

4.12 PUBLIC SERVICES

This chapter describes potential impacts from the proposed Project on public services. Fire protection and emergency medical response, law enforcement, schools, libraries, and parks and recreational facilities are each addressed in a separate section of this chapter. In each section, a summary of the relevant regulatory setting and existing conditions is followed by a discussion of Project-specific and cumulative impacts. Correspondence and information provided from these service providers is included in Appendix L of this Draft EIR.

A. Fire Protection and Emergency Medical Response

1. Regulatory Framework

a. Federal Regulations

There are no federal regulations regarding fire protection services that are applicable to the proposed Project.

b. State Regulations

i. California Building Code

The State of California provides a minimum standard for building design through the 2010 California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2010 California Building Code is based on the 2009 International Building Code, but has been amended for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include: the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

ii. California Fire Code

The 2010 California Fire Code incorporates, by adoption, the 2009 International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is located in Part 9 of Title 24 of the California Code of Regulations. The California Fire Code is revised and published every three years by the California Building Standards Commission.

iii. Mitigation Fee Act (California Government Code 66000-66008)

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put.¹ The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. The Act came into effect on January 1, 1989.

c. Local Regulations

i. Lafayette General Plan

Goals and policies from the Lafayette General Plan that are relevant to fire protection and emergency medical service (EMS) are shown in Table 4.12-1.

2. Existing Conditions

The Contra Costa County Fire Protection District (CCCYPD or Fire District) provides fire protection and EMS for the City of Lafayette, including the Project site. As described in Chapter 4.7 of this Draft EIR, the Project does not include any areas designated as “Very High” risk; however, the entire Project site is designated as a “High” risk zone, and this area has experienced wildland fires.² The CCCYPD serves a population of 600,000 across a

¹ California Government Code, Sections 66000-66008, <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAIISdocID=56595118777+0+0+0&WAIISaction=retrieve>, accessed on November 17, 2011.

² Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October 19, 2011.

TABLE 4.12-1 **GENERAL PLAN GOALS AND POLICIES RELEVANT TO FIRE PROTECTION AND EMERGENCY MEDICAL RESPONSE**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-20	<i>Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.</i>
Policy LU-20.4	Fire: Review all development projects for their impacts on standards for fire service specified in the General Plan: fire stations three miles apart in urban areas, six miles apart in rural areas, with a five-minute response time. Require fair share payments and/or mitigation measures to ensure that these standards or their equivalent are maintained.
Safety Element	
Goal S-4	<i>Minimize risks to Lafayette residents and property from fire hazards.</i>
Policy S-4.1	Adequate Fire Protection: Enforce regulations and standards which contribute to adequate fire protection.
Policy S-4.2	Reducing Fire Risk From Development: Take measures to reduce fire risks from new and existing development as well as natural fire hazards.
Policy S-4.4	Mutual Aid Agreements: Participate in mutual aid agreements with the County and State fire fighting agencies.

Source: Lafayette General Plan, 2002, <http://www.ci.lafayette.ca.us>, accessed on October 24, 2011.

304 square-mile area and responds to approximately 45,000 incidents annually.³ The CCCFPD maintains 30 fire stations and provides fire protection and EMS to nine cities, including Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, and San Pablo. The CCCFPD also serves all unincorporated areas, including Alamo, Bay Point, El Sobrante, North Richmond, and Pacheco. The CCCFPD maintains automatic aid agreements with the San Ramon Valley Fire District and the Orinda-Moraga Fire Dis-

³ Contra Costa County Fire Protection District, <http://www.cccfpd.org/>, accessed on October 5, 2011.

tract, which allows the closest fire engine to respond to fire and medical emergencies, regardless of jurisdiction.

In addition to fire protection services, the CCCFPD provides a combined response from American Medical Response (AMR) ambulance service for advanced life support (paramedic) services. Transport is provided by AMR. All CCCFPD stations are staffed with at least one paramedic. In addition to fire suppression and emergency medical services, overall capabilities and resources of the CCCFPD include vehicle extrication, trench rescue, water rescue, high-angle rescue, building collapse rescue, confined space rescue, fire and arson investigation, code enforcement, building plan review, and public education, such as Community Emergency Response Training (CERT).

Fire Station 15, located at 3338 Mount Diablo Boulevard in Lafayette, would be the primary responding station for the Project. Fire Station 15 is located approximately 0.4 miles from the Project site. An initial full alarm assignment would include four additional stations, including Station 1, Station 2, Station 3, and Station 17. All CCCFPD stations are staffed with three personnel 24 hours per day. A 24-hour shift includes one Captain, one Engineer, and one firefighter. Each three person crew includes at least one paramedic. Station 15 is equipped with two trucks: a Type 1 Engine and a Type 3 Engine.⁴

From October 31, 2010 to October 31, 2011, the CCCFPD was dispatched to 53,705 calls for service throughout its service area, of which 29,579 were emergency medical service calls. During the same period, the average response time for emergency medical service calls was approximately six minutes. Among the 53,705 calls, Station 15 responded to 382 calls, Station 1 responded to 632 calls, Station 2 responded to 714 calls, Station 3 responded to 132 calls, and Station 17 responded to 52 calls.⁵

⁴ Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October 19, 2011.

⁵ Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October 31, 2011.

Response distance relates directly to the linear travel distance (i.e., miles between a station and a site) and the CCCFPD's ability to successfully navigate the given access ways and adjunct circulation system. Roadway congestion and intersection level-of-service along the response route can affect the response distance when viewed in terms of travel time. The CCCFPD's objective is to respond within five minutes of a call 90 percent of the time. Based on nationally recognized standards, the CCCFPD also strives to have the capacity to deploy an initial full alarm assignment within an eight minute response time to 90 percent of incidents.⁶ Currently the CCCFPD is not meeting its primary response time objective, responding to only 20 percent of calls within five minutes. However, by relocating some existing fire stations, the CCCFPD has managed to improve response times in recent years. The average CCCFPD system-wide response time was approximately six minutes in 2011, which was one minute less than the average district-wide response time in 2009.⁷

The CCCFPD has a fire suppression of 3.0 by the Insurance Services Office, Inc. (ISO) Public Protection Classification Program.⁸ The ISO fire suppression rating schedule grades a community's fire protection ability on a scale of 1.0 to 10.0, with 1.0 being the highest rating possible. This classification system allows ISO to help communities evaluate their public fire protection capacities.

The CCCFPD Fire Prevention Bureau reviews development plans and inspects construction projects to ensure that all new and remodeled buildings and facilities meet State and local Building and Fire Code requirements.⁹ In

⁶ Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October 19, 2011.

⁷ Leach, Ted, Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. January 9, 2012.

⁸ Leach, Ted. Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center | DC&E. October 19, 2011.

⁹ Contra Costa County Fire Protection District, <http://www.cccfpd.org/planreview.html>, accessed on November 22, 2011.

addition, the CCCFPD implements a vigorous building inspection program to ensure compliance with applicable standards and regulations, including requirements for emergency access. The total operating budget for Fiscal Year 2010-11 was \$94.9 million. Nearly 80 percent of the CCCFPD's funding comes from property taxes collected in the service area.¹⁰ This source funds salaries and benefits, services and supplies, and other expenditures.¹¹ Portions of property taxes collected within the CCCFPD are directed to the budget's revenue.

The CCCFPD currently imposes a fire facilities impact fee, which funds expanded facilities, such as fire stations, apparatus shops, and administrative buildings, to serve new development in the CCCFPD service area. The impact fees are calculated based on the facilities cost per capita, which is derived by dividing the total value of existing facilities by the existing service population.¹² The fire facilities impact fee would be collected at time of building permit issuance.¹³

The CCCFPD assesses the following impact fees on new development:

- ◆ \$285 per residential dwelling unit;
- ◆ \$376 per 1,000 square feet of office space; and
- ◆ \$329 per 1,000 square feet of retail/commercial space.

¹⁰ Contra Costa County Fire Protection District, Summary of General Fund 7300, September, 2010.

¹¹ Contra Costa Country Fire Protection District, 2008, *2007 Report to the Community*, page 4.

¹² The cost per capita is converted to a fee per unit of development based on dwelling unit and building space densities (persons per dwelling unit and workers per 1,000 square feet of building space). These density factors include an adjustment for vacant space so they can apply uniformly to all new construction. A two percent administrative charge is included to cover expenses associated with documenting, collecting, and accounting for the fee.

¹³ Contra Costa County Fire Protection District, 2005, *Fire Facilities Impact Fee Study and Report*.

The CCCFPD has no plans to expand existing facilities or construct new ones at this time.¹⁴

As discussed in Chapter 4.13, Pleasant Hill Road and Deer Hill Road are currently congested during the morning and evening commute hours. As described in Impacts TRAF-2 and TRAF-6, the Project's traffic would result in significant impacts to emergency access in the Project site vicinity; these impacts would be mitigated to less-than-significant levels through the installation of detection equipment for emergency vehicles.

3. Standards of Significance

The proposed Project would have a significant impact on fire protection services if it would result in the provision of, or need for, new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.

4. Impact Discussion

As previously noted, the proposed Project could generate up to 658 residents. Because the proposed Project would result in new development on an undeveloped site, the Project would represent a more intense use of the site when compared to existing conditions. Although the relationship is not directly proportional, more intense uses of land typically result in the increased potential for fire and emergency incidents. Moreover, the CCCFPD does not currently meet the standard of five-minute response times established in the General Plan. The Project would create an increased demand for fire protection services and add workload to the CCCFPD.

The Project would include fire lanes, turning radii, and back up space around buildings that would be designed and reviewed by the CCCFPD so as to ensure adequate access for emergency vehicles, including fire trucks, and compliance with State and local Building and Fire Code requirements. As de-

¹⁴ Leach, Ted, Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center|DC&E. November 29, 2011.

scribed in Chapter 4.13, Transportation and Traffic, the proposed site plan provides inadequate turning radii in some locations but turning radii would be consistent with CCCFPD requirements after mitigation (see Mitigation Measure TRAF-4). Pavements would be designed with all weather surfaces and would be capable of supporting the designated gross vehicle weight of 37 tons.

The proposed Project would incorporate a number of fire safety features in accordance with applicable CBC and City regulations for construction, access, fire flows, and fire hydrants. As described in the April 25, 2011 letter submitted to the Project applicant by CCCFPD (included in Appendix B of this Draft EIR), these required fire safety features include, but would not be limited to, installation of fire hydrants, provision of minimum flow requirement of 1,500 gallons per minute (gpm) for a three-hour duration with a 20-pounds per square inch (psi) residual, minimum 20-foot-wide roadways, adequate building spacing, use of fire resistive building materials, installation of fire sprinkler systems, and adequate vegetative clearance around structures.

As described above, the CCCFPD is currently not meeting its target response time and the increase in service population resulting from construction of the Project could exacerbate the situation. However, the CCCFPD has determined that construction of the Project would not require the construction or expansion of CCCFPD facilities.¹⁵ Nonetheless, the Project would be required to pay development impact fees, as noted previously, which are required to help maintain the CCCFPD facilities. Accordingly, impacts related to the provision of fire protection services resulting from construction of the Project would be *less than significant*.

5. Cumulative Impacts

This section analyzes potential impacts to fire protection services that could occur from the Project in combination with reasonably foreseeable growth in the CCCFPD service area as identified in Table 4-1 in Chapter 4 of this Draft

¹⁵ Leach, Ted, Fire Inspector, Contra Costa County Fire Protection District. Personal communication with The Planning Center|DC&E. October 31, 2011.

EIR. Implementation of the proposed Project in conjunction with these related projects would further increase demands on fire protection services.

As discussed above, currently the CCCFPD is not meeting the district-wide target response time established on the basis of nationally recognized standards. An increase in service population resulting from cumulative residential and commercial development in the CCCFPD service area, including the proposed Project, would compound the existing issue related to target response time. In recent years, however, the CCCFPD has improved response times through the relocation of existing fire stations within its jurisdiction. Additionally, as described above, new residential and commercial development in the CCCFPD service area would be required to pay mandatory development impact fees, which would defray the cost of additional facilities and equipment as needed to accommodate the increase in service population. Any construction or expansion of CCCFPD facilities required to house additional personnel and equipment would be subject to separate CEQA review, thereby providing an opportunity to identify and mitigate associated environmental impacts. As such, construction of the proposed Project, in combination with other past, present, and reasonably foreseeable projects in the CCCFPD service area would result in a *less-than-significant* impact.

6. Impacts and Mitigation Measures

Project and cumulative impacts related to fire protection services would be less than significant and no mitigation measures are warranted.

B. Law Enforcement

1. Regulatory Framework

a. Federal Regulations

There are no federal regulations regarding law enforcement services that are applicable to the proposed Project.

b. State Regulations

i. *Mitigation Fee Act (California Government Code 66000-66008)*

Enacted as AB 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put.¹⁶ The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. The Act came into effect on January 1, 1989.

c. Local Regulations

i. *Lafayette General Plan*

Goals and policies from the Lafayette General Plan that are relevant to law enforcement services are included in Table 4.12-2.

2. Existing Conditions

The Lafayette Police Services Department (LPSD) provides law enforcement service for the city through a contract with the Contra Costa County Sheriff's Department. There is one police station in Lafayette, located within the City Offices building at 3675 Mount Diablo Boulevard, approximately 1.8 miles to the southwest of the Project site. The LPSD has 17 sworn officers, consisting of one Chief; two Sergeants; nine Patrol Officers; two Traffic Officers; two Detectives; and four non-sworn officers, including one Community Service Officer, one Police Service Officer, and two Parking Enforcement Officers. The LPSD handles an average of 1,800 calls for service per month. The current service ratio is 0.66 officers per capita. This is below the average officers' per capita ratio of 1.2 for Contra Costa cities.¹⁷ The staffing levels allow for two patrol officers to be on duty at any given time with one officer responsible for all incidents that occur north of Mount Diablo Boulevard and

¹⁶ California Government Code, Sections 66000-66008, <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=56595118777+0+0+0&WAISaction=retrieve>, accessed on November 17, 2011.

¹⁷ Lafayette Police Department, 2012, 2011 Yearly Activity Report, Presentation to City Council.

TABLE 4.12-2 GENERAL PLAN GOALS AND POLICIES RELEVANT TO POLICE SERVICES

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-19	<i>Maintain the existing infrastructure essential to the public health and safety of the community.</i>
Policy LU-19.2	Finance Capital Improvements: Provide public facilities to meet the needs generated by new development within Lafayette through continued planning and budgeting for public facilities and coordination with other agencies for public services the City does not provide.
Goal LU-20	<i>Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.</i>
Policy LU-20.5	Police: Strive to maintain a three-minute response time for all life-threatening calls and those involving criminal misconduct.
Safety Element	
Goal S-7	<i>Maintain effective police services.</i>
Policy S-7.1	Demand for Police Services: Review development proposals for their demand on police services and require mitigating measures, if necessary, to maintain the community's standard for police services. Levy police impact fees for capital facilities and equipment, if warranted.
Policy S-7.2	Interjurisdictional Cooperation: Work with the Contra Costa County Sheriff's Department and neighboring jurisdictions to improve police service in Lafayette.
Policy S-7.3	Response Time Standards: Strive to maintain a three-minute response time for all life-threatening calls and those involving criminal misconduct, and a seven minute response time for the majority of non-emergency calls.

Source: Lafayette General Plan, 2002, <http://www.ci.lafayette.ca.us>, accessed on October 24, 2011.

one officer responsible for all incidents that occur south of Mount Diablo Boulevard. While the LPSD maintains a high level of responsiveness to incidents, the current staffing levels impact the ability for pro-active community policing.¹⁸

The General Plan establishes the standard response times: a three-minute response time for all life-threatening calls and calls involving criminal misconduct, and a seven minute response time for the majority of non-emergency calls. However, there is no statistical data on life threatening call or calls involving criminal misconduct. At the Contra Costa County Sheriff's Office, calls are dispatched as either Priority One or Two, and the Priority One calls include call types that do not fit into the criteria of life threatening or criminal misconduct. The response time to Priority One calls is an average of four minutes, 50 seconds, and to Priority Two calls is six minutes, 50 seconds. Actual response times depend on the nature of the call and the availability of officers to respond to calls for service. During the month of September 2011, the LPSD responded to 1,261 calls for service. Of those calls, 15 resulted in an arrest being made, 149 were for alarms, and 35 were 911 calls. The Project area has very few residences or businesses in the immediate area at this time and this area is not considered to be a "hot-spot" for criminal activity.¹⁹

The annual LPSD budget for the 2010/2011 fiscal year was \$3.8 million and for the 2011/2012 fiscal year the budget was \$3.4 million. The budget includes all functions of the LPSD, including the parking program, school crossing guards, and various commissions that fall under the LPSD. The LPSD is funded through the General Fund and receives \$100,000 a year in the form of a Community Oriented Policing Services (COPS) grant from the State to fund specialized officers. This year, a budget cut of \$250,000 resulted in one less officer in the Department, decreasing the staffing levels from 0.7²⁰

¹⁸ Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October 19, 2011.

¹⁹ Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October 19, 2011.

²⁰ 18 officers / 25,757 service population = 0.7 officers per 1,000 persons.

to 0.66.²¹ Due to budget restraints, the LPSD is not able to increase staffing levels.²²

Traffic congestion and pedestrian safety around the Project site are a great concern for the LPSD. In particular, as discussed in Chapter 4.13, Pleasant Hill Road and Deer Hill Road are currently congested during the morning and evening commute hours.

3. Standards of Significance

The proposed Project would have a significant impact on law enforcement services if it would result in the provision of, or need for, new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.

4. Impact Discussion

As discussed above, construction of the proposed Project could generate up to 658 new residents to Lafayette. The additional number of people and activity on the Project site would increase the need for police services in the LPSD service area. The crime rate, which represents the number of crimes reported, affects the “needs” projection for staff and equipment for the LPSD.

It would be logical to anticipate that the crime rate in a given area would increase as the level of activity or population increases, along with an increase in opportunities for crime. However, because a number of other factors also contribute to a crime rate, the potential for increased crime is not necessarily directly proportional to increases in land use activity. Assuming the Project site maintains the same crime rate as the rest of the City, this Project would increase the calls for service by three percent.²³

²¹ 17 officers / 25,757 service population = 0.66 officers per 1,000 persons.

²² Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October 19, 2011.

²³ Hubbard, Mike. Chief of Police, Lafayette Police Department. Personal communication with The Planning Center | DC&E. October 19, 2011.

As noted above, the existing LPSD staffing level has been reduced from 0.7 to 0.66 by budget cuts. Assuming that the proposed Project would bring new 658 residents, the staffing levels would be 0.65²⁴ officers per 1,000 persons in the service area.²⁵ Consequently, construction of the proposed Project would adversely affect the delivery of police services around the Project site, and would require additional personnel to maintain targeted police response times.

General Plan Policy S-7.1 provides a framework for evaluating the potential impact of development on the delivery of law enforcement services and assessing impact fees as warranted. The City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. This would ensure that the Project impact fee would be sufficient to accommodate new development without further compromising the delivery of police services in the vicinity of the Project site.

To lessen the impact on the demands for police service in the Project site, the LPSD recommends a series of crime prevention measures, such as outdoor lighting, security gates, and video surveillance.

Overall, Project impacts to police protection services would be *potentially significant*.

As discussed in Chapter 4.13, another concern for the proposed Project is the traffic impacts to the area. According to Police Chief, Michael Hubbard, while the site plan appears to conform to the requirements that the LPSD has for emergency access, the introduction of additional traffic at the Pleasant

²⁴ 25,757 existing service population + 658 Project residents = 26,415 service population with the proposed Project. 17 officers / 26,415 service population = 0.65 officers per 1,000 residents.

²⁵ The number of the new residents could be lower than 658 because some residents who currently live in Lafayette could move into units of the proposed Project. However, to provide a rigorous environmental analysis, this section assumes the maximum number of new residents.

Hill Road and Deer Hill Road intersection could significantly impact LPSD response times. According to Police Chief Michael Hubbard, this particular intersection is currently busy and congested, and the addition of the vehicles from this proposed Project would have a negative impact on the LPSD for calls in the Project area. As described in Impacts TRAF-2 and TRAF-6 in Chapter 4.13, Transportation and Traffic, the Project's traffic would result in significant impacts to emergency access in the Project site vicinity. These impacts would be mitigated to less-than-significant levels through the installation of detection equipment for emergency vehicles.

5. Cumulative Impacts

This section analyzes potential impacts to police protection services that could occur from the proposed Project in combination with reasonably foreseeable growth in the LPSD service area as identified in Table 4-1 in Chapter 4 of this Draft EIR. The Project, together with the six related projects, could bring up to a total of 1,422 new residents.²⁶ Implementation of the proposed Project in conjunction with these related projects would further increase demands on police protection services.

The increase in population as a result of the addition of the Project and the six related projects would affect the delivery of police services in the LPSD service area. Additional personnel and equipment would likely be required to maintain or improve police response times. Through the payment of required impact fees discussed above, the proposed Project would provide adequate funding for the expansion of police services as required to accommodate additional Project growth. Additionally, through implementation of Mitigation Measures PS-1a through PS-1d described below, the Project would minimize its impact on the demands for police service. Furthermore, similar to the proposed Project, the applicants of the related projects would be required to pay police impact fees to offset their impacts to the LPSD and implement

²⁶ The number of the new residents could be lower than 1,422 because some residents who currently live in Lafayette could move into units of the cumulative projects. However, to provide a rigorous environmental analysis, this section assumes the maximum number of new residents.

project-specific crime prevention design features, thereby minimizing potential impacts to the delivery of police services.

Any expansion of existing facilities or construction of new facilities would be subject to California Environmental Quality Act (CEQA) review as well as to the provisions of the General Plan and regulations adopted as part of the Municipal Code, if and when they become necessary, thereby minimizing potential environmental impacts to the delivery of police protection services. As a result, with implementation of Mitigation Measures PS-1a through PS-1d, the proposed Project would not result in an additional impact in the cumulative setting, and the cumulative impact to police services would be *less than significant*.

6. Impacts and Mitigation Measures

Impact PS-1: Construction of the proposed Project would increase the volume of calls for police services in the Project area and exacerbate response times.

Mitigation Measure PS-1a: The Project's outdoor lighting plan shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

Mitigation Measure PS-1b: The Project shall include a video surveillance system. The location and position of the video surveillance system shall be reviewed and approved by the by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

Mitigation Measure PS-1c: The Project shall include the services of a private security company to routinely patrol the premises upon construction of the proposed Project. A draft contract between a private security company and the apartment management company shall be reviewed and approved by the Lafayette Police Services Department prior to the issuance of building permits by Contra Costa County.

Mitigation Measure PS-1d: The Project shall pay a police impact fee to the City prior to the issuance of building permits by Contra Costa County. The City would prepare a nexus study to determine the appropriate fee that could support the LPSD's additional personnel and associated equipment. If the impact fee assessment by the City is not in place at the time of building permit issuance for the Project, the Project applicant would be required to pay the fees after the building permit issuance when the City finishes the nexus study.

Significance After Mitigation: *Less than significant.*

C. Schools

This section describes the existing conditions and the potential impacts of the proposed Project with regard to local schools.

1. Regulatory Framework

a. Federal Regulations

There are no federal regulations related to school services that are applicable to the proposed Project.

b. State Regulations

Schools are regulated at the State level. Specific regulations relevant to the Project are described below.

i. *Mitigation Fee Act (California Government Code 66000-66008)*

Enacted as AB 1600, the Mitigation Fee Act requires a local agency establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put.²⁷ The agency must also demonstrate a reasonable relationship between the fee and

²⁷ California Government Code, Sections 66000-66008, <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=56595118777+0+0+0&WAIAction=retrieve>, accessed on November 17, 2011.

the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. The Act came into force on January 1, 1989.

ii. Assembly Bill 2926

To assist in providing facilities to serve students generated by new development projects, the State passed AB 2926 in 1986. This Bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space for school facilities only. Development impact fees were also referenced in the 1987 Leroy Greene Lease-Purchase Act, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction.

iii. California Education Code

Title 5, Education Code, of the California Code of Regulations governs all aspects of education within the State. Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

iv. Senate Bill (SB) 50 and Proposition 1A of 1998

Senate Bill (SB) 50, which passed in 1998, provides a comprehensive school facilities financing and reform program, and enables a statewide bond issue to be placed on the ballot. The provisions of SB 50 allow the State to offer funding to school districts to acquire school sites, construct new school facilities, and modernize existing school facilities. SB 50 also establishes a process for determining the amount of fees developers may be charged to mitigate the impact of development on school facilities resulting from increased enrollment. Under this legislation, a school district could charge fees above the statutory cap only under specified conditions, and then only up to the amount of funds that the district would be eligible to receive from the State. According to Section 65996 of the California Government Code, develop-

ment fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.”

SB 50 establishes three levels of developer fees that may be imposed upon new development by the governing board of a school district depending upon certain conditions within a district. These three levels are as follows:

Level 1: Level 1 fees are the base statutory fees. These amounts are the maximum that can be legally imposed upon new construction projects by a school district unless the district qualifies for a higher level of funding.

Pursuant to Section 65995 of the California Government Code, as of January 2008, the statutory maximum Level 1 school fees that may be levied by a school district on new development is a maximum of \$2.97 per assessable square foot of residential construction and a maximum of \$0.47 per square foot of enclosed and covered space for commercial/industrial development. These rates are established by the State Allocation Board, and may be increased to adjust for inflation based upon a statewide cost index for Class B construction. To implement Level 1 fees, the governing board of a school district must adopt a nexus study linking development impacts and the need for construction of new facilities. Although not standard, such studies are frequently referred to as Developer Fee Justification Study (DFJS).

Level 2: Level 2 fees allow the school district to impose developer fees above the statutory level, up to 50 percent of new school construction costs. To implement Level 2 fees, the governing board of the school district must adopt a School Facilities Needs Analysis (SFNA) and meet other pre-requisites in accordance with Section 65995.6 of the California Government Code.

The purpose of an SFNA is to determine the need for new school facilities attributable to growth from new residential development (California Government Code Section 65995.6). An SFNA documents that the district has met prerequisite eligibility tests and calculates the fee per square foot of new development. If the school district is eligible for State new construction fund-

ing, the State will match the Level 2 fees if funds are available. According to the Office of Public School Construction, although they are currently not being released for funding school facilities, State funds for new school construction are available from existing bond measures.

Level 3: Level 3 fees apply if the State runs out of bond funds, allowing the school district to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school monies. If the State runs out of bond funds, the school district would be eligible to charge Level 3 fees.

c. Local Regulations

i. *City of Lafayette General Plan*

Goals and policies from the Lafayette General Plan that are relevant to schools are included in Table 4.12-3.

2. Existing Conditions

The Project site is served by the Lafayette School District (LAFSD) and the Acalanes Union High School District (AUHSD). Students in kindergarten through Grade 8 living in Lafayette attend schools in the LAFSD. Students in Grade 9 and higher attend Acalanes High School or Campolindo High School in the AUHSD. Public school enrollment trends for the school districts are shown in Table 4.12-4.

a. Elementary and Middle Schools

The LAFSD operates five schools in Lafayette. The Project site is within the Springhill Elementary attendance area for K-5 students. The LAFSD has one middle school, Stanley Middle School, approximately 1.2 miles southwest from the Project site. As shown in Table 4.12-4, overall enrollment in LAFSD schools is increasing based on data for the past five years. However, the LAFSD anticipates a decrease in enrollment from 3,331 students in the 2011-12 school year to 3,305 students in the 2014-15 school year. Other than the addition of a portable classroom at Lafayette Elementary, no major renovations currently planned for existing schools and no new schools are

TABLE 4.12-3 **GENERAL PLAN GOALS AND POLICIES RELEVANT TO PUBLIC SCHOOL SERVICES**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-20	<i>Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.</i>
Policy LU-20.2	Schools: Coordinate planning with the Lafayette School District and the Acalanes Union High School District so that Lafayette’s school-aged children are well-served by the school system.
Program LU-20.2.2	To the degree allowed by State law, the City will require up to the maximum mitigation allowable for new development if the Districts can show in writing that developer mitigation fees are insufficient to provide adequate school housing and facilities.

Source: Lafayette General Plan, 2002, available at <http://www.ci.lafayette.ca.us>, accessed on October 24, 2011.

planned.²⁸ Other LAFSD-owned facilities include the Montecito site at 999 Leland Road (currently leased to The Meher School), the Lafayette School District Maintenance and Grounds Shop at 943 First Street, and the Lafayette School District Administration Office at 3477 School Street in Lafayette.

Portable classrooms and modular units are used for classroom space at several LAFSD schools. Lafayette Elementary uses one portable classroom and added one more in 2011; Happy Valley Elementary uses one three-room modular building and two portable classrooms; Springhill School uses two portable classrooms, and Burton Valley School uses one three-room modular building and three portable classrooms.²⁹ The LAFSD has not completed any facility

²⁸ Brill, Fred. Superintendent, Lafayette School District. Personal communication with The Planning Center | DC&E. October 19, 2011.

²⁹ Brill, Fred. Superintendent, Lafayette School District. Personal communication with The Planning Center | DC&E. November 1, 2011.

TABLE 4.12-4 LAFAYETTE PUBLIC SCHOOL ENROLLMENT TRENDS 2006-2015

School District	School	Past/Current Enrollment					Projected Enrollment			
		2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
Lafayette ^{a,b}	Burton Valley Elementary	699	704	694	701	700	714	722	715	715
	Happy Valley Elementary	408	437	438	458	461	458	468	451	430
	Lafayette Elementary	428	421	452	469	473	536	541	544	538
	Springhill Elementary	456	429	463	462	458	459	457	474	462
	Stanley Middle	1,202	1,200	1,167	1,114	1,110	1,165	1,143	1,164	1,160
	Total	3,193	3,191	3,214	3,204	3,202	3,332	3,331	3,348	3,305
Acalanes Union High ^{c,d}	Acalanes High	1,376	1,393	1,320	1,372	1,401	1,366	1,399	1,333	1,376
	Campolindo High	1,372	1,407	1,385	1,407	1,332	1,286	1,248	1,212	1,221
	Del Oro ^e / Independent Study	96	107	122	108	85	49	49	49	49
	Las Lomas High	1,567	1,581	1,509	1,452	1,468	1,482	1,521	1,517	1,519
	Miramonte High	1,391	1,383	1,350	1,280	1,277	1,183	1,129	1,171	1,182
	Transition/NPS	30	34	26	35	26	37	37	37	37
Total	5,832	5,905	5,712	5,654	5,589	5,403	5,383	5,319	5,384	

^a Sabroe, Jennifer, Executive Assistant to the Superintendent, Lafayette School District. Personal communication with The Planning Center | DC&E. October 25, 2011.

^b Cadotte, Lenee A., Chief Business Official, Lafayette School District. Personal communication with The Planning Center | DC&E. January 24, 2012.

^c Acalanes Union High School District, *Fiscal Year 2011-2012 Budget Adoption*.

^d Learned, Chris, Assistant Superintendent of Business Services, Acalanes Union High School District. Personal communication with The Planning Center | DC&E. January 19, 2012

^e The Del Oro School was closed in June 2010.

upgrades in recent years and no upgrades are slated for completion in the foreseeable future. Additionally, due to lack of funding and resultant teacher reductions, class sizes have increased. The LAFSD receives funding from federal, State, and local sources. This year, the budget consists of \$32.97 million from the General Fund and \$10.5 million from other funds.³⁰ New schools are funded through applications to the State for funding and through issuing General Obligation Bonds.

The collection of impact fees ceased in January 2007 as declining enrollment no longer justified the levy. However, since 2007 the enrollment has gradually increased, and thus the LAFSD conducted a Fee Justification Study for Level I Fees to determine if the collection of impact fees needed to be reinstated. On April 11, 2012, the LAFSD Governing Board approved the resolution to begin implementing and charging developer fees starting June 11, 2012.³¹ According to the Developer Fee Justification Study for Lafayette School District, the LAFSD is justified to collect developer fees of \$3.20 per square foot for residential and between \$0.07 and \$0.51 per square foot for commercial or industrial development.³²

b. High Schools

The Acalanes Union High School District serves the communities of Canyon, Moraga, Orinda, a portion of Walnut Creek, and Lafayette, including the Project site. The closest high school to the Project site is Acalanes High School, located at 1200 Pleasant Hill Road, at the northeast corner of the Deer Hill Road/Pleasant Hill Road intersection. The AUHSD has four other high schools and an Acalanes Center for Independent Study in Moraga, Walnut Creek, and Orinda. Excess enrollment is managed first through inter-jurisdictional transfers, and then through the use of portable or modular

³⁰ Brill, Fred. Superintendent, Lafayette School District. Personal communication with The Planning Center | DC&E. October 19, 2011.

³¹ Lafayette School District, Resolution 15-1112, 2012, Implementing School Facilities Fees as Authorized by Statute AB 2926 (Chapter 887/ Statutes of 1986).

³² Jack Schreder & Associates, 2012, Developer Fee Justification Study for Lafayette School District.

classroom buildings. When these measures are exhausted, new classroom facilities would need to be constructed.

Overall, enrollment in AUHSD schools for the 2011-2012 school year was 5,403. The AUHSD expects a slight decline in enrollment over the next three years and projected enrollment for 2014-2015 is 5,383 students.³³ However, enrollment at Acalanes High School is projected to rise from 1,366 students in 2011-2012 to 1,399 students in 2012-2013. The school can accommodate up to 1,400 students.³⁴

Acalanes High School recently completed a series of upgrades to its facilities. Two classrooms and a swimming pool were recently renovated. AUHSD's annual budget for the Acalanes High School is \$5.5 million, which is funded from federal, State, and local governments.³⁵ The AUHSD does not currently collect impact fees from development in the area; however, funding is available from three ballot initiatives. Measure E, an initiative passed in 2008, provides \$89 million, mainly for infrastructure work.³⁶ Measure G, passed by voters in November 2009, maintains the parcel tax at its current rate of \$189 per year and extends it beyond 2010 to provide stable funding for core aca-

³³ Learned, Chris, Assistant Superintendent of Business Services, Acalanes Union High School District. Personal communication with The Planning Center | DC&E. January 18, 2012.

³⁴ Learned, Chris. Associate Superintendent of Business Services, Acalanes Union High School District. Personal communication with The Planning Center | DC&E. October 25, 2011.

³⁵ Learned, Chris. Associate Superintendent of Business Services, Acalanes Union High School District. Personal communication with The Planning Center | DC&E. October 25, 2011.

³⁶ Smart Voter, Measure E: Bond Measure – Contra Costa County, CA, <http://www.smartvoter.org/2008/11/04/ca/cc/meas/E/>, accessed on October 27, 2011.

demographic programs in the District.³⁷ Measure A, approved in May 2010, began on July 1, 2010 and will generate about \$4 million per year for five years.³⁸

3. Standards of Significance

The proposed Project would have a significant impact on schools if it would result in the provision of, or need for, new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.

4. Impact Discussion

As discussed above, Acalanes High School is not currently experiencing capacity constraints and the overall enrollment trend is decreasing. The AUHSD anticipates that the Project would generate an additional 53 to 78 high school students, based on the student yield rates for residential units ranging from 0.17 to 0.25.³⁹ Given that the capacity of Acalanes High School is 1,400 students and the current enrollment is 1,366 students, the additional students of 53 or more would exceed Acalanes High School's capacity. However, given the declining enrollment trend at other AUHSD schools, excess enrollment at Acalanes High School could likely be accommodated through transfers. Therefore, construction of the Project would not require the construction or expansion of AUHSD facilities. In addition, the Project would pay a parcel tax to the AUHSD under Measure G, as described above. Therefore, the impacts to the AUHSD would be *less than significant*.

³⁷ Smart Voter, Measure G: Parcel Tax - Contra Costa County, CA, <http://www.smartvoter.org/2009/11/03/ca/cc/meas/G/>, accessed on October 27, 2011.

³⁸ Acalanes Union High School District, *Fiscal Year 2011-2012 Budget Adoption*, <http://www.acalanes.k12.ca.us/21971047191752497/lib/21971047191752497/bizservices/budget/2011-12BudgetAdoptionFinal.pdf>, accessed on November 1, 2011.

³⁹ Learned, Chris. Associate Superintendent of Business Services, Acalanes Union High School District. Personal communication with The Planning Center | DC&E. October 25, 2011.

As described previously, several schools in the LAFSD are already using portable classrooms and modular classroom buildings to accommodate increased enrollment, and the LAFSD anticipates a slight decrease in enrollment by the 2014-15 school year. Currently the LAFSD does not have a student yield rate but, assuming a general yield rate of 0.2 students per residential unit,⁴⁰ the Project would generate approximately 63 K-5 Grade students. The capacity of Springhill Elementary School is 530 students⁴¹ and current enrollment is 459 students. With the 63 additional K-5 Grade students, the school would not exceed its capacity. However, as a result of the proposed Project the LAFSD may need to redraw internal K-5 school attendance area boundaries to redirect K-5 students to other K-5 schools in the LAFSD when the enrollments in Springhill Elementary School exceed its capacity. This administrative reorganization would not constitute an environmental impact. As the LAFSD has just one middle school, the effect would be increased enrollment but it is unlikely to result in an excess enrollment. The current enrollment of Stanley Middle School is 1,165 students, and the school can accommodate up to 1,320 students. Assuming general yield rate of 0.2, the Project would generate approximately 63 6-9 Grade students. The additional 63 students would not exceed the maximum capacity of Stanley Middle School. Therefore, construction of the Project would not require the construction or expansion of LAFSD facilities.

Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. As discussed above, the LAFSD will begin collecting statutory school fees (developer fees) on residential (\$3.20/sq. ft.) and commercial or industrial (\$0.07-\$0.51/sq. ft.) development projects in the LAFSD area starting June 11, 2012. Because the building permits for the Project would be is-

⁴⁰ The general yield rate of 0.2 is used in the adjacent Walnut Creek School District.

⁴¹ Cadotte, Lenee. Chief Business Official, Lafayette School District. Personal communication with The Planning Center | DC&E. January 24, 2012.

sued after June 11, 2012, the Project applicant would be required to pay the fees. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, the impacts to the LAFSD would be *less than significant*.

5. Cumulative Impacts

This section analyzes potential impacts to school facilities that could occur from the Project in combination with reasonably foreseeable growth in the LAFSD and the AUHSD as identified in Table 4-1 in Chapter 4 of this Draft EIR. Implementation of the proposed Project in conjunction with these related projects would further increase demands on school services.

The proposed Project, together with six related projects, could result in a total of 1,422 new residents, with 19 percent residing in independent/assisted living or senior housing. Applying the same generation rates discussed above to the 187 new residential units shown in Table 4-1⁴² that would potentially generate school-age children, the cumulative projects could result in approximately 38 elementary students, 38 middle school students and a range from 31 to 47 high school students. As discussed above, neither the LAFSD nor the AUHSD have plans to construct or expand facilities. Both the AUHSD and LAFSD expect a decline in enrollment over the next three years. Given the declining enrollment trends in the school districts, the Project is not expected to contribute to a cumulative impact to school services or create the need for the construction of new school facilities. Increased enrollment would be managed first through inter-jurisdictional transfers and then through the use of portable or modular classroom buildings.

Similar to the proposed Project, the developers of the related projects would be responsible for paying the parcel tax to the AUHSD under Measure G, and the LAFSD developer impact fees because the building permits for the cumulative projects would be issued after June 11, 2012, as described above.

⁴² Woodbury (65 units); Town Center III (81 units); Lafayette Townhomes (23 units); and Lafayette Park Terrace (18 units) = total 187 units.

According to Government Code 65996, the payment of such fees is “deemed to provide full and complete school facilities mitigation...” Therefore, in combination with past, present, and reasonably foreseeable projects in the LAFSD and AUHSD, construction of the proposed Project would result in a *less-than-significant* impact on schools.

6. Impacts and Mitigation Measures

The Project would not result in any significant impacts to school facilities; therefore, no mitigation measures are necessary.

D. Libraries

This section describes the existing conditions and the potential impacts of the Project with regard to libraries.

1. Regulatory Framework

a. Federal Regulations

There are no federal regulations related to library services that are applicable to the proposed Project.

b. State Regulations

There are no State regulations related to library services that are applicable to the proposed Project.

c. Local Regulation

i. City of Lafayette General Plan

Goals and policies from the Lafayette General Plan that are relevant to libraries are included in Table 4.12-5.

2. Existing Conditions

The Project site is served by one library, the Lafayette Library and Learning Center (LLLC), located at 3491 Mt. Diablo Boulevard, approximately one mile to the southwest of the Project site. The LLLC is one of the 26 Contra

TABLE 4.12-5 **GENERAL PLAN GOALS AND POLICIES RELEVANT TO LIBRARY SERVICES**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
<i>Goal LU-20</i>	<i>Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs and development mitigation programs.</i>

Source: Lafayette General Plan, 2002, available at <http://www.ci.lafayette.ca.us>, accessed on October 24, 2011.

Costa County Libraries. Residents in the County with a library card can request all of books, magazines, DVDs, and CDs sent to them at their local library from any library within the county and have access to E-books and online databases through the LLLC website. State-of-the-art technology is available through Wi-Fi access and a network of public computers. The libraries offer a wide array of educational and cultural programs for children, teens, and adults, and special programs, such as Discover & Go Museum Pass Program and Library-a-Go-Go.⁴³

The County funds 35 hours of library service in each community where the community funds facility costs. Communities may increase library hours at their discretion. The funding sources for the LLLC include the Contra Costa County Library, the City of Lafayette, the Lafayette Library and Learning

⁴³ The Discover & Go program provides complimentary museum passes that allow residents in the County with a library card to patron 23 museums and cultural institutions in the Bay Area. Library-a-Go-Go is an automated book dispensing machine; it is a self-contained collection of books that allows Contra Costa County Library card holders to borrow library books and return them when finished.

Center Foundation, and the Friends of the Lafayette Library and Learning Center. Currently the LLLC does not experience any deficiencies.⁴⁴

3. Standards of Significance

The Project would have a significant impact with regard to libraries if it would result in substantial adverse physical impacts associated with the provision of or need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.

4. Impact Discussion

As previously noted, the Project could generate up to 658 new residents, which may increase the use of library services within Lafayette and the need for library facilities. However, as discussed above, the LLLC currently does not experience any deficiencies. Furthermore, given physical and online access to 26 libraries in the Contra Costa County, the proposed Project would not require the LLLC to hire more staff or to expand existing facilities in order to accommodate the Project's demand for library services.⁴⁵ Therefore, the impacts would be *less than significant*.

5. Cumulative Impacts

This section analyzes potential impacts to library services that could occur from the Project in combination with reasonably foreseeable growth in the LLLC service area as identified in Table 4-1 in Chapter 4 of this Draft EIR. Implementation of the proposed Project in conjunction with these related projects would further increase demands on library services.

⁴⁴ Susan Weaver, Senior Community Library Manager, Lafayette Library and Learning Center. Personal communication with The Planning Center | DC&E. January 27, 2012.

⁴⁵ Susan Weaver, Senior Community Library Manager, Lafayette Library and Learning Center. Personal communication with The Planning Center | DC&E. January 27, 2012.

The Project, together with six related projects, would result in a total of 1,422 new residents, with 19 percent staying in independent/assisted living or senior housing. As discussed above, the LLLC has plans to construct or expand facilities and does not experience any deficiencies. Furthermore, given physical and online access to 26 libraries in the Contra Costa County, the proposed Project when considered with the related projects would not require the LLLC to hire more staff or to expand existing facilities in order to accommodate the cumulative demand for library services. Therefore, in combination with past, present, and reasonably foreseeable projects in the LLLC service area, construction of the proposed Project would result in a *less-than-significant* impact on libraries.

6. Impacts and Mitigation Measures

The Project would not result in any significant impacts to library facilities; therefore, no mitigation measures are necessary.

E. Parks and Recreational Facilities

This section describes existing parks and recreational facilities conditions and the potential impacts of the Project on these facilities.

1. Regulatory Framework

a. Federal Regulations

There are no federal regulations related to park and recreation services that are applicable to the proposed Project.

b. State Regulations

i. Quimby Act

The 1975 Quimby Act (California Government Code Section 66477) authorizes municipalities to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements in combination with their projects. The goal of the Quimby Act is to require developers to help mitigate the impacts of development. Revenues generated

through the Quimby Act cannot be used for the operation and maintenance of existing park facilities.⁴⁶

Under the Quimby Act, municipalities with a high ratio of park space to inhabitants can set a standard of 5 acres per 1,000 persons for new development. However, cities with a lower current ratio can only require the provision of up to 3 acres of park space per 1,000 population. The calculation of a city's park space to population ratio is based on a comparison of the population count of the last federal census to the amount of city- or town-owned parkland.

c. Local Regulations

i. *Lafayette Parks and Recreation Facilities Master Plan*

The City adopted the Lafayette Parks and Recreation Facilities Master Plan in November 2009. The objective of the Master Plan is to outline the specific goals and steps to provide the park and recreation facilities needed to serve the citizens of Lafayette according to goals and policies established in the General Plan.

ii. *Multi-year Parks, Trails and Recreation Capital Improvement Plan*

The City's Municipal Budget includes funding for the Parks, Trails, and Recreation Capital Improvement Plan (PTRCIP). The PTRCIP for 2011/2012 through 2016/2017 fiscal years was adopted in October 2011.

iii. *Lafayette Trail Master Plan*

The Trails Master Plan, adopted in November 2006, is a complete revision of the original Lafayette Trails Master Plan, developed in 1983. The Plan is intended to maintain community character, meet the needs of the City's recreational users, avoid or limit environmental impacts, and maintain the viability of the development project. The Trails Master Plan includes trail standards,

⁴⁶ California Government Code Section 66477, The Quimby Act, An Abbreviated Overview by Laura Westrup, Planning Division, California State Parks. Summer 2002, Page 8, Volume 58, No. 3.

implementation plans, and maintenance plans, providing guidance for the planning, development, and management for trail systems within the City.

iv. Lafayette Bikeways Master Plan

The Lafayette Bikeways Master Plan was adopted in September 2006. The Plan provides a broad vision and specific strategies and actions for the improvement of bicycling in the City of Lafayette. The Plan is intended to be used as a guide for developing a citywide system of bike lanes, bike routes, bike paths, bicycle parking, and other facilities to allow for safe, efficient, and convenient bicycle travel within Lafayette and between Lafayette and regional destinations.

v. City of Lafayette General Plan

Goals and policies from the Lafayette General Plan that are relevant to parks and recreational facilities are shown in Table 4.12-6.

2. Existing Conditions

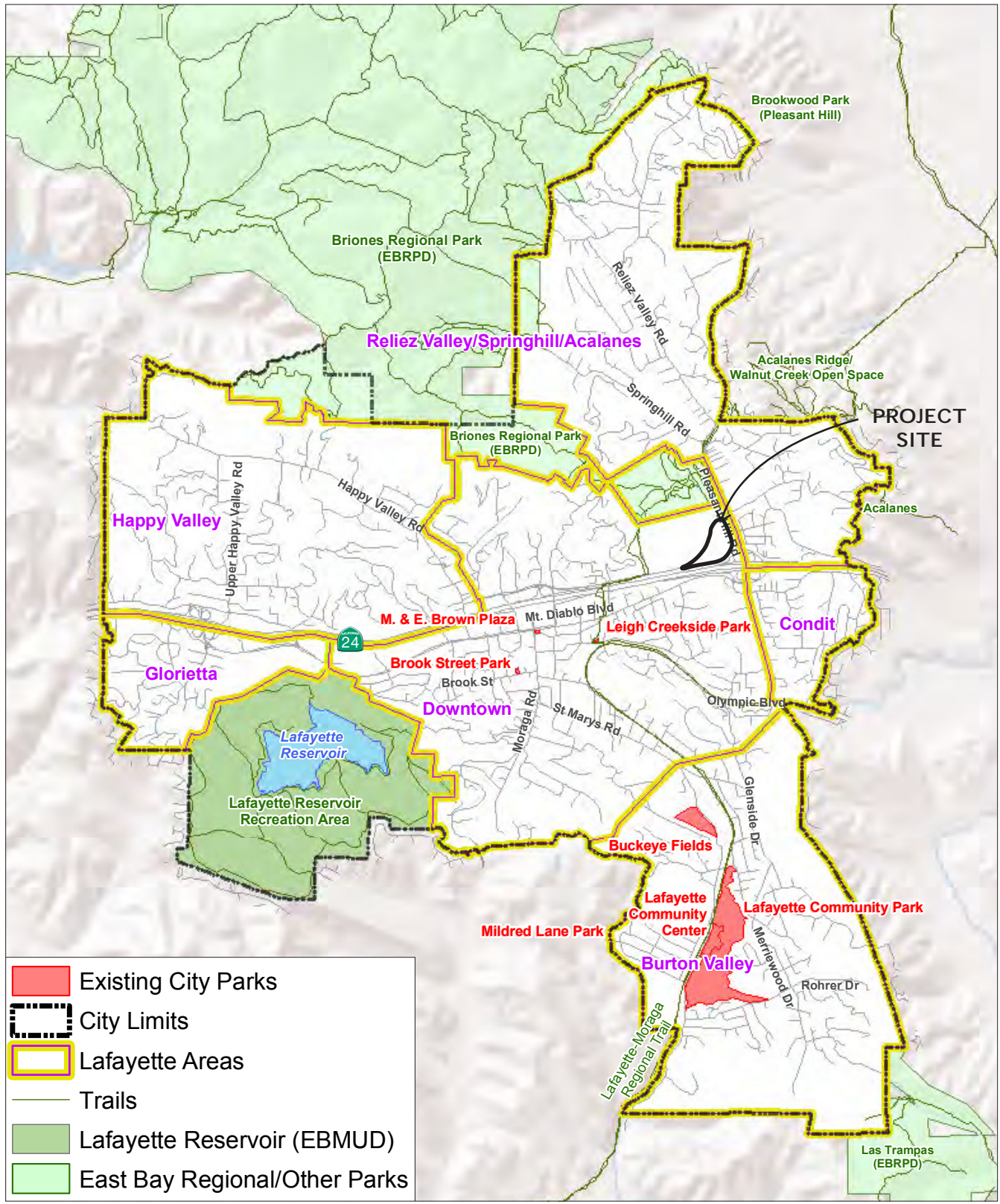
a. City-owned Parks and Facilities

Within the City limits there is a total of 91.3 acres of recreational space and parkland, comprised of four neighborhood parks, two community parks, two downtown parks, and a community center. The Bikeways Master Plan, adopted in 2006, sets out a strategy for the creation of more than 32 miles of bikeways, including school connector routes, regional recreational routes, and downtown bikeways. Existing parks and recreational facilities are shown in Figure 4.12-1 and listed in Table 4.12-7.⁴⁷

Typically, neighborhood parks are situated and designed for users within walking distance of that location. The Figure 4.12-1, however, shows that the areas to the north of State Highway 24 and to the east do not have ready walking access to any City-owned parks. Currently most residents in those areas make use of the facilities by driving or riding bikes.⁴⁸

⁴⁷ City of Lafayette, 2009, *Lafayette Parks and Recreation Facilities Master Plan*.

⁴⁸ City of Lafayette, 2009, *Lafayette Parks and Recreation Facilities Master Plan*, Attachment 1



Source: 2009 Lafayette Parks and Rec Master Plan.

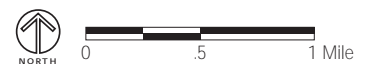


FIGURE 4.12-1

EXISTING CITY PARKS AND RECREATION FACILITIES

TABLE 4.12-6 **GENERAL PLAN GOALS AND POLICIES RELEVANT TO PARKS AND RECREATIONAL FACILITIES**

Goal/Policy Number	Goal/Policy Content
Land Use Element	
Goal LU-19	<i>Maintain the existing infrastructure essential to the public health and safety of the community.</i>
Policy LU-19.2	Finance Capital Improvements: Provide public facilities to meet the needs generated by new development within Lafayette through continued planning and budgeting for public facilities and coordination with other agencies for public services the City does not provide.
Goal LU-20	<i>Match the demand for public facilities and infrastructure generated by new development with the capacity of existing facilities, capital improvement programs, and development mitigation programs.</i>
Policy LU-20.8	Parks: Apply the maximum standard for parks to new development.
Open Space and Conservation Element	
Goal OS-1	<i>Preserve areas of visual prominence and special ecological significance as Open Space.</i>
Policy OS-1.6	Continuous Open Spaces: Assemble open space areas from contiguous parcels to provide continuous scenic and wildlife corridors wherever feasible.
Goal OS-2	<i>Expand the amount of publicly owned open space.</i>
Policy OS-2.1	Open Space Strategy: Develop a strategy to expand public ownership and stewardship of key parcels.
Policy OS-5.2	Creek Corridors: Provide opportunities for visual and educational access to natural creeks and riparian areas along public right-of-way, where feasible.
Parks, Trails, and Recreation Element	
Goal P-1	<i>Provide an attractive system of parks, trails and recreation facilities throughout the City to meet the needs and interests of all ages and capabilities.</i>
Policy P-1.2	Park Planning and Design: Develop a system of high quality, well designed parks and recreation facilities that take advantage of the City's semi-rural character.
Policy P-1.3	Parkland Standard: Provide parks and recreation facilities in accordance with standards and practices appropriate to a semi-rural and largely built-out residential community.

TABLE 4.12-6 GENERAL PLAN GOALS AND POLICIES RELEVANT TO PARKS AND RECREATIONAL FACILITIES (CONTINUED)

Goal/Policy Number	Goal/Policy Content
Policy P-1.5	Fund Operation, Maintenance and Improvements: Fund operation, maintenance and improvements for parks, trails and recreation facilities through a variety of funding mechanisms outside the General Fund.
Goal P-2	<i>Provide recreational, educational, and cultural programs to meet the needs and interests of all age groups.</i>
Policy P-2.1	Community Center: Maintain the Community Center as a multi-use facility available for recreational, educational, and cultural programs and civic and community activities.

Source: Lafayette General Plan, 2002, <http://www.ci.lafayette.ca.us>, accessed on October 25, 2011.

The City has established the standard of 5 acres per 1,000 residents as a ratio of park space to inhabitants in compliance with the Quimby Act. However, the City is about 29 acres short of its goal.⁴⁹ City-owned playing fields, located at the Lafayette Community Center and Buckeye Fields, are used to capacity by youth leagues and demand is increasing. Public school grounds absorb some of the overflow; however, these facilities are used at near capacity as well.⁵⁰ There are plans for a series of recreational facilities, including proposed bike park, dog park, and downtown parks. Additionally, the City has a plan of renovating one of the buildings at the Community Center.

b. Regional Parks and Open Space

Lafayette is surrounded by three large regional facilities:

- ◆ Lafayette Reservoir, located in the southwest corner of the City and approximately 2.5 miles to the southwest of the Project site, is operated by the East Bay Municipal Utility District (EBMUD) and provides a trails system, boat rental, fishing, picnic facilities, group camping, and biking.

⁴⁹ Russell, Jennifer. Director, City of Lafayette Parks, Trails & Recreation Department. Personal Communication with The Planning Center| DC&E. October 25, 2011.

⁵⁰ City of Lafayette, 2009, *Lafayette Parks and Recreation Facilities Master Plan*.

TABLE 4.12-7 EXISTING CITY PARKS AND RECREATIONAL FACILITIES

Types	Acres	Facilities
Neighborhood Parks		
Brook Street Park (Active)	0.4	Children's play equipment and picnic facilities.
Leigh Creekside Park (Passive)	0.6	Nature study and picnicking.
Mildred Lane Pocket Park (Passive)	0.1	Nature observation bench and native landscaping.
Murray Lane Site (Undeveloped)	2.2	Undeveloped.
Community Parks		
Lafayette Community Park (Active and Passive)	68.0	Playing fields for baseball, softball, soccer, lacrosse, sports clinics and camps, two batting cages, children's playground, group picnic area, restrooms, Pétanque courts, footbridges, multi-use trails, and two paved parking lots.
Buckeye Fields (Active)	11.5	Baseball fields, soccer field, meeting room, picnic area, concession stand, and paved parking lot.
Community Center		
Lafayette Community Center	8.2	Recreation class rooms, League of Women Voters, meeting rooms, kitchen, tot play area, patio, native garden, pétanque court, and roller hockey area.
Downtown Parks		
Elam and Margaret Brown Plaza	0.3	A rectangle of lawn surrounded by trees and paved areas with seat planters.
Total Existing Acreage	91.3	

Source: City of Lafayette, 2009, Lafayette Parks and Recreation Facilities Master Plan, Attachment 1.

- ◆ Briones Regional Park, located north of the City limits and approximately 0.5 miles to the northwest of the Project site, is operated by the East Bay Regional Park District (EBRPD), and provides hiking, equestrian, and picnic facilities.

- ◆ Las Trampas Regional Wilderness, located southeast of the City and approximately 3.5 miles to the south of the Project site, is operated by the EBRPD, and provides hiking, equestrian, and picnic facilities.
- ◆ Acalanes Ridge Open Space is located approximately 0.7 northeast of the Project site is operated by the City of Walnut Creek.

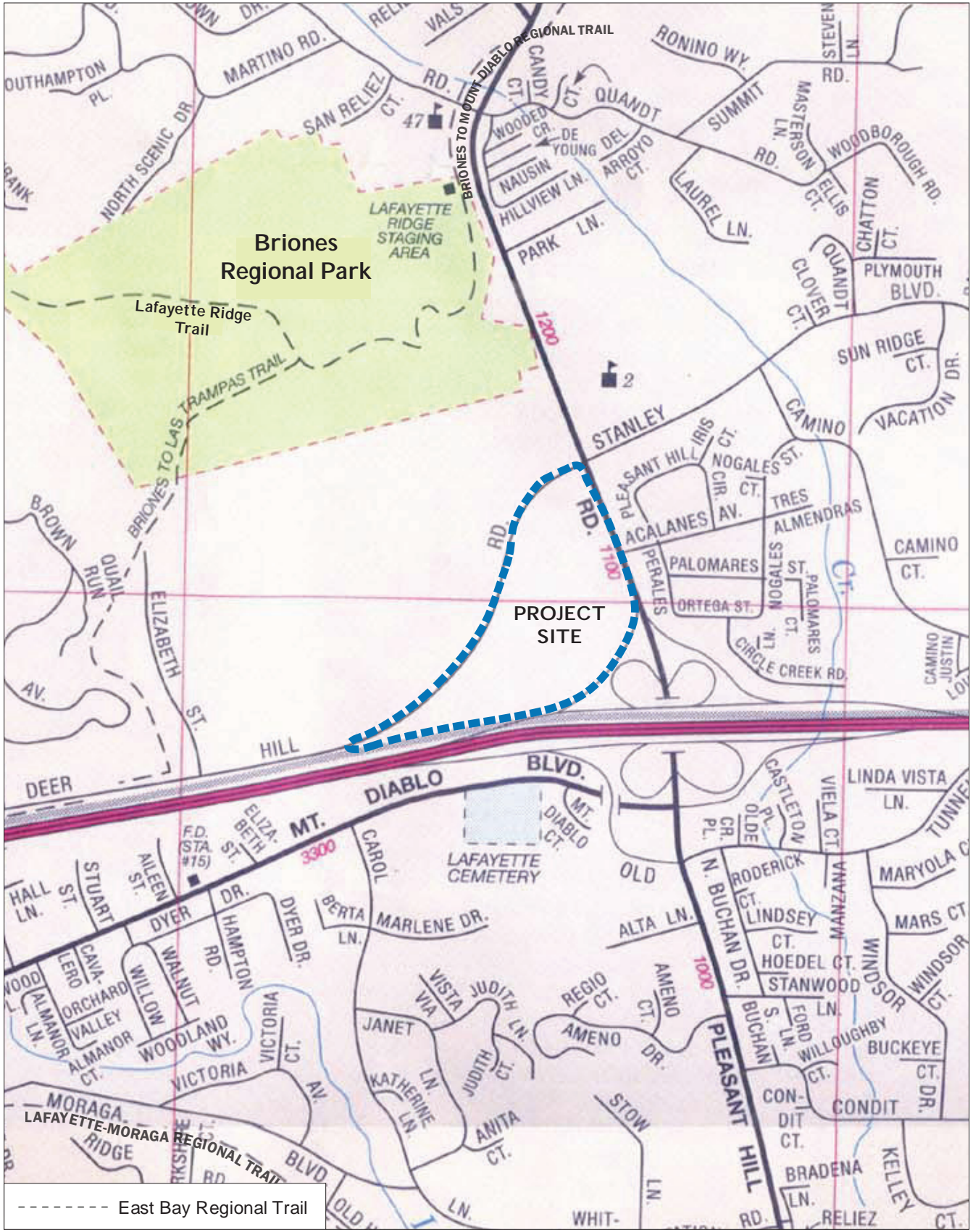
These parks provide large areas of open space that are accessible to Lafayette residents. However, the lands are only partially linked to each other and public access is limited. Publicly owned parcels along Lafayette Ridge and along Burton Ridge are not contiguous and are accessible only by foot from EBRPD and Lafayette City trails.

c. Trail System

Lafayette has an extensive system of trails provided by the City, the EBRPD, and EBMUD. The Lafayette-Moraga Regional Trail is maintained by the EBRPD and extends southward to the Town of Moraga. The EBMUD maintains an extensive network of trails adjacent to the Lafayette Reservoir. The City has a 16-mile network of community trails linking neighborhoods and feeding into the regional and Lamorinda trail networks. The neighborhood trails include the Walter Costa Trail, the Petar Jakovina Trail, the Silver Springs Loop, the Springhill Valley Trail, the Moraga Road to the Reservoir Trail, and the Rohrer Drive Trail. The closest trail to the Project site is Las Trampas Trail connecting to Lafayette Ridge Trail in the Briones Regional Park as shown in Figure 4.12-2.

d. School Facilities

Schools play an important function as recreational facilities, but their primary function is education. As such, the schools may provide limited public access to swimming pools, gymnasiums, and other facilities. There are six public schools in two school districts in Lafayette as described in Section C (Schools) of this chapter. The LAFSD includes Burton Valley, Happy Valley, Lafayette, and Springhill Elementary School and Stanley Middle School. Lafayette Elementary School provides community space for active recreational uses and community gatherings. Acalanes High School and Campolindo



Source: City of Lafayette, 2006.

FIGURE 4.12-2

TRAIL SYSTEMS IN THE VICINITY OF THE PROJECT SITE

High School, which includes a major swim center, are in the AUHSD. There are also three private schools serving elementary and high school students in Lafayette, each with various private recreation facilities.⁵¹

While school recreation facilities are not counted as part of the City park system, youth sports leagues often have agreements with schools for the use of their fields. The Lafayette-Moraga Youth Association (LMYA) is a private non-profit all-volunteer organization that provides year-round athletic programs for all school age youth in Lafayette and Moraga.⁵² These sports programs serve over 5,000 children in soccer, basketball, swimming, softball, and volleyball.

e. Privately-Owned Recreation

Lafayette has a number of privately-owned and -operated recreational facilities, including Oakwood Athletic Club, Lafayette Tennis Club, Lafayette Health Club, Yu's Martial Arts, and Kids N Dance. Although public use of these facilities, where allowed, is fee based, they nonetheless offer additional recreational opportunities for residents.

f. Funding

Parks acquisitions and improvements are funded primarily through regional bond measures and impact fees levied on new development in Lafayette. East Bay Regional Park District Bond Measure WW, an extension of Measure AA (1988), is a \$500 million bond initiative passed by Alameda and Contra Costa County voters in November 2008 to preserve thousands of acres of open space and expand regional parks and trails.⁵³ The City has revised its impact fees related to parks updating the Parkland Dedication Fee and creating a new Park Facilities Fee. Effective September 26, 2008, both types of fees are levied

⁵¹ City of Lafayette, 2009, *Lafayette Parks and Recreation Facilities Master Plan*.

⁵² City of Lafayette, 2009, *Lafayette Parks and Recreation Facilities Master Plan*.

⁵³ East Bay Regional Park District, <http://www.ebparks.org/WW> and <http://www.ebparks.org/news/measureAA>, accessed on October 26, 2011.

on new residential development and additions, which would result in an increase in the resident population.⁵⁴

Table 4.12-8 shows the schedule of Parkland Dedication and Park Facility Fees now in force. These fees would be applicable to development in the Project site.

3. Standards of Significance

The proposed Project would have a significant impact on parks and recreational facilities if it would:

- a. Result in substantial adverse impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.
- b. Increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated.

4. Impact Discussion

- a. Require provision of new or physically altered parks and recreational facilities.

Despite an improvement in the ratio of parks to residents in recent years, Lafayette does not currently meet the standard of 5 acres per 1,000 residents established in the General Plan. Additionally, as described above, recreational facilities available to the public are currently used at full capacity. The proposed Project could generate up to 658 new residents and thus would create an additional demand of 3.29 acres for parks and recreational services.⁵⁵

⁵⁴ City of Lafayette, Planning and Development Fees, http://www.ci.lafayette.ca.us/index.asp?Type=B_BASIC&SEC={DD4F3CBA-9AE3-4A34-BFB1-89BCA8C6C0B3}&DE={8ED95414-F25D-4E1D-8BFE-2DFF70AAFCC7}, accessed on October 25, 2011.

⁵⁵ 658 residents x 0.005 (5 acres of parkland per 1,000 residents) = 3.29 acres.

TABLE 4.12-8 **PARKLAND FEES**

Type of Residential Unit	Parkland Dedication Fee	Park Facilities Fee
Single-Family	\$ 6,262 per unit	\$6,380 per unit
Duplex or Townhouse	\$ 4,348 per unit	\$4,430 per unit
Apartment/Condominium	\$ 3,785 per unit	\$3,857 per unit
Mobile Home	\$3,698 per unit	\$3,768 per unit
Second Unit	\$ 2,241 per unit	\$2,283 per unit
Additions	\$1.42 per square foot	\$1.45 per square foot

Source: City of Lafayette, Planning and Development Fees, <http://www.ci.lafayette.ca.us/>, accessed on October 25, 2011.

i. On-Site Recreational facilities

As noted in Chapter 3, Project Description, of this EIR, the Project would provide open space and recreational facilities for residents. The facilities would include picnic areas, a dog mini-park, and a turf play area for lawn games. Additionally, there would be trails linking Pleasant Hill Road to the recreational facilities on the Project site.

ii. Recreation Center

The proposed Project includes a 13,300-square-foot (0.3-acre) club house and recreational area to be centrally located within the Project site that would be available for use by future residents. The recreational area would provide a variety of amenities, including fitness facilities, a theatre, a pool, meeting rooms, men's and women's showers, and a game room.

Finally, the proposed Project's parkland fees would contribute to the City's parks and recreation fund. According to the City's fee schedule as shown in

Table 4.12-8, the proposed apartment units would generate \$1,192,275⁵⁶ of Parkland Dedication Fees and \$1,214,955⁵⁷ of Park Facilities Fees. Therefore, considering the Project's provision of 3.29 acres of resident-only recreational area and consistency with applicable General Plan policies, in conjunction with the collection of Developer Impact Fees that support the City's parks and recreation fund, the project's impacts on the City's recreational facilities would be *less than significant*.

b. Cause physical deterioration of neighborhood or regional parks or recreational facilities.

As described above, there are three regional park facilities surrounding the Project Area: Lafayette Reservoir, Briones Regional Park, and Las Trampas Regional Wilderness. Surveys conducted by EBRPD indicate that the majority of regional park facility visitors live between 1 to 5 miles from the facility they use.⁵⁸ Future residents of the Project site would therefore be expected to use these three parks from time to time; however, given the vast size of the regional park facilities and the relatively infrequent usage that future residents would make of them, the proposed Project would not result in substantial deterioration.⁵⁹ Built facilities, such as visitor centers, picnic areas, children's play areas, and parking facilities currently account for no more than 10 percent of EBRPD land.⁶⁰ The modest increase in usage that could potentially result from construction of the proposed Project would not trigger need for new built facilities. Therefore, a *less-than-significant* impact would occur.

As discussed above, impacts to neighborhood parks and recreational facilities in the Project area would be *less than significant*.

⁵⁶ 315 apartment units x \$3,785 per unit (Parkland Dedication Fees) = \$1,192,275

⁵⁷ 315 apartment units x \$3,857 per unit (Park Facilities Fees) = \$1,214,955.

⁵⁸ East Bay Regional Parks District, 2004, Findings from a Regional Trail Users Survey.

⁵⁹ East Bay Regional Park District, phone correspondence with Anne Rivoine and The Planning Center | DC&E staff, February 2, 2012.

⁶⁰ East Bay Regional Parks District, 1996, *Master Plan 1997*.

5. Cumulative Impacts

This section analyzes potential impacts to parks and recreational facilities that could occur from the Project in combination with reasonably foreseeable growth within the city limits as identified in Table 4-1 in Chapter 4 of this Draft EIR. A significant cumulative environmental impact would result if, in combination with other past, present, and reasonably foreseeable projects, construction of the proposed Project would cause substantial deterioration of existing neighborhood and regional parks, or require the construction of new or expanded parks and recreational facilities, the construction of which could result in adverse environmental impacts.

The proposed Project, together with six related projects, could result in a total of 1,422 new residents. The additional residents would increase usage of parks and recreational facilities. However, continued implementation of the park land dedication requirements would ensure that additional parkland is provided as development occurs in the city and new residents arrive. Construction and expansion of parks and recreational facilities would be subject to separate CEQA review on a project-by-project basis, thereby minimizing the potential for adverse environmental impacts to the maximum extent practicable.

Projects that include new housing would be required to either dedicate parkland or pay parkland in-lieu fees that would be used to acquire and develop new parkland. With the obligation of parkland dedication and in-lieu fee requirements, cumulative impacts on parks and recreational facilities would be *less than significant*.

6. Impacts and Mitigation Measures

The proposed Project would not result in any significant impacts to parks and recreational facilities; therefore, no mitigation measures are necessary.