayette policy of care and concern about hillside development goes back to pre-
39 incorporation days. It was one of the things that Lafayette incorporated to do—control hillside
40 development. One of the first ordinances written consequently was the hillside ordinance. It has had an
41 importance that stretches even to projects regardless of whether they are in a hillside ordinance period
42 or not. They have reviewed the design of the hillsides the same way, which is to stress the importance of
43 them retaining their natural forms and of development whose grading and siting conform to the hillside

1 and does not destroy the form the hills naturally have. These are design policies that have been
2 practiced in this City regardless of whether it is single or multi-family development. She said they have
3 said over and over in design review is that we design to fit the hill and do not design the hill to fit the
4 development, which is strongly felt and cannot be stressed enough.

5 Vice Chair Ateljevich referred to geology, noting that just before the time that the constraints analysis
6 was written, there was an earthquake which had an epicenter right across the street from this project. It
7 was on the Google maps, looked like it was very close to Deer Hill Road on the north side. That to her
8 said this is an active earthquake in this vicinity. She was not sure there could be an epicenter of a fault
9 that is not inactive, and while not a major earthquake, it was felt quite strongly. She said she was at a
10 Planning Commission hearing and everyone got shaken up. Therefore, this must be considered an active
11 area. She is also concerned about the grading policies and that they conform to the City's usual
12 standards of trying to maintain the hill as closely as possible. They have allowed buildings to be dug into
13 the ground but not change the whole form of the hill.

14 Commissioner Mitchell said he thinks it is important to remember that this is not a normal
15 neighborhood. There are many things going on there and probably the top two busiest streets in the
16 city. He said there is the school, an established neighborhood and open space, so it is very diverse. With
17 regard to the school, particular emphasis should be placed on the fact that there are literally over 1,000
18 kids attending every day. The cross-country team runs down Pleasant Hill Road, so the air quality there
19 is very important. He agrees with all of Commissioner Poling's concerns with regards to traffic,
20 particularly all the driveways turning in and out of the project. His concern in that area also relates to
21 stopping distances and steep slopes. The hill is steep and the traffic heavy, so he would have a concern
22 there. Regarding parking, the site is used illegally for parking by the school and the neighborhood, and
23 while he does not condone that, when people start parking legally not on that, there will be additional
24 traffic impacts the City should be prepared for.

25 Commissioner Mitchell noted that Mr. Burns talked about Nogales Street and traffic often times goes
26 into the residential neighborhood in order to get to the school. Because it backs so much on Pleasant
27 Hill Road, a lot of traffic is focused into the neighborhood. And this brings up his next point, that in
28 addition to it not being a normal neighborhood, they are not normal drivers and he has seen kids cut
29 across lanes of traffic going the wrong direction on Pleasant Hill Road so they can make a U-turn and get
30 out. It is compounded at football and other games and events. He is also concerned about the impacts
31 downtown; Deer Hill at Brown and Deer Hill at First Street. He would echo his concerns about comments
32 made with regard to scoping of the EIR even though it will start from scratch. He was concerned about
33 the noise level and George Wilson talked about noise and closeness to the freeway and impacts there.

34 He stated Mr. Zemelman discussed impacts on schools, and this project is presented as a moderate
35 income project and while the City is very supportive of low and moderate income projects, he would be
36 interested in the impacts this would have on schools. Lastly, with regard to an additional meeting for
37 scoping, he would be in favor of an additional opportunity for the public to weigh in on this. The City has
38 frequently gone above and beyond the minimum requirements for public notice and continues to get
39 good information from the public. Therefore, he hopes the EIR consultant would have enough
40 information to get going even owing to an additional meeting.

41 Chair Curtin-Tinley said she agrees with all comments made with respect to evaluation of the impacts,
42 agrees that all potential impacts marked in the first 3 boxes should be equally analyzed in the EIR. There
43 is no other impact she would remove from "No Impact to be Analyzed." In going onto the second issue,
44 there have been several commenters that have asked that this meeting be continued or that there be an

1 additional meeting to allow oral comment on the scoping. She stated she thinks the Commissions
2 probably have heard the breadth of comments regardless of how many scoping meetings they hold. It is
3 her personal opinion that she would rather have a meeting on the actual impacts of the project as
4 opposed to scant information here, because this does not provide a real opportunity to understand
5 what the true impacts of the project area, what those mitigation measures can be, and what possible
6 alternatives there may be. Once this information is received, this is the time meaningful debate can be
7 held in understanding the project. Therefore, she does not believe there is a need to have another open
8 meeting to comment on the scope. If somebody has official information they want included, she
9 suggested they submit it in writing to the Planning Department.

10 Commissioner Mitchell stated that being on the minority position, he said the issue of the sewer was an
11 example of something he never considered and therefore, he is not discounting the public's ability to
12 come up with relevant information. He does realize that the public will have a year to weigh in on this,
13 and there will be plenty of opportunities.

14 Vice Chair Ateljevich agreed with the Chair's remarks. She thinks the Commissions received very
15 valuable information tonight, thinks the consultant needs insight into something not discussed, and she
16 suggested any information or comments should be submitted to staff. She thinks tonight has been very
17 valuable and the process needs to move on.

18 Commissioner Chastain questioned how holding another meeting may affect the schedule. Ms.
19 Merideth said she believes it would affect the schedule by setting it back another month. Part of the
20 problem is that the holidays are approaching which has impact for a variety of reasons. Commissioner
21 Chastain asked whether the consultant cannot get started until the scoping is completed. Ms. Merideth
22 said no; they have already started. Commissioner Chastain stated then how does this affect the
23 schedule. Ms. Merideth stated that they want to be sure all information is covered. If people are writing
24 in, they would like to receive comments sooner rather than later because staff needs to ensure that all
25 impacts are discussed properly. Commissioner Chastain clarified that written comments are being taken
26 and staff would like to receive them as soon as possible.

27 Vice Chair Ateljevich said even if the Draft EIR comes out and somebody thinks of a new subject that has
28 not been covered, at that point there is time to deal with something. She did not think getting
29 information was absolutely closed off until the Commission approves the Draft EIR.

30 Commissioner Chastain said he did not believe there is any functional reason to have another scoping
31 meeting, does not think any new concerns will merge, but he agrees with Commissioner Mitchell, and
32 he also thinks this is a huge issue for the community and does not want to be in a position of limiting
33 voice. He does not think it necessarily would if another scoping meeting was held, but he would like to
34 know what the imperative is; if it really would disrupt something then one could understand, but if it
35 would not, wouldn't it be helpful to have airing of voices on this as much as possible, and this is his
36 concern. It is not so much that the Commission will hear a new set of comments, but he thinks it is
37 important for the community to feel like they have a potential involvement in every step of the way
38 here. If no one pushes this, he will go along with this being the only scoping meeting, but he was
39 weighing in with Commissioner Mitchell.

40 Chair Curtin-Tinley stated they will ensure there is every opportunity for the public to be able to submit
41 comments on the scoping aspect of the EIR. She simply thinks it is more productive for the Planning
42 Commission and as a community to spend the time there when they really know what they are talking
43 about.

1 Commissioner Poling asked staff to provide a summary of the process, stages and opportunities for the
2 Commission and the public to contribute. Ms. Merideth stated the EIR consultant will be working on the
3 EIR through the end of the year. As mentioned, their goal is to release the draft mid-January. They must
4 have a 45-day minimum review period and she would like to see a week added to this. Within this 45-
5 day public review period, there will be two public hearings and comments from the public. Any
6 comments that come in during the public review period will then be responded to as part of the
7 response to comments that are typically in the Final EIR, which includes oral and written comments
8 received. And, she confirmed that every step of the way, the City is inviting public comments in written
9 form to the Planning Department. And thereafter, additional public hearings will be held on the Draft
10 EIR where research has been compiled along with all of the public comments. Staff still needs to hold
11 review of the project itself sometime in the spring, and there will be numerous public hearings as part of
12 that.

13 Chair Curtin-Tinley stated it is also important to note that comments could come in today until the
14 project is considered by the Planning Commission on the project itself. There are two processes: CEQA,
15 or the EIR, and the project itself.

16 Ms. Merideth stated that as mentioned, there is a lot of information on the City's website now for the
17 project and staff will continue to update this with the latest information.

18 Chair Curtin-Tinley clarified with Commissioners that there will not be another scoping meeting held,
19 but individuals have the opportunity to provide additional comments in writing.

20 ADJOURNMENT:

21 Chair Curtin-Tinley adjourned the special joint meeting at 9:29 p.m. to the regular Planning Commission
22 meeting.

23 Respectfully submitted,

24

25

26 _____
Lisa Harper, Minute Taker

From: Greg Meronek [mailto:gmeronek@live.com]

Sent: Friday, October 14, 2011 3:05 PM

To: Merideth, Ann

Subject: Lafayette Terraces project

Ann - I won't be able to make the EIR meeting this coming Monday evening, but I'd like to add my voice to the concerns about this project. I am particularly worried about the traffic impact from a proposed 315 unit development. The increased pressure this will place on the already congested Pleasant Hill Road/Stanley intersection is self evident. In addition, the proposed entry/exit that would open onto Deerhill Road appears from the map to be on the downhill side of a blind curve. I am wondering if the city and developers will be required to specifically address the inherent danger in the placement of this entry/exit, and if they are prepared to address the liability for accidents and injuries that could arise. Thanks Greg

From: David Harnish <harnish@comcast.net>

Date: October 16, 2011 10:19:55 PM PDT

To: NSrivatsa@lovelafayette.org

Cc: guy Atwood <guyatw@prometium.com>, Karen Zelman <karenzelman@yahoo.com>, "Eliot R. Hudson" <Eliot.Hudson@dlapiper.com>, David Van Etten <dvanetten@mtgsc.com>, Mark <sfbayshore@comcast.net>

Subject: Comments on Initial Study Document for Terraces of Lafayette

Niroop,

I am writing to you to comment on the July 15, 2011 initial study document for the Terraces Terraces of Lafayette. This document appears to substantially under-state the potential for significant impacts from the Terraces project. This is one of the largest residential grading/earthwork projects of its kind in Lafayette.

Project proponent currently estimates grading 400,000 cubic yards of soil and filling 100,000 cubic yards of soil. This estimate is an early one, and the project is acknowledged to be located in an area highly susceptible to landslide. Because the geotechnical design is not completed, the amount of material may ultimately be substantially more in order to remove loose and unstable material. The project is described as involving 100,000 cubic yards of fill, but does not state what is being filled - again, before the geotechnical design is complete, the amount and location of fill is not adequately defined at this time. With this uncertainty in grading and fill calculations in an already large earth-moving project, we can only conclude that the project has potentially significant impact even with mitigations in the following areas:

AESTHETICS, item d), the response says "The addition of 315 units dispersed citywide does not represent a significant addition to the overall light..." These units are not in isolation, but the complex has abundant parking, a club house, swimming pool, and other amenities. The complex is on a prominent ridgeline that is currently undeveloped with minimal ambient light, and viewable from many areas in Lafayette. We see potentially significant impact on aesthetics resulting from increased light pollution in the area and the potential loss of night sky.

AIR QUALITY: This is a massive amount of grading, and will generate dust, both visible dust and respirable dust that is difficult to both see and control. Prevailing winds are toward residential areas and a high school, sensitive receptors. Dust mitigation techniques typical for construction work well on smaller scale, but do not readily scale up to this scale. Unless the proponent can prove that dust is fully controllable at this scale and then add a rigorous monitoring plan that is made public, I think this needs be viewed as "potentially significant" even with mitigation. We'd like to see their emissions calculations to confirm that they are not impacting any BAAQMD standards. For air quality, item d), Acalanes HS is a sensitive receptor that is ~1/4 mile from the proposed development. The increase in auto use in the area, including the potential increases in traffic congestion in the area resulting from the project, could potentially impact the sensitive receptors in the area. This could be a potentially significant impact, especially for students with health issues. Similar for Springhill Elementary.

BIOLOGICAL RESOURCES. Federally protected Alameda Whip Snake is endemic to this area, and many raptors and songbirds protected by the Migratory Bird Treaty Act are seen in and around the property. The initial study concludes that no (IV.a. and IV.d.) protected species have been detected, but that pre-construction surveys would be undertaken. That would be inadequate, in that the use of biological resources in this area needs to be established well in advance, with detailed surveys completed as part of the EIR.

GEOLOGY AND SOILS. This section particularly seems to under-represent the impacts to landslides and soil loss (VI.a.iv. and VI.b), even with mitigation. Moving 400,000 cubic yards of material in a hillside area known to be highly susceptible to landslide looks to me like a potentially significant impact even with mitigations. The hills in this area have near-surface soils that both slip away and erode easily. A related issue is that the estimated amounts of grading and filling will likely increase to remove unstable

materials. Further, the potentially significant impact is that in the long-term the development is likely to have slope stability issues that impact residents, the freeway or Pleasant Hill Road. Large grading is known to de-stabilize inactive landslides and this very large grading project is going to have a tough time avoiding that problem on the hillside. Geology and Soils needs to be thoroughly investigated to evaluate these significant environmental impacts as part of an EIR.

HYDROLOGY AND WATER QUALITY: For biological resources, item b) and Hydrology, items d) and e), if the stormwater runoff from the site is routed to a local storm sewer (and we need to confirm that one currently exists), we need to know where that stormwater will discharge. On Springhill Road (and in many areas around here), they discharge stormwater runoff to Reliez Creek. Based on conversations with older residents, Reliez Creek has experienced significant downcutting in the past years due to increases in the peak hydrograph resulting from these discharges. And Reliez Creek is considered to be Waters of US and, as a tributary to Las Trampas and Walnut Creeks, I believe is potentially steelhead trout habitat (would need to confirm this with CA Fish & Game). So routing stormwater runoff to Reliez Creek could have a potentially significant impact on riparian habitat and other sensitive natural communities.

UTILITIES. The IS says that they will connect to the sanitary sewer and that the treatment plant has the capacity to treat the sanitary flows, but the IS does not address whether or not the trunk sewer lines have the capacity to collect and route the sewage to the wastewater treatment plant. There's no indication that they've confirmed the capacity of the trunk sewer line and the water main capacities with Central San and EBMUD. This impact is mitigatable, but would result in additional construction impacts if EBMUD and Central San had to tear up Pleasant Hill road AGAIN to increase the size of the pipelines. For Utilities, item d), it would be good to see what EBMUD put in their 2010 Urban Water Management Plan for Lafayette; that is, does the additional water supply required for this project fit within the projected water supplies for the City that EBMUD has to plan for. The document they are referencing is 5 years old and we don't know if they looked at the most recent information. For Utilities, item e), the plant may have capacity, but we don't know if the sanitary sewer system pipelines have that capacity (which I would doubt given the General Plan for this area).

TRAFFIC. This project may potentially impact traffic on Pleasant Hill Road and Deer Hill Road, not only from the standpoint of increasing congestion, but the area where they are proposing to put entrances on Deer Hill Road are hills and curves with limited lines of sight.

In summary, if the City allows this project to move to an EIR, it has a number of challenges that need far more detailed analysis. Of course, the City is in the midst of re-zoning the parcel in response to staff recommendations and action, and we support City Council approval of that action, which would make this EIR moot.

David Harnish and Leslie Dumas
Springhill Valley Association

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From: Guy Atwood [mailto:guyatw@prometium.com]

Sent: Sunday, October 16, 2011 9:50 PM

To: Merideth, Ann

Cc: Srivatsa, Niroop

Subject: EIR Checklist for The Terraces of Lafayette project

Ann,

Please find my comments and concerns for the EIR Checklist and Initial Study on the Terraces of Lafayette project. Although most of northern and eastern Lafayette will be directly impacted by this project, very few of these residents have any idea that this item is being calendared for Monday night. A project of this magnitude (perhaps the largest in the history of the City) deserves more than a few days to notice the thousands of people that will be potentially impacted.

Guy

Ms. Patricia Curtin-Tinley, Chair
Lafayette Planning Commission
3675 Mt. Diablo Boulevard, Suite 210
Lafayette CA 94549

Subject: The Terraces of Lafayette EIR Checklist

Honorable Chair and Members of the Planning Commission:

I am writing to list my recommendations and concerns about the EIR Checklist and Initial Study for the Terraces project.

My main concern is the lack of time given to the public to adequately research and respond to a project that may be the largest in the history of Lafayette. Further, I am concerned about the inopportunity for the public to hear a presentation on the project, which further inhibits their ability to comment on the EIR Checklist. Finally, this lack of time given to the public may result in the Planning Commissioners not having full information on the project for its analysis and determination of a number of items on the Checklist.

Given this time limitation I have some recommendations and brief comments as follows:

- I. Aesthetics - (d) A project of this size and location, which can be seen by the vast majority of Lafayette residents, and by other neighboring communities, will have a Potentially Significant Impact on the area. This amount of light and glare cannot be adequately dispersed.
- II. Agriculture and Forest Resources – At one time, this parcel was zoned agricultural for property tax purposes and more research may be required prior to issuing a No Impact designation.
- III. Air Quality - (a-e) Given the proximity to the Acalanes High School and neighboring homes, plus the generation of thousands of vehicle trips per day, all the items should be designated Potentially Significant Impact. If it is found through additional information and study that it will have a lesser impact, then such boxes could be checked at that time.
- IV. Biological Resources – (d) There have been Blue Herons and other similar wildlife, as well as deer, spotted on the lower portion of the parcel near the creek area and throughout the entire parcel. It is clearly a significant area for migratory birds and animals. This item should be checked Potentially Significant Impact.
- V. Cultural Resources – (b and c) Given the movement of 400,000 cubic yards of soil, and the applicant's quote that they would be "re-engineering the hillside", it is unknown what archeological resources could be uncovered

during this process. All care should be taken during construction, if approved to protect such resources, similar to the finds in the Caldecott Tunnel. Therefore, these two items should be checked either as Potentially Significant Impact, or Less Than Significant with Mitigation Incorporation.

- VI. Geology and Soils – (a, i-iv) There have been recorded earthquakes directly underneath this site. One within the past two years. Further research should indicate an earthquake zone goes directly underneath this property. These items should all be designated Potentially Significant Impact:
- (b-d) If the hillsides on this property are protected by the Hillside Ordinance, then the ability to mitigate many of the soils problems would be limited. Therefore, until it can be determined what would be allowed as far as “re-engineering the hillsides” and moving 400,000 cubic yards of soil, these items should be designated Potentially Significant Impact. Further, having lived on Deer Hill Road prior to Deer Hill Road being constructed from Elizabeth to Pleasant Hill Road in 1969-70, the two flat areas south of Deer Hill Road did not exist. They were part of the natural hillside extending down from above. If it is found that these flat areas were illegally graded, the original slope should be replaced, and the impact re-calculated under the Hillside Ordinance.
- (e) The question here is whether the existing sewer system will accommodate such a huge project. If not, then this box will need to be re-checked accordingly.
- VII. Greenhouse Gas Emissions – (a & b) Given the staff discussion why aren't these two items checked Potentially Significant Impacts?
- VIII. Hazards and Hazardous Materials – (a) The adjacent parcel known as the prior “gas station” site was once part of this parcel, and was bifurcated when Deer Hill Road was constructed. The gas tanks from this adjacent parcel may have leaked hazardous materials onto this parcel. Until it is determined that no hazardous materials from the adjacent parcel have migrated onto this parcel, this box cannot be checked No Project.
- IX. Hydrology and Water Quality – (a, c, d, e, f) It is unclear how this project can be Less Than Significant until the various agencies in this section have been contacted and responded. There is a creek that runs through the middle of the property and wetlands that is being used by migratory birds. It would appear that the Potentially Significant Impact should be checked, and if the impacts found to be less or mitigated, then the appropriate boxes could be re-checked;
- j) There have been many instances of mudflow onto and from this parcel over the years. Also, the hillsides above could slide on this property. Certainly, these are either Significant Impacts, or if Less Than Significant, that would require Mitigation.

- X. Land Use and Planning – (a) There are a number of statements in the General Plan that call for a use consistent with the surrounding area, which is open space, low-density residential and single family. This project would completely change the character of this part of the City and community. This item should be checked Potentially Significant Impact.
- XII. Noise – (a-d) Due to the immense size of this project and long construction cycle, these items should all be checked Potentially Significant Impact.
- XIII. Population and Housing – Agree with item (a).
- XIV. Public Services – Fire Protection, Police Protection and Schools should all be checked Potentially Significant Impact. The City does not have the funds to provide adequate Police protection to this area. The County is proposing to close fire stations including one in Lafayette. And, the impact on Schools is not acceptable to many parents.
- Other Public Facilities – This box No Impact should be changed until the public has had adequate time to address all the potential impacts on other public facilities and services.
- XVI. Transportation/Traffic – (a) Since this project is traffic inducing, both within the project and, if additional lanes are proposed, outside of the project, then it should be considered a Potentially Significant Impact. Further there is no mention of the loss of parking in the area, which is substantial;
- (f) This project will significantly impact the public access to BART and the Freeway; therefore, it should be checked as Potentially Significant (negative) Impact on these facilities and transit.
- XVII. Utilities and Service Systems – Until it is known whether this project can comply with all the various requirements of the utility service systems, all boxes should be checked either as Potentially Significant Impact, or at minimum, Less Than Significant with Mitigation Incorporation. This project may be the largest in Lafayette in its recorded history and the utility services may not be able to accommodate such an impact.

Thank you for the opportunity to comment.

Very truly yours,

Guy Atwood
3345 Springhill Road
Lafayette CA 94549

From: Lynn Hiden [mailto:dandlhiden@comcast.net]

Sent: Sunday, October 16, 2011 2:09 PM

To: Merideth, Ann; Srivatsa, Niroop

Subject: Q re Terraces applic'n

Dear Ann and Niroop,

I am reading for the Joint Meeting tomorrow evening and have read the EBMUD stipulations, with which I was already familiar. They don't change. In looking over the drawings, I note that at least 1/3 of building M and more than half of one of the carports, plus large parts of a few of the internal roads, are designed to be constructed upon the EBMUD ROW. EBMUD does not allow this.

Can this application be deemed complete when this project will have to be redesigned in order to conform to EBMUD specifications?

I don't understand why the applicant didn't research the EBMUD specs FIRST.

Thanks,

Lynn

From: Andrea Rich [mailto:andi.rich@ymail.com]

Sent: Monday, October 17, 2011 11:17 AM

To: Merideth, Ann

Subject: A concerned Lafayette parent.

Hi Ms. Merideth,

I'm emailing you about my concern about the significant developments on the table in Lafayette, not only limited to the deerhill project. The developments have caused quite a bit of negative conversation about our city council, city manager and planning committee at our schools amongst the parents. I heard about the projects being talked about between many parents at our elementary school, Springhill Elementary and they are quite upset at the possibility. I am very concerned about the impact to our schools to have a large influx of students. We don't even have enough funds coming from state and local governments to fund our current student population properly. I am also very concerned about the traffic this will cause to Pleasant Hill Rd.

I am firmly against these development projects.

Thank you,

Andi Rich

Lafayette, CA

From: Colin Elliott [mailto:colin@chelliott.com]
Sent: Monday, October 17, 2011 1:20 PM
To: Merideth, Ann
Subject: Terraces of Lafayette Project - EIR Scoping session

Dear Ms. Merideth,

Last week I became aware of this proposed project and of the Scoping Meeting scheduled for this evening. As residents of Reliez Valley who travel through this intersection several times daily, and who have children in Acalanes, Stanley and Springhill schools, my wife and I take special notice in any proposal that will significantly change the character of this gateway intersection.

Many residents I have spoken too are unaware of this project and particularly of its size and scope. I don't believe the applicant has made any effort to reach out to the local community or other stakeholders to present the project, and we need time to understand the proposal and its potential impact on the environment. I therefore request this matter be continued to a later date to give us adequate time to consider it.

At this point I am not convinced everything has been included or adequately characterized in the Initial Study.

For instance:

- The Initial Study makes no mention of the possible significant health impacts on future residents of the project from being adjacent to a major freeway with its associated exhaust pollution.
- The Initial Study does not show as Potentially Significant either Strong Seismic Ground Shaking, Seismic Related Ground Failure, or Landslides and yet this location was the epicenter of a 4.2 magnitude earthquake on March 2, 2007, that was followed by two aftershocks!
- All of the Biological Resources categories (a) through (e) should be marked as Potentially Significant given that there is a stream running through the property and as yet no surveys have been carried out to determine what biological species could be affected.
- The project states it will require 400,000 cubic yards of grading cut and 100,000 cubic yards of grading fill – I'm guessing this is an unprecedented amount of earthwork for Lafayette that seems to fly in the face of existing policies to preserve slopes and ridgelines (and streams!).
- The proposal would have a significant impact of the visual aesthetics of this intersection; the applicant has provided some visual simulations, but all of the vantage points used have been carefully chosen (e.g. from behind the Ace Hardware store instead of in front of it) to show minimal impact. In reality this would be a very dense project with rows of apartments on top of the Deerhill Road ridge.
- The Initial Study shows that certain aspects of the traffic impact could be significant. This is an understatement, as I see no way the impact from this many units can be mitigated. There is no public transit here, so all residents will have to use cars. This is not a suitable location for such a dense project, which would be much more suited to be located closer to BART and downtown.

As mentioned, these are just initial observations and, since I am unable to attend this evening's meeting, I respectfully request more time be allowed for the local community to consider this.

Sincerely,

Colin H. Elliott

PO Box 1926

Lafayette,

CA 94549

From: Don Tatzin [mailto:dontatzin@sbcglobal.net]
Sent: Monday, October 17, 2011 1:16 PM
To: Srivatsa, Niroop
Subject: EIR scoping

Hi Niroop,

A few thoughts for the EIR scoping. Sorry for sending this late.

Much of the traffic entering the project will come from Highway 24 exiting on to northbound Pleasant Hill Road. To make a left hand turn onto Deer Hill or a U-turn at that intersection will require cutting across several lanes of traffic in a short distance. The safety and traffic performance implications of that should be studied. To what extent will motorists turn onto side streets, e.g., Stanley and/or Acalanes Ave/Nogalas, as a way to get to the proposed development?

Similarly, if a lane is added to PHR south of Deer Hill, that may create a weaving condition for those turning South onto PHR from either Deer Hill or Stanley and wishing to either go to Mt. Diablo Blvd., or either direction of SR 24.

Traffic analysis should include an assessment of the delay index in addition to traffic levels of service. Since the level of service is already poor, focusing on that measure alone is insufficient.

How would traffic performance be affected if ramp metering is instituted for SR 24 on-ramps. What will be the effect on air pollution for those living in the development?

Some of the residents of the proposed project are likely to work at or attend Acalanes High School. Hoping that they walk, this will result in greater use of the pedestrian crosswalk signals that may affect the performance of the intersection. A wider intersection may affect the amount of time given to a walk signal.

Any proposed mitigations that increase the physical capacity of the intersection and/or the streets of Pleasant Hill, Stanley, and Deer Hill should consider the extent to which this could be considered growth inducing because it would provide capacity for new projects, including those located north of Lafayette on which we have no control.

Any proposed mitigations should be compared with the City's practice of not increasing the physical capacity/width of PHR over more than 20 years.

Because of the size of the project, the impacts of construction should be included in the EIR to a far greater extent than is normal for Lafayette projects. There may be issues with parking, traffic flow, proposed lane closures, hours during which work can occur and how our standard policy may affect traffic performance during those periods, noise, dust/air pollution, etc.

I am sure this is just the tip of the iceberg compared with what others will identify.

Good luck and best regards,

Don

From: Hudson, Eliot R. [mailto:Eliot.Hudson@dlapiper.com]
Sent: Monday, October 17, 2011 7:50 AM
To: Merideth, Ann
Cc: Srivatsa, Niroop; David Harnish; Guy Atwood; David Van Etten; Karen Zemelman; Mark Zemelman
Subject: Planning Commission meeting - October 17, 2011: Comments on Initial Study Document for Terraces of Lafayette

Ann,

I have been out of town for the past ten days, so I am only now receiving and studying the materials for tonight's meeting .

I concur with the comments submitted by David Harnish.

Additionally, the Initial Study Document is inadequate when it addresses the aesthetic effects of this project on the character of Lafayette as a whole, and particularly the semi-rural and single family nature of Lafayette north of the freeway. The courts have confirmed that maintaining community character is a fully legitimate and sufficient basis for limiting development, as confirmed in the recent appellate decision of Arcadia Development v. City of Morgan Hill case.

Please submit my comments to the Planning Commission.

Regards,
Eliot Hudson
109 Bacon Ct.
Lafayette, CA

From: David Harnish [mailto:harnishs@comcast.net] **Sent:** Sunday, October 16, 2011 10:20 PM **To:** NSrivatsa@lovelafayette.org **Cc:** guy Atwood; Karen Zemelman; Hudson, Eliot R.; David Van Etten; Mark **Subject:** Comments on Initial Study Document for Terraces of Lafayette
Niroop,

I am writing to you to comment on the July 15, 2011 initial study document for the Terraces Terraces of Lafayette. This document appears to substantially under-state the potential for significant impacts from the Terraces project. This is one of the largest residential grading/earthwork projects of its kind in Lafayette.

Project proponent currently estimates grading 400,000 cubic yards of soil and filling 100,000 cubic yards of soil. This estimate is an early one, and the project is acknowledged to be located in an area highly susceptible to landslide. Because the geotechnical design is not completed, the amount of material may ultimately be substantially more in order to remove loose and unstable material. The project is described as involving 100,000 cubic yards of fill, but does not state what is being filled - again, before the geotechnical design is complete, the amount and location of fill is not adequately defined at this time. With this uncertainty in grading and fill calculations in an already large earth-moving project, we can only conclude that the project has potentially significant impact even with mitigations in the following areas:

AESTHETICS, item d), the response says "The addition of 315 units dispersed citywide does not represent a significant addition to the overall light..." These units are not in isolation, but the complex has abundant parking, a club house, swimming pool, and other amenities. The complex is on a prominent ridgeline that is currently undeveloped with minimal ambient light, and viewable from many areas in Lafayette. We see potentially significant impact on aesthetics resulting from increased light pollution in the area and the potential loss of night sky.

AIR QUALITY: This is a massive amount of grading, and will generate dust, both visible dust and respirable dust that is difficult to both see and control. Prevailing winds are toward residential areas and a high school, sensitive receptors. Dust mitigation techniques typical

for construction work well on smaller scale, but do not readily scale up to this scale. Unless the proponent can prove that dust is fully controllable at this scale and then add a rigorous monitoring plan that is made public, I think this needs to be viewed as "potentially significant" even with mitigation. We'd like to see their emissions calculations to confirm that they are not impacting any BAAQMD standards. For air quality, item d), Acalanes HS is a sensitive receptor that is ~1/4 mile from the proposed development. The increase in auto use in the area, including the potential increases in traffic congestion in the area resulting from the project, could potentially impact the sensitive receptors in the area. This could be a potentially significant impact, especially for students with health issues. Similar for Springhill Elementary.

BIOLOGICAL RESOURCES. Federally protected Alameda Whip Snake is endemic to this area, and many raptors and songbirds protected by the Migratory Bird Treaty Act are seen in and around the property. The initial study concludes that no (IV.a. and IV.d.) protected species have been detected, but that pre-construction surveys would be undertaken. That would be inadequate, in that the use of biological resources in this area needs to be established well in advance, with detailed surveys completed as part of the EIR.

GEOLOGY AND SOILS. This section particularly seems to under-represent the impacts to landslides and soil loss (VI.a.iv. and VI.b), even with mitigation. Moving 400,000 cubic yards of material in a hillside area known to be highly susceptible to landslide looks to me like a potentially significant impact even with mitigations. The hills in this area have near-surface soils that both slip away and erode easily. A related issue is that the estimated amounts of grading and filling will likely increase to remove unstable materials. Further, the potentially significant impact is that in the long-term the development is likely to have slope stability issues that impact residents, the freeway or Pleasant Hill Road. Large grading is known to de-stabilize inactive landslides and this very large grading project is going to have a tough time avoiding that problem on the hillside. Geology and Soils needs to be thoroughly investigated to evaluate these significant environmental impacts as part of an EIR.

HYDROLOGY AND WATER QUALITY: For biological resources, item b) and Hydrology, items d) and e), if the stormwater runoff from the site is routed to a local storm sewer (and we need to confirm that one currently exists), we need to know where that stormwater will discharge. On Springhill Road (and in many areas around here), they discharge stormwater runoff to Reliez Creek. Based on conversations with older residents, Reliez Creek has experienced significant downcutting in the past years due to increases in the peak hydrograph resulting from these discharges. And Reliez Creek is considered to be Waters of US and, as a tributary to Las Trampas and Walnut Creeks, I believe is potentially steelhead trout habitat (would need to confirm this with CA Fish & Game). So routing stormwater runoff to Reliez Creek could have a potentially significant impact on riparian habitat and other sensitive natural communities.

UTILITIES. The IS says that they will connect to the sanitary sewer and that the treatment plant has the capacity to treat the sanitary flows, but the IS does not address whether or not the trunk sewer lines have the capacity to collect and route the sewage to the wastewater treatment plant. There's no indication that they've confirmed the capacity of the trunk sewer line and the water main capacities with Central San and EBMUD. This impact is mitigatable, but would result in additional construction impacts if EBMUD and Central San had to tear up Pleasant Hill road AGAIN to increase the size of the pipelines. For Utilities, item d), it would be good to see what EBMUD put in their 2010 Urban Water Management Plan for Lafayette; that is, does the additional water supply required for this project fit within the projected water supplies for the City that EBMUD has to plan for. The document they are referencing is 5 years old and we don't know if they looked at the most recent information. For Utilities, item e), the plant may have capacity, but we don't know if the sanitary sewer system pipelines have that capacity (which I would doubt given the General Plan for this area).

TRAFFIC. This project may potentially impact traffic on Pleasant Hill Road and Deer Hill Road, not only from the standpoint of increasing congestion, but the area where they are

proposing to put entrances on Deer Hill Road are hills and curves with limited lines of sight.

In summary, if the City allows this project to move to an EIR, it has a number of challenges that need far more detailed analysis. Of course, the City is in the midst of re-zoning the parcel in response to staff recommendations and action, and we support City Council approval of that action, which would make this EIR moot.

David Harnish and Leslie Dumas
Springhill Valley Association

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--- On Mon, 10/17/11, Hudson, Eliot R. <Eliot.Hudson@dlapiper.com> wrote:

From: Hudson, Eliot R. <Eliot.Hudson@dlapiper.com>
Subject: Planning Commission meeting - October 17, 2011: Comments on Initial Study Document for Terraces of Lafayette
To: "Merideth, Ann" <AMerideth@ci.lafayette.ca.us>
Cc: "Srivatsa, Niroop" <NSrivatsa@ci.lafayette.ca.us>, "David Harnish" <harnishs@comcast.net>, "Guy Atwood" <guyatw@promeetium.com>, "David Van Etten" <david@networkmeetingcenter.com>, "Karen Zemelman" <karenzemelman@yahoo.com>, "Mark Zemelman" <sfbayshore@comcast.net>
Date: Monday, October 17, 2011, 7:50 AM

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Springhill Valley Association

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From: Jean Follmer [mailto:jeanfollmer@yahoo.com]

Sent: Monday, October 17, 2011 3:36 PM

To: Merideth, Ann

Subject: Fw: Christmas Tree Lot - October 17 Meeting

I made a typo in my first attempt.

----- Forwarded Message -----

From: Jean Follmer <jeanfollmer@yahoo.com>

To: "ameridith@lovelafayette.org" <ameridith@lovelafayette.org>

Cc: "NSrivatsa@lovelafayette.org" <NSrivatsa@lovelafayette.org>; Jean Follmer <jeanfollmer@yahoo.com>

Sent: Monday, October 17, 2011 3:34 PM

Subject: Christmas Tree Lot - October 17 Meeting

Dear Anne:

My family moved to Lafayette for its rural aesthetics and its schools. If built, the Terraces of Lafayette rental apartment complex is poised to ruin both.

The Terraces of Lafayette is not remotely in keeping with either the general character of Lafayette or the particular character of the Pleasant Hill corridor north of Highway 24. I can only imagine you're considering it because you were caught off guard and feel backed into a corner by the applicant. As you know, there are currently no apartments or high density housing in Lafayette along the Pleasant Hill/Reliez corridor. A project of such contrasting character will negatively impact the real estate values of single family homeowners in the surrounding area. For most of us, this is our single biggest investment and we paid a high dollar for our homes because we valued the current character, the rural nature of the area. Who can honestly dispute the already nightmarish commute along Taylor and Pleasant Hill during the morning, after school and evening? The problem will only be exacerbated both during and after construction of this colossal development. Have you considered the stress impact to current residents? Have you considered the wishes and interests of current residents? It's always a great "welcome home" feeling to exit Highway 24 onto Pleasant Hill North and see the beautiful, undeveloped hillside. If this project goes through, that exit will forever remind me of the City Council that decided to change the character of our city for the worse. Perhaps the RDA will later be charged with removing this "blight" from the hillside?

Where are these children going to go to school? The developer told the Lafayette School District approximately \$297/square foot would go to schools. That \$1million can only be used for expansion purposes to accommodate new students. If each apartment conservatively averaged one school-aged child, that would equate to 315 children and only ONE parcel tax. How is this justifiable?

As low-wealth districts, our schools receive a less-than-average revenue limit from the State of California. This amount falls thousands of dollars short per child of the cost to educate each child in Lafayette. The difference is made up through parcel taxes, a per child \$800 donation for K-8 and \$500 9-12 to our education foundation, LPIE, and a minimum donation of \$200 per child to each school site. Do you believe each of these new families is going to pay the school/LPIE donations? Who do you think should pay for the missing parcel taxes? The impact to our schools should be a critical consideration with this project.

Thanks for your time and for sharing this with the planning commission.

Best regards,

Jean Follmer

From: Jenifer Lamken Paul [mailto:jenlamkenpaul@hotmail.com]

Sent: Monday, October 17, 2011 3:12 PM

To: Merideth, Ann

Subject: Planning Commission meeting - October 17, 2011

Ann,

Please share my thoughts concerning the Terraces project with the planning commission

Sincerely,

Jenifer Paul

The opening line of the mission statement for the City of Lafayette states that, "Lafayette was incorporated for the preservation and enhancement of the semi-rural character of the community."

With close to 1,000 new housing units in different stages of development in Lafayette, the City seems to be straying away from its own mission.

Looking at the 2010 census, the population of Lafayette has declined over the last ten years.

According to an article titled, "Where did they go?" from the Winter 2011 edition of the City's quarterly newsletter, Vistas, this fact "should put to rest any lingering concern that Lafayette is growing too fast." Since 1990, we have only added 482 residents – which the article points out "averages out to 24 people – or just ten families – per year over the last twenty years." The article concludes, that Lafayette is "not exactly your high growth community."

If the above statement is true, then why are there currently 677 units slated to be built in 8 projects and another 315 potential rental apartments that have been proposed for the parcel of land off of Deer Hill Road at Pleasant Hill Road? This does not show slow growth, it is a housing boom. What has changed so quickly? How is it that we are about to see more residential growth in Lafayette than we have seen in years? Steve Falk, Lafayette's city manager, recently stated that the Deer Hill project, called the Terraces of Lafayette, is, to the city's knowledge, the "largest development application -both in terms of units and acres-that the City has received in its 45 year history."

Why build a development like the Terraces, which is not in the downtown and that is completely out of character with the rest of the Lafayette? In the San Francisco Business Times on September 30, 2011, Mr. Falk himself stated, "the best way to preserve our semi-rural nature is to move the growth downtown." I don't see how (or even why), our semi-rural city, which is already congested with cars, would incorporate all of this new growth. This project alone will significantly impact aesthetics, traffic patterns and has any thought been give to the fact that on March 27, 2007, this location was the epicenter of a 4.2 magnitude earthquake?

So this leaves me left to ask – why is the city ignoring our mission statement and changing the character of Lafayette?

From: Karen Zemelman [mailto:karenzemelman@yahoo.com]
Sent: Monday, October 17, 2011 1:39 PM
To: Merideth, Ann
Cc: Srivatsa, Niroop; elliott Hudson; Leslie; Jean Follmer; Jenifer Lamken; suzy pak
Subject: Fw: Planning Commission meeting - October 17, 2011: Comments on Initial Study Document for Terraces of Lafayette

Ann,

I concur with the comments submitted by David Harnish and Eliot Hudson. Additionally, I have a few comments to add:

My concerns are as follows:

Aesthetics: (d) the light pollution that will be created by this project may obscure the stars in the night sky, and, like any other form of pollution, it disrupts ecosystems. This item should be checked Potentially Significant Impact.

Air Quality: (a-e) given the proximity to the Acalanes High School and neighboring homes, plus the generation of thousands of vehicle trips per day, all the items should be designated Potentially Significant Impact.

Land Use and Planning: (a) there are a number of statements in the General Plan that call for a use consistent with the surrounding area, which is open space, low-density residential and single family. This project would completely change the character of this part of the City and community. This item should be checked Potentially Significant Impact.

Noise: (a-d) due to the scope of this project and the fact that noise pollution can stress the health of both humans and wildlife, these should be checked Potentially Significant Impact.

Public Services: Schools - Development fees are limited to infrastructure, and do not help the school districts with their operating budgets. Apartment units are not assessed parcel taxes, shifting a greater burden to single family homeowners. Schools should be checked Potentially Significant Impact.

Transportation/Traffic: (a) Since the project will increase traffic congestion, both during the project and after its completion, this should be checked as Significant Impact.

Please submit my comments to the planning commission.

Thank you,
Karen Zemelman
115 Bacon Ct
Lafayette, CA 94549

From: Lynn Hiden [mailto:dandlhidden@comcast.net]

Sent: Monday, October 17, 2011 1:46 PM

To: Merideth, Ann; Srivatsa, Niroop

Cc: ggholit@comcast.net; Pak, Susan N.; GUY ATWOOD; Eliot Hudson; Eliot Hudson; Marie Parti; Jule Hammerman Roselaneneighborhood; Bob Wood

Subject: Fw: SOS: Q re EBMUD \$30m planned CIP for aqueducts sched'd for 2015-2020.

Ann or Niroop,

Would you please forward Nora Harlow's (EBMUD) reply to the Planning Commissioners for me for tonite's meeting, just FYI? (The initial Q is at the bottom.)

Many thanks,

Lynn Hiden

From: Harlow, Nora

Sent: Monday, October 17, 2011 12:54 PM

To: Lynn Hiden ; Nora Harlow

Cc: John Coleman ; John Coleman

Subject: RE: SOS: Q re EBMUD \$30m planned CIP for aqueducts sched'd for 2015-2020.

Lynn,

Here is what I got from the manager of water supply and his aqueducts staff:

In August 2011, EBMUD made comments on the NOP Draft EIR for the Terraces of Lafayette Project. The Lafayette Aqueducts in this area are actually tunnels referred to as the Pleasant Hill Tunnels and are contained within two 30-ft wide easements.

Some surface improvements (such as roads and carports) may be allowed but improvements requiring excavation (including drilling support elements) that may encroach onto the tunnel easements will be prohibited by EBMUD. EBMUD has requested that the project proponent provide design drawings for EBMUD's review and approval.

Yes, the capital improvement project will mostly likely include work in the Pleasant Hill Road area. In the case of the Terraces of Lafayette project, however, our work would be from either end of the tunnel.

Nora

From: Harlow, Nora

Sent: Monday, October 17, 2011 10:53 AM

To: Lynn Hiden ; Nora Harlow

Cc: John Coleman ; John Coleman

Subject: RE: SOS: Q re EBMUD \$30m planned CIP for aqueducts sched'd for 2015-2020.

Lynn,

I've forwarded your note to our Manager of Water Supply, also talked to him by phone, so should have an answer for you soon.

Nora

From: Lynn Hiden

Sent: Monday, October 17, 2011 10:33 AM

To: Nora Harlow ; Nora Harlow

Subject: SOS: Q re EBMUD \$30m planned CIP for aqueducts sched'd for 2015-2020.

Hi, Nora,

A Q for you. Re the Feasibility Study for the bike ped pathway from Risa Rd to Brown Ave in Lafayette, a letter dated Sept. 29, 2011 from Wm Kirkpatrick, Manager of Water Distribution Planning, states that...

...there is a \$30m planned capital improvement project for the No. 1 aqueduct currently scheduled for 2015-2020 time frame. This project will required major excavation, materials storage and construction traffic long the ROW for the entire study area. Maintenance on the aqueducts is continuous and EBMUD will need uninterrupted access to its facilities at all times and will need to close portions or all of the ROW for varying amounts of time and with minimal notice to perform the maintenance.

Can you tell me if this planned CIP also includes work on the portions of the aqueduct that run as far as Pleasant Hill Road? The reason that I ask is that I see in the drawings for the Terraces 315 MFU application on the 22 acre Dettmer property (including the Xmas tree lot across from Acalanes HS) which I am helping to scope tonite at the Planning Commission meeting at 7 p.m., that of their 14 buildings, a third or a little more of their proposed apt building M, more than half of its carport, and large parts of their interior circulation roads are designed to sit atop the #1 and #2 EBMUD aqueducts and its ROW that run through this part of town to PH Rd.

Can you tell me--preferably as early as possible, today, if the EBMUD Pproject planned for 2015-2020 will include that portion of the aqueducts system?

Many thanks, Nora,

Lynn

From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Monday, October 17, 2011 6:19 PM
To: Feds, Carol; Anduri, Carl; Brandt Andersson; Tatzin, Don; Anderson, Mike; Mike Anderson; Mike Anderson; ies@sonnenschein.com; GUY ATWOOD; GEORGE BURTT; AVON WILSON; BYRNE MATHISEN; CAROL SINGER; JIM FITZSIMMONS; wood56@netzero.net; SUSAN CALLISTER; MARIE BLITS; JOE GARRITY; Lynn Hiden; Maeve Pessis; Greenblat, Leah; Srivatsa, Niroop; Brian Smith; Mike Grant

Subject: Fw: LOS, too? /Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

FYI re monitoring Action Plan, Pleasant Hill Road --see reduction in road usage since economy tanked and the 2030 projections. Niroop, would you please forward to the PC? Many thanks,
Lynn

From: Matt Kelly
Sent: Monday, October 17, 2011 4:54 PM
To: Lynn Hiden ; Gail Murray
Subject: RE: LOS, too? /Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

Hi Lynn,
Yes, the counts have been way down County-wide. They basically started falling in 2008 with the economy, and our 2010 counts were the lowest we had seen since the 1990's.

-Matt

Matt Kelly
Associate Transportation Planner
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597
37° 92' 80.02" N, 122° 5' 75.99" W
(925) 256-4730 (ph)
(925) 256-4701 (fax)
mkelly@ccta.net

From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Monday, October 17, 2011 4:52 PM
To: Matt Kelly; Gail Murray
Subject: Re: LOS, too? /Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

Matt-- Thanks. Wow, those counts are WAY DOWN from what they were before the I 680/24 reconfiguration! And then, the economic downturn. Amazing difference. I don't think BART can handle the extra ridership, though, so the figures won't work. Gail Murray can tell you (and tell me, again, please) what BART can handle in maximum ridership capacity--

Gail, can you give us both BART's maximum capacity ridership, please? I had that that you gave me awhile back and tossed it out just the other day.
Thanks so much,

Lynn

Thanks, Matt!

Lynn
From: Matt Kelly

Sent: Monday, October 17, 2011 3:10 PM

To: Lynn Hiden

Subject: RE: LOS, too? /Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

Hi Lynn,

We don't maintain LOS status on all roadways. In the 2009 Lamorinda Action Plan, the standard (MTSO) for Pleasant Hill Road was the Delay Index. I've attached the results table from the Action Plan, and you can see the 2004, 2009 and 2030 forecast for the road below:

Also, I've attached our Spring 2010 counts for Pleasant Hill Road at Stanley Blvd in the NB and SB direction. This has our most recent ADT at the location.

-Matt

Matt Kelly
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2999 Oak Road, Suite 100
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mkelly@ccta.net

-----Original Message-----

From: Lynn Hiden [mailto:dandlhidden@comcast.net]
Sent: Monday, October 17, 2011 2:36 PM
To: Matt Kelly
Subject: LOS, too? /Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

Matt (our grandson's name is Matt, too (-:), can you give me some Hwy

Capacity Manual LOS's for those projections, too, in addition to the numbers

of cars? Also, before the I680/24 reconstr, the adt thru PH/DH intersection

was 40,000 cars per day. Do you happen to know what it is now? Or/and what

it will be in 2020 and 2030?

Thanks so much,

Lynn

From: "Matt Kelly" <mkelly@ccta.net>

Sent: Monday, October 17, 2011 1:53 PM

To: "Lynn Hiden" <dandlhidden@comcast.net>

Subject: RE: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay
> I can do both relatively quick. Forgot to ask - which time period would

> you prefer? AM and/or PM Peak Hour or Peak (4 hour) Period?

> -----Original Message-----

> From: Lynn Hiden [mailto:dandlhidden@comcast.net]

> Sent: Monday, October 17, 2011 1:52 PM

> To: Matt Kelly

> Subject: Re: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

> How about both, Matt! If it's not too much trouble. Otherwise, if it takes

> hours, just 2020, then. But it might take them that long to get the thing

> built. Can you do it FAST? I have to leave here at 6:30 p.m. tonite and

> could REALLY use it!!!

> Thanks a million,

> Lynn

> -----

> From: "Matt Kelly" <mkelly@ccta.net>

> Sent: Monday, October 17, 2011 1:40 PM

> To: "Lynn Hiden" <dandlhidden@comcast.net>

> Subject: RE: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

>> Hi Lynn,

>> I can get those future year projections for you. From the travel demand

>> model, we can provide either year 2020 or 2030 volumes. Which would you

>> prefer?

>> -Matt

>> Matt Kelly

>> Associate Transportation Planner

>> Contra Costa Transportation Authority

>> 2999 Oak Road, Suite 100

>> Walnut Creek, CA 94597

>> 37° 92' 80.02" N, 122° 5' 75.99" W

>> (925) 256-4730 (ph)

>> (925) 256-4701 (fax)

>> mkelly@ccta.net

>> -----Original Message-----

>> From: Lynn Hiden [mailto:dandlhidden@comcast.net]

>> Sent: Monday, October 17, 2011 1:36 PM

>> To: Martin Engelmann

>> Cc: Matt Kelly

>> Subject: SOS MATT: Re: Q re projections for PH Rd/Deer Hill in Lafay

>> Thanks, Matt, can you hurry? I have an EIR scoping mtg tonite and need to

>> know any traffic projections you have for the intersection of Pleasant

>> Hill

>> Rd/Deer Hill Road in Lafayette, thru the future. I'll take anything that

>> you

>> have. We get flow from Martinez, Pleasant Hill, WC, as you probably know,

>> en

>> route to Bart or the freeway. More in good economic times than in

>> downturns.

>> Do you have any ten year projections? 20 year? Or, if not that

>> intersection,

>> the nearest, then?

>> Thanks!

>> Lynn

>> -----

>> From: "Martin Engelmann" <mre@ccta.net>

>> Sent: Monday, October 17, 2011 1:03 PM

>> To: "Lynn Hiden" <dandlhiden@comcast.net>

>> Cc: "Mathew Kelley" <mkelly@ccta.net>

>> Subject: RE: Q re projections for PH Rd/Deer Hill in Lafay

>>> Lynn, I'm out this week, but Matt can help you. Martin Sent from my Windows

>>> Phone

>>> -----Original Message-----

>>> From: Lynn Hiden

>>> Sent: Friday, October 14, 2011 6:52 PM

>>> To: Martin Englemann

>>> Subject: Q re projections for PH Rd/Deer Hill in Lafay

>>> Hi, Martin,

>>> I hope that you are well. How's your back?

>>> The City is scoping the Terraces application for the intersection of Ph

>>> Rd/Deer Hill in Lafayette, SW leg, 2315 units. Insanity at that

>>> location,

>>> to my mind. With Acalanes HS adjacent. VERY busy when the economy is

>>> normal, as you remember. Not so busy at the moment. 15% gradient on the

>>> approach to PH fm Deer Hill. Sigh. Is it possible for you to get from me

>>> from whomever around there has them, some ten year and twenty year

>>> projections for that intersection, by any chance? I need them for

>>> Monday

>>> nite's scoping meeting.

>>> Thanks so much,

>>> Lynn=

Roadway Counts




Search

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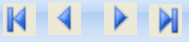
Show Data Tables

Main M

CountID	220-NB	AMPeak_Time	745
StreetName	Pleasant Hill Rd	AMPeak_Count	763.5
Leg	N	AM4HR_Count	2283
CrossStreet	Stanley Blvd	PMPeak_Time	1700
Jurisdiction	Lafayette	PMPeak_Count	2222
LocationNo	220	PM4HR_Count	7,786
		Daily	16,907

Menu  Close

Roadway Counts




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Show Data Tables

Main M

CountID	220-SB	AMPeak_Time	715
StreetName	Pleasant Hill Rd	AMPeak_Count	1922.5
Leg	N	AM4HR_Count	5900.5
CrossStreet	Stanley Blvd	PMPeak_Time	1500
Jurisdiction	Lafayette	PMPeak_Count	1009.5
LocationNo	220	PM4HR_Count	3,786
		Daily	15,661

Menu  Close

From: Marie Parti [mailto:mparti@moraga.k12.ca.us]

Sent: Monday, October 17, 2011 1:48 PM

To: Srivatsa, Niroop; Merideth, Ann

Subject: Terraces EIR

Comments on the potential EIR:

The 4 major factors are:

Aesthetics

Air quality

Geology - seismic

Transportation

I consider all very significant.

Aesthetically Lafayette has always been viewed as a residential community in a park-like setting. That corner at route 24 and Pleasant Hill road sets the tone for that concept and proceeds up the hill to the park land on the ridge.

Seismically the impact of the potential residents will be significant.

Frankly it is hard not to experience seismic tremors of some magnitude often, and the past major events speak for themselves.

Those residents living in the project area would be on a slope closest to the major fault lines and suffer significant damage.

Also of importance is that runoff from the development will end up in Springhill Creek which already has a flooding problem. My home at 3221 Stanley Blvd was flooded in the past. Flooding was a problem when I was on Council and has progressively gotten worse as incremental development occurred along the creek.

There are so many negative impacts caused by any development of that land that it is incomprehensible that any large project would be considered for this property.

The idea of adding traffic load to Deer Hill road at the intersection at Deer hill and Pleasant Hill is also incomprehensible to me.

Many, many residents have attended many, many meetings to get to the vote by the Council to rezone the property. It is incomprehensible to me that the rezoning was not handled in a professional and effective manner by the city staff -- this inept negligence is inexcusable - absolutely no excuses are acceptable. This mistake by the staff should be corrected immediately, and the rezoning should be continued and upheld as soon as possible.

--

Ernest W. Parti, PhD, PE

(Former Lafayette Planning Commissioner and City Council Member)

3221 Stanley Blvd

Lafayette, Ca 94549

From: Norm Dyer [mailto:NDyer@lca-architects.com]

Sent: Monday, October 17, 2011 4:34 PM

To: Merideth, Ann

Subject: RE: Scoping Correspondence

Hi Ann:

There seems to be a lot of confusion/concern regarding the EBMUD aqueducts. Maybe this letter will help clarify the situation.

Norm

From: Merideth, Ann [mailto:AMerideth@ci.lafayette.ca.us]

Sent: Monday, October 17, 2011 2:26 PM

To: David Baker; Allan Moore; dave@bblandlaw.com; Norm Dyer

Subject: Scoping Correspondence



September 16, 2011

David Rehnstrom
Senior Civil Engineer
East Bay Municipal Utility District
375 Eleventh St.
Oakland, CA 94607

Re: The Terraces of Lafayette; Lafayette, CA
BKF Project No. 20115003

Dear David:

Thank you for meeting with Norm Dyer and me on September 1, 2011 to discuss Mr. Kirkpatrick's letter dated August 22, 2011 regarding the proposed The Terraces of Lafayette project in Lafayette and its potential impacts on EBMUD's Lafayette No. 1 and 2 aqueducts. In that meeting we discussed the comments made in that letter and you provided us construction drawings of the aqueduct as it pertains to the subject property.

The following is a summary of the points that were discussed at our meeting:

- Each aqueduct is in a "sub-surface tunnel easement only" and these easements do not extend to the surface and thus do not restrict the owner's use of the property, provided that the land is not used in such a way as to "interfere with, damage or endanger" said tunnels, or the aqueducts themselves. We carefully reviewed the easement documents prior to designing the Terraces project to confirm the landowner's ability to use the surface of the property as proposed.
- Based on the drawings you provided, there are three buildings proposed, as well as two buildings existing above the aqueducts. The lowest proposed finish floor elevation is ~50-feet above the top of the aqueduct pipes. No deep (piles or piers) foundation systems are proposed.
- Additional improvements associated with the project will be the construction of retaining walls, landscaping, utilities (with up to a 7-foot deep trench, estimated) and roadways. The project will also employ customary and common grading techniques. No construction activities at the site will have impacts 50-feet below the ground surface. Engineering drawings and final geotechnical reports will be forwarded to EBMUD for review and comment prior to construction.
- The project will comply with Procedure 718, where applicable, particularly as it applies to the requirements for various submittals to EBMUD. We understand that many, if not all of the restrictions that are discussed in Procedure 718 in regards to



“permitted uses” typically only apply to “raw water aqueduct right-of-way” that EBMUD owns in fee and thus, will not apply in this case.

- It is not uncommon for there to be buildings located above EBMUD’s tunnels and/or deep sections of raw water supply facilities.

We understand and appreciate EBMUD’s need to protect the integrity of the aqueducts and will fully cooperate with the District to ensure that construction and future operations of the property will be consistent with District interests and the recorded easement documents.

Thank you again for meeting with us. We look forward to working with the District on this important project. If you have any questions or would like to further discuss this matter, please do not hesitate to call me at 925-940-2207.

Respectfully,
BKF Engineers

A handwritten signature in blue ink, appearing to read "Chris Mills", written over a white background.

Christopher Mills, PE
Project Manager

Cc Ann Merideth, City of Lafayette
Norm Dyer, LCA Architects
David Baker, O'Brien Land Company

From: steven falk [mailto:steven.falk@gmail.com]

Sent: Monday, October 17, 2011 3:38 PM

To: Merideth, Ann; Srivatsa, Niroop; Bob Fisher

Subject: Fwd: East Portal development

Ann, Niroop—

Please be sure that the attached letter from Bob Fisher is forwarded to the EIR consultant.

Thanks--

SF

----- Forwarded message -----

From: Bob Fisher <bfisher@rll.com>

Date: Mon, Oct 17, 2011 at 3:31 PM

Subject: East Portal development

To: Steven Falk <steven.falk@gmail.com>

Steve: I do trust the process, but we also know how developers can wear communities down. I've written the attached piece, which I would ask you please to review. IF I have covered what I have tried to cover adequately, please forward this to Ann for the EIR consultants. If not, be sure to let me know before I submit a revised copy.

I get a flash on an application from Murray Mattel, the owner of the "Maple Shop," a good-sized furniture store and sales tax generator close to where the Lafayette Park Hotel is now. Murray came in after we adopted the Sign Ordinance, was denied a major variance, appealed, and was represented by a personal friend of mine, Atty. Gene Lerner. When Gene argued that all that Murray wanted to achieve with his new, brighter, neon, larger sign was to be visible from the Freeway. At the end of Gene's very persuasive plea, the questioning got to me: "Gene, I can understand why Murray would want to be visible from the Freeway. Are you referring to Highway 24, or Highway 80 in Fairfield?"

Viewsheds....

Bob Fisher

Robert M. Fisher, Ph.D., J.D.

President, Nonprofit Leadership, Education, and Foundations

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369 Pine Street, Suite 221

San Francisco, CA 94104

<bfisher@rll.com>

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To: City of Lafayette
Att: S. Falk, Ann Meredith

From: Robert M. Fisher
Councilman and Mayor, 1968-1976; Chair, Local Agency Formation Commission
and Mayors' Conference

Re: Proposed East End (Deerhill Road) development

Date: October 17, 2011

I am writing to express my concern about the proposed multiple residential development in the northwest quadrant above the intersection of Highway 24 with Pleasant Hill Road. I believe this project to be entirely out of place in this location and I urge the City Council, the Planning Commission, and the EIR consultants to give consideration to the comments that follow.

History of intense development at East and West Lafayette portals. As one of our City's incorporators and as the top vote-getter in 1968, I speak with fresh memory of the most contested development approved in the 1960s by the County, a significant factor in the decision of the people of Lafayette to incorporate to bring our land use planning home. That development was the Xebec property, on Carol Lane above Mt. Diablo Blvd. Known popularly at that time as the "ant hill," that relatively dense concentration of multiple housing was perceived by local residents as antithetical to Lafayette values. Not that there was antipathy toward multiple dwellings per se, or lack of understanding of the importance to a healthy suburban community of diverse uses serving diverse populations, but outrage that this highly visible concentration of housing was approved in Martinez at that location. As an aside, the same voters who voted overwhelmingly in 1968 for incorporation -- in reaction against the inappropriateness of the Xebec development -- were broadly supportive of our Council decisions each subsequent year to stash and not spend our community block grants, aggregating them toward the ambitious dense, multiple senior development subsequently known as "Chateau Lafayette." The message: mixed uses in the right locations are good for a community; the wrong uses in the wrong locations can be seriously damaging to a community.

East Portal development. Soon after incorporation, the Council reviewed the proposals to build a restaurant inside the cloverleaf at the southwest quadrant of the intersection of Highway 24 and Pleasant Hill Road. Thanks to incorporation, the Council was able to work very closely with the designers of what we most recently remember as the "Hungry Hunter." That building was sunk below grade, with low gradually sloping roofs, with high berms screening the building, with access to parking and parking itself hidden behind the heavily landscaped and screened berms and building. While the restaurant owners might have preferred a highly visible development, they quickly

became aware of Lafayette's determination to protect the "semi-rural" character of our portals.

West Portal development. Similarly, when over the years proposals were made by the owners of the Republic Bank of Texas (?) property above and to the south of Mt. Diablo Blvd. just east of Acalanes Blvd, and by the owners of the Cape Cod House to develop the property near the present Oakwood Athletic Club, the Council clearly expressed its intention to avoid dense and highly visible commercial or multiple residential development at either the West or East Portals to the City. Orchard Nursery was already at that location at the West Portal, as were the adjacent multiple residential units at the base of Paulson Court, but all were below Highway 24 grade and low visibility. Every subsequent review of the appropriate uses of the Republic Bank property, as well as the careful recent design of the Oakwood Athletic Club, has reflected the historic commitment to protect the East and West Portal viewsheds.

Lafayette and the community's sensitivity to our viewsheds. More broadly than my discussion above about the Highway 24 portals to the City are the basic values that are reflected in our 1968 incorporation, our General Plan from 1970, and in our land use decisions from the very earliest days. Our first City Council's partnership with the Lafayette Chamber of Commerce to adopt our first and at the time quite radical Sign Ordinance quickly altered the appearance of Lafayette's commercial area. Our early adoption of what was then a pioneering Ridgeline Preservation Ordinance was directed exclusively at our concern for Lafayette's viewsheds. Our Hillside Preservation Ordinance was only partially directed to the instability of our slopes; it was largely impelled by our concern that the miracles of foundation engineering, driven by local economics as in the Montclair and Berkeley Hills, would crowd our hillsides with unsightly residences that would be highly visible because of their slope locations and landscaping for views. Our first Tree Ordinance was only partially directed to our interest in discouraging non-native plantings, some of which created soil instability, needs for excessive irrigation, and avoidable fire hazards (e.g., the Monterey Pine, poplars); we wanted to encourage the planting of native trees that over time would thrive in our soil and dry climate, limit fire hazards, and that would effectively screen buildings and enhance the viewshed.

Regional planning and the Lafayette viewshed. The Local Agency Formation Commission that I chaired was the first LAFCO to be required to create the "ultimate boundaries" of then and future cities within Contra Costa County. In 1972-1976, LAFCO, then staffed by Lafayette resident and Assoc. County Administrator, Joe Connery, devoted a great deal of time to the negotiation of boundaries of neighboring communities with conflicts in land use values. Thus, for example, there were lengthy discussions of where to draw the line between Lafayette and Walnut Creek on the ridge to the east of Acalanes High School, the northeast quadrant of Highway 24 and Pleasant Hill Road. At that time, the original Lafayette City line was drawn down the center of Pleasant Hill Road (a flub of the incorporators!), giving Walnut Creek the argument that

the ultimate boundary of Lafayette should be drawn well below and on the west-facing side of the Ridge, allowing Walnut Creek to expand over the hill and look out to the West from Acalanes Ridge. Lafayette wanted the line to be drawn on the eastern side of and below the Ridge to preserve the ridgeline from Lafayette's viewshed. The only compromise we could reach was to draw the line down the middle of the Ridge, hoping that this would minimize Walnut Creek development antithetical to the values reflected in the Lafayette viewshed.

Considerations of equity. I strongly believe that property owners deserve to be able to develop their properties as they prefer - so long as the needs of their neighborhoods and the greater community are respected. I also believe that when property owners are on notice that community needs may be contrary to property owners' economic aspirations, it is not unfair to hold property owners to reasonable expectations of the economic exploitation of their properties.

Tony Lagiss, Ken Brown and other property owners in the area of the proposed development were very frequent visitors over many, many years to virtually every City land use discussion that might impact development in that quadrant of Highway 24 and Pleasant Hill Road, along Pleasant Hill Road, and along Deerhill Road. Tony, especially, had great ambitions for the area, including his desire that the Council approve the development of an "auto row" along the west side of Pleasant Hill Road so that Lafayette, as a no-property-tax city, could bolster its sales tax income. One message and one message only was communicated to those property owners: intense and highly visible development fronting Highway 24, Pleasant Hill Road, or Deerhill Road would never be approved in Lafayette - because of the impacts on the viewsheds, because of the historic commitment to limit development at the community's portals, because of traffic impacts, because such proposals could find happier locations within Lafayette where impacts would be moderated, etc. Any review of Lafayette's history in addressing questions about the development of these lands would have put any subsequent property owner on notice, informing them of the reasonable expectations for the uses that could be approved on these lands.

Based on this long history, it is not reasonable that a development of this scale be submitted for consideration at this location. Indeed this proposal is so far out of line that one suspects that this is just the opening gambit of a positioning game designed to force the community eventually to reach a compromise that still is largely incompatible with the City, its residents and all but the economic ambitions of the owners.

From: Greenblat, Leah
Sent: Monday, October 24, 2011 12:15 PM
To: Merideth, Ann
Cc: Claude Aiello (claudeaiello@att.net)
Subject: FW: Terraces of Lafayette - Ann Merideth

Ann,
Claude Aiello had difficulty emailing you so I volunteered to forward his email to you. Please see below.
Leah

Leah Greenblat
Transportation Planner
City of Lafayette
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

W www.ci.lafayette.ca.us
E LGREENBLAT@ci.lafayette.ca.us
F 925.284.3169
T 925.299.3229

 Please consider the environment before printing this email.

From: Claude Aiello [mailto:claudeaiello@att.net]
Sent: Monday, October 24, 2011 12:14 PM
To: Greenblat, Leah
Subject: Terraces of Lafayette - Ann Merideth

Hi Leah, thanks for forwarding this on to Ann Merideth.

I feel a study and report of the potential impact that cyclists and pedestrians from the proposed project would have on Pleasant Hill Rd., and their safety, when choosing to ride or walk in the direction of downtown Lafayette.

Thank you,

Claude Aiello

